

FILED

MAY 19 2022

AO 91 (Rev. 08/09) Criminal Complaint

Mark C. McCarit, Clerk  
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

for the

Northern District of Oklahoma

United States of America )

v. )

KEITH CHARLES EISENBERGER )

Case No. 22-mj-332-JFJ

FILED UNDER SEAL

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 27, 2018 to May 12, 2022 in the county of Tulsa in the Northern District of Oklahoma, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 115(a)(1)(B)	Threatening to assault, kidnap, or murder a United States Official
18 USC 115(a)(1)(A)	Threatening to assault, kidnap, or murder an immediate family member of a United States Official
18 USC 2261A(2)	Cyberstalking

This criminal complaint is based on these facts:

See Attached Affidavit by

Continued on the attached sheet.

*Bennett E. Forrest*

Complainant's signature

Bennett E. Forrest, FBI Special Agent

Printed name and title

Sworn to before me by phone.

Date: 5/19/2022

*Jodi F. Jayne*

Judge's signature

City and state: Tulsa, OK

HON. Jodi F. Jayne, US Magistrate Judge

Printed name and title

## AFFIDAVIT

I, Bennett E. Forrest, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation, United States Department of Justice, and as such, I am an investigative or law enforcement officer who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code. I am currently assigned to the Tulsa Resident Agency's Safe Streets Task Force and have been a Special Agent for approximately twelve years. Prior to becoming a Special Agent, I was a Police Officer for approximately six years. As a Special Agent, my duties include investigating violations of federal criminal law and threats to national security. In addition to formalized training, my investigations include, but are not limited to, drug and gang violations, public corruption, white collar crimes, violent crimes, counterterrorism, crimes against children, computer intrusion, threatening communications, stalking, and cyberstalking committed and within the Northern District of Oklahoma

2. As a result of my training and experience as a FBI Special Agent, I am familiar with Federal criminal laws. I know the following are violations of federal law:

- a. Title 18, United States Code, Section 115(a)(1)(B) – Threatening to assault, kidnap, or murder a United States Official – is violated by any person who threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under section 1114 of Title 18; with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer

while engaged in the performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer on account of the performance of official duties

- b. Title 18, United States Code, Section 115(a)(1)(A) – Threatening to assault, kidnap, or murder an immediate family member of a United States Official - is violated by any person who threatens to assault, kidnap or murder a member of the immediate family of a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under section 1114 of Title 18; with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer on account of the performance of official duties.
  
- c. Title 18, United States Code 2261A(2) – Cyberstalking - is violated by any person who with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that places that person in reasonable fear of the death or serious bodily injury to that person or a spouse or immediate family member of that person or causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to that person or a spouse or immediate family member of that person.
  - i. “United States official” means the President, President-elect, Vice President, Vice President-elect, a Member of Congress, a member-elect of Congress, a member of the executive branch who is the head of a department listed in 5 U.S.C. 101, or the Director of the Central Intelligence Agency.
  - ii. “immediate family member” of an individual means— spouse, parent, brother or sister, child or person to whom he stands in loco parentis; or any other person living in his household and related to him by blood or marriage;

3. The statements in this affidavit are based in part on information provided by the US Capitol Police’s investigation of multiple instances of stalking and threats directed at

Congressman Kevin Hern, member of the US House of Representatives for Oklahoma's First Congressional District. Since this affidavit is being submitted for the limited purpose of a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to assist in the issuance of a Complaint and to establish probable cause to believe a violations of Title 18, United States Code, Sections 115(a)(1)(B); 115(a)(1)(A); and 2261A(2) were committed by KEITH CHARLES EISENBERGER.

#### **PROBABLE CAUSE**

4. Beginning in or around the Summer of 2017, KEITH CHARLES EISENBERGER started to become known to various staff members of Oklahoma politicians and the US Capitol Police. EISENBERGER was reported by staff members of Oklahoma US House Members, US Senators, the Oklahoma Governor, and the Mayor of Tulsa for showing up uninvited to political events in the Tulsa area on multiple occasions and lying about his identity in order to get into close proximity of politicians and make requests or take photos of them. These actions resulted in EISENBERGER being physically removed from several political events and being reported to the US Capitol Police.

5. In April of 2018, the staff of Congressman Jim Bridenstine, who at the time represented Oklahoma's First Congressional District (OK-1) where Tulsa is located, requested that EISENBERGER be placed on a "Be on the Lookout For" or BOLO list at the US Capitol due to contacting their office and engaging in "threatening comments and behavior".

6. On April 23, 2018 Congressman Bridenstine resigned from the OK-1 Congressional seat to become the NASA administrator and was succeeded by Congressman Kevin Hern on November 6, 2018.

7. On November 27, 2018, EISENBERGER was again reported to US Capitol Police, this time in Washington, D.C. Staff members for Congressman Hern reported a “disturbing” phone call with EISENBERGER regarding Congressman Hern recently taking office. EISENBERGER stated to staff members over the phone:

**"I will do everything I can to stop this. It was an illegal election there was no special election in Oklahoma. Hern is not our representative."**

When staff members asked for his phone number, he provided a number with a Washington DC 202 area code. When questioned that this was not an Oklahoma number, EISENBERGER told staff members:

**"I'm in DC to fight this."**

8. On January 4, 2019, the Chief of Staff for Congressman Hern reported to US Capitol Police that Eisenberger had just appeared at the Washington, DC offices and began yelling and angrily demanded: **"To see that son a bitch"**, in reference to Congressman Hern. He told staff members he would come back every day until Congressman Hern resigned.

US Capitol Police Special Agents were able to locate EISENBERGER in the

Congressional office building and interviewed him. EISENBERGER stated that he was angry with Congressman Hern because EISENBERGER believed that Hern had been appointed to that seat without EISENBERGER being considered for it. EISENBERGER told investigators that Oklahoma governor, Mary Fallin did not allow him to compete in the primary special election and that he wanted to speak with Congressman Hern face-to-face to tell him he was fraudulently appointed to that seat. EISENBERGER further told investigators that he flew all the way to DC from Oklahoma to confront Congressman Hern on a one way ticket and that he would not be leaving DC until Congressman Hern resigns from office. EISENBERGER continued that he had no more money and does not have a place to stay, but plans to camp outside the White House until the issue was resolved.

9. On April 10, 2019, EISENBERGER called the DC office of Congressman Hern and left a long voicemail accusing Congressman Hern of criminal acts and stating he would be suing him in federal court.

10. On January 2, 2020, EISENBERGER appeared at the Tulsa office of Congressman Hern and begin angrily telling staff members that he believed the OK-1 election had been rigged by Congressman Hern and Governor Fallin, that he believed he was the real congressman for OK-1 and should be in congress instead. EISENBERGER demanded that the staff members accept a telephone from him with a note on it that read:

**”You and Mary Fallin didn’t make the rules. The American people did. Hope the Congressman gets cancer and dies. Love K.C. Eisenberger”**

The staff members initially refused to accept the telephone and asked EISENBERGER to leave the office. He refused to leave until they accepted the phone. Staff members eventually acquiesced in order to get EISENBERGER to leave the office and shortly after EISENBERGER was removed by armed security.

11. On November 4, 2020, Congressman Hern's Chief of Staff contacted US Capitol Police to alert them about the below Facebook post:



KC Eisenberger

3h · 🌐



I'm driving to Tulsa to a few watch parties. I cannot stress this enough to TPD: keep Kevin Hern & his family out of my sight. If I get upset; you'll have to shoot me to get me off them. Otherwise, enjoy tonight!!

Congressman Hern's Campaign was having an election watch party that night as well and took steps to add extra security to the event and Congressman Hern's home.

12. On November 4, 2020, the KC Eisenberger Facebook account made another, now deleted, Facebook post that read: **“Finishing up my Federal Election Commission paperwork that my Committee will overnight to Washington D.C in anticipation of a Special Election ahead of U.S Rep. Kevin Hern's sudden death, resignation or expulsion from the U.S House of Representatives.”**

13. On November 9, 2020, the KC Eisenberger Facebook account made the following post calling for the death or execution of Congressman Hern:



Eisenberger K.C. Keathekuk

November 9, 2020 · 🌐



I will not be talking to the U.S House membership about local HS football wins. Mr. Hern is not enough. He doesn't have the fierce courage to find ways to get our American soldiers that are today Vietnam's POW's & MIA's.

He violently abused the U.S Constitution by conspiring with Oklahoma Republican power's that had his illegal 3 month APPOINTMENT slip him into take the oath, not waiting for that 2 year term he genuinely won. He is the finest traitor of a fierce domestic enemy like Oklahoma who has Hern to aid their racist attack upon the 5 Indian Nation's who at last now have the promised benefits that their Treaty & Congress agreed they'd always possess.

Men & the States who don't obey the U.S Constitution's ONLY mechanism for gaining U.S House membership & conjure up a benefit thru their own way CANNOT be trusted to adhere to U.S Treaty provisions nor any part of our Federal Law, Presidential Order, Supreme Court rulings or upholding that discipline our Republic & our Constitution guarantee which American People demand.

Kevin Hern and the State of Oklahoma deserve a final consequence of U.S justice served that leads them to an end by federal execution.

If that satisfaction is not feasible, Resignation, Death or Expulsion of Rep. Kevin Hern is acceptable.

I ask God to bring about whatever it takes that requires Oklahoma's Executive Authority to set a U.S House Special Election in full obedience to U.S Federal Law when as soon as tomorrow, Kevin Hern suddenly becomes that good & perfect reason a VACANCY becomes for today's redeeming fact.

So help me God. 🇺🇸



14. On October 6, 2021, posted a now deleted video to Facebook during which EISENBERGER states that he is going to assault Congressman Hern and put him in the hospital:

**“And I can't get enough of old Kevin Hern baby. You motherfucker. [Reads quotation on wall from Justice Joseph Story] 'It is obvious that a power must be lodged somewhere to judge of the elections, returns, and qualifications of the members of each house composing the legislature; for otherwise there could be no certainty as to who**

were legitimately chosen members, and any intruder or usurper might claim a seat, and thus trample upon the rights and privileges and liberties of the people. ... If lodged in any other, than the legislative body itself, its independence, its purity and even its existence and action may be destroyed, or put into imminent danger.' [end of reading]

That's exactly what Kevin Hern has done. He has put our everything into imminent danger and it must be stopped. And I'm gonna tell you right now, if I see him I'm gonna get an assault and battery charge on that man if he gets too close to me. I'm gonna knock him the fuck in the jaw. I'm gonna hit him so hard. I've been practicing. I'm gonna, I know right where to hit him in his nose just in that certain area, bam, it's gonna, and you gotta go up too. He's gonna get waylaid and I'm gonna wait til the cameras are on us. It might be a debate, it might be, we might be in a conference somewhere. I'm only gonna do it if there's national coverage, and I hope, I mean a thousand people. And if we're here on Indian land. And I'm gonna knock, I'm not kidding. Mr. Hern, you're gonna get the fuck knocked out of you. I hope, I don't know if you can knock a person unconscious but he may it. I'm certain, he's certainly gonna have to go to urgent care and there'll be blood everywhere. Hey.”

After the video, additional security was assigned to Congressman Hern for upcoming events.

15. On May 11, 2022, the KC Eisenberger Facebook account posted the following post describe his hopes to kidnap Congressman Hern and his wife, and his wishes that Congressman Hern’s wife and children would die:



Eisenberger K.C. Keathekuk

May 11 at 6:40 PM · 🌐

...

How Brenda Tiemann can just sit there and eat with an unGodly and anti-article 1 Sec 2 clause 4 terrorist like Tammy Hern is offensive to me.

I hope to drag her Hern-self and her Hern-husband out of their Hern-beds at 2a.m with 100 angry and hollering kickapoo sentinels outside the [REDACTED] Hern-regime compound as I serve to arrest her and him both for treason to overthrow the U.S. House and to tie with horse rope and bind them over to the nearest military base for punishment.

And don't you say I won't.

My Kickapoo Treaty authorises that very proper remedy.

Those who defend, support, obey AND EAT with the enemies of America's Federal Articles deserve that same 2 a.m. experience.

Those who will not LIVE and draw breath by the U.S Articles\Federal Constituted Laws WILL di...

You get the drift.

May the God I invoke bring sudden cardiac seizing blessings upon Tammy Hern and her Hern children.

I AM

The Honourable K.C. Eisenberger,ADC

Kickapoo at Kansas General-Council member from Oklahoma & Enemy of the Statehood.

KC.Eisenberger@kiikaapoa.org.uk



The post referenced the actual street that Congressman Hern lives on and additional security was assigned to Congressman Hern's home and office after this post.

16. EISENBERGER has made dozens of other concerning Congressman Hern and his theory that Congressman Hern conspired with others to steal the congressional seat from him.

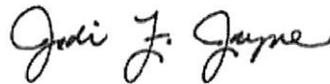
17. EISENBERGER used an interactive computer service, electronic communication service, electronic communication system of interstate commerce, and other facilities of interstate or foreign commerce to engage in a course of conduct to harass,

intimidate, and place under surveillance with the intent to harass and intimidate Congressman Kevin Hern, and as a result placed him in reasonable fear of death, or seriously bodily injury to himself, his wife, and his children. EISENBERGER's conduct further caused, attempted to cause, and would be reasonably expected to cause substantial emotional stress to Congressman Hern, his wife, and his children. Lastly, EISENBERGER made multiple threats to kidnap, assault, or murder Congressman Hern and his wife, with the intent to impede, intimidate, or interfere with Congressman Hern's performance of his official duties or with intent to retaliate against Congressman Hern for performance of his official duties.

18. Based on the information set forth above, I believe there is probable cause Eisenberger committed the offenses described herein and request the Court issue a Complaint and Arrest Warrant for KEITH CHARLES EISENBERGER.

  
Bennett E. Forrest, Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to me by phone this 19th day of May 2022.



HON. Jodi J. Jayne  
United States Magistrate  
Judge