

STATEMENT OF FACTS

On January 6, 2021, your affiant, [REDACTED], was on duty and performing my official duties as a Special Agent. Specifically, I am assigned to FBI's Washington Field Office's securities fraud squad, which has investigative responsibility for economic crimes. I have also been assigned to the FBI's Minneapolis Field Office and to the FBI Headquarters' Criminal Investigative Division. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws. The facts and information contained in this affidavit are based upon my personal knowledge as well as the observations of other agents involved in this investigation. All observations not personally made by me were relayed to me by the individuals who made them or were conveyed to me by my review of records, documents, and other physical evidence obtained during the course of this investigation.

The U.S. Capitol is secured 24 hours a day by the 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 are 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 U.S. 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 U.S. 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 the U.S. Capitol Police were present and attempting to keep the crowd away from the U.S. Capitol building and the proceedings underway inside.

At such time, the certification proceedings 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 U.S. 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 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 U.S. 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.

On January 11, 2021, Federal law enforcement officers in Philadelphia, PA received a public tip suggesting that JAMES DOUGLAS RAHM illegally entered the U.S. Capitol on January 6, 2021. This individual, hereinafter Individual 1, advised law enforcement that Individual 1 was Facebook friends with JAMES DOUGLAS RAHM.

On or around January 8, 2021, Individual 1 was made aware that JAMES DOUGLAS RAHM boasted to a group of close associates that he illegally entered the U.S. Capitol on January 6, 2021. Individual 1 was also in possession of a video, within which JAMES DOUGLAS RAHM boasted to this group of individuals, that he filmed while inside the U.S. Capitol.

On or around January 8, 2021, Individual 1 visited JAMES DOUGLAS RAHM's Facebook page and saw multiple posts, to include photographs and videos, of JAMES DOUGLAS RAHM's time inside the U.S. Capitol on January 6, 2021. Individual 1 returned to JAMES DOUGLAS RAHM's Facebook page a day or two later, and noticed that most of the Facebook posts on that Facebook page concerning the January 6, 2021 U.S. Capitol riot, had been deleted.

Individual 1 was able to take a screenshot of one Facebook post in which another Facebook user asked JAMES DOUGLAS RAHM "Doug are you okay? Are you safe?" JAMES DOUGLAS RAHM responded "...riot shields and pepper spray never hurt anyone did they? Home alive. History made. I walked through Pelosi's office I should have sh-- on her chair. [followed by 3 laughing emojis]."



On or around January 9, 2021, Individual 1 returned to JAMES DOUGLAS RAHM's Facebook page and noticed that most recent posts including those from January 6, 2021 had been deleted. On January 11, Individual 1 contacted law enforcement and provided the video JAMES

DOUGLAS RAHM had purportedly filmed from inside the U.S. Capitol on January 6, 2021, as well as the Facebook screenshot Individual 1 had captured. The video did not capture JAMES DOUGLAS RAHM's face, but did capture a voice and showed the interior of the U.S. Capitol building rotunda.

Prior to initiating this investigation, law enforcement officers on or around January 11, 2021, took screen captures of the Facebook account belonging to JAMES DOUGLAS RAHM. This Facebook account matched that which Individual 1 knew to belong to JAMES DOUGLAS RAHM. Further investigation revealed that multiple other individuals also knew this account to belong to JAMES DOUGLAS RAHM. These screen captures revealed that JAMES DOUGLAS RAHM, who resides in Atlantic City, NJ, was in Washington, D.C. on the evening of January 5, 2021 for the purpose of attending a political rally on January 6, 2021. The Facebook posts captured in these screen captures have all since been deleted. A comparison of JAMES DOUGLAS RAHM's driver license photo and a photograph from the Facebook account leads your affiant to believe that this account belongs to JAMES DOUGLAS RAHM.

On January 15, 2021, law enforcement officers interviewed Individual 1. Individual 1 said Individual 1 knew JAMES DOUGLAS RAHM for over 10 years and believed with high certainty that the voice in the video JAMES DOUGLAS RAHM purported to have filmed from inside the U.S. Capitol, belonged to JAMES DOUGLAS RAHM. In this video, the captioned individual said the following: "We're in. We're taking our f---ing house back. We're here. Time to find some brass and kick some frickin' ass."

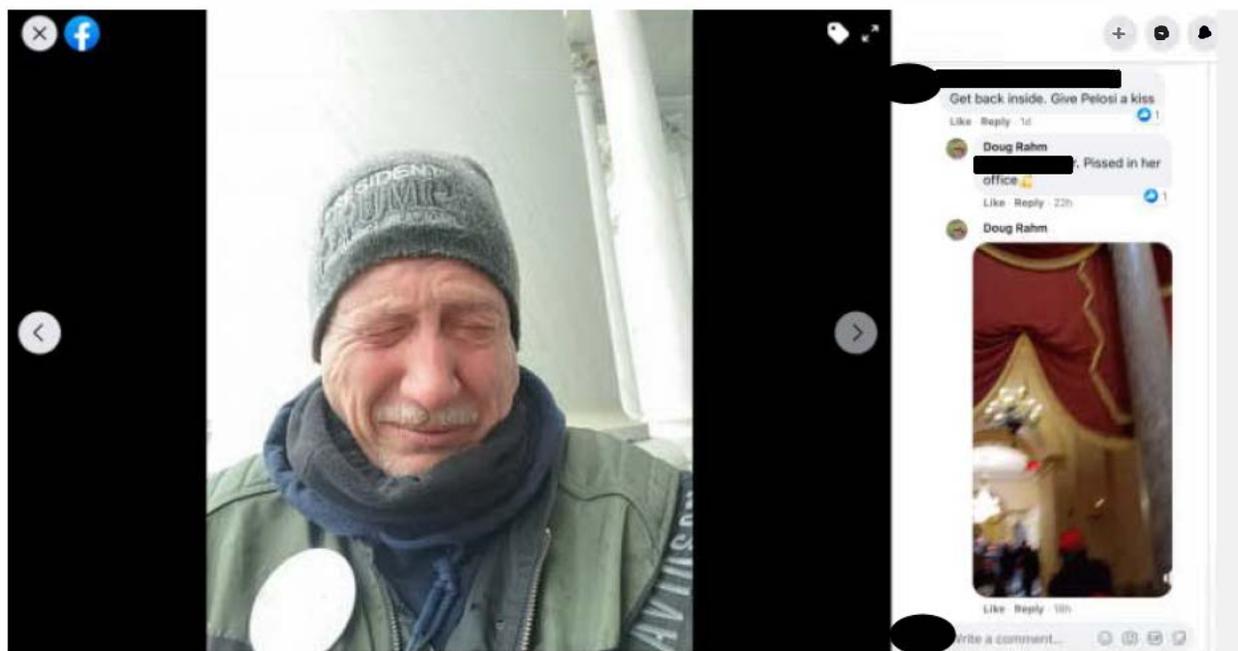
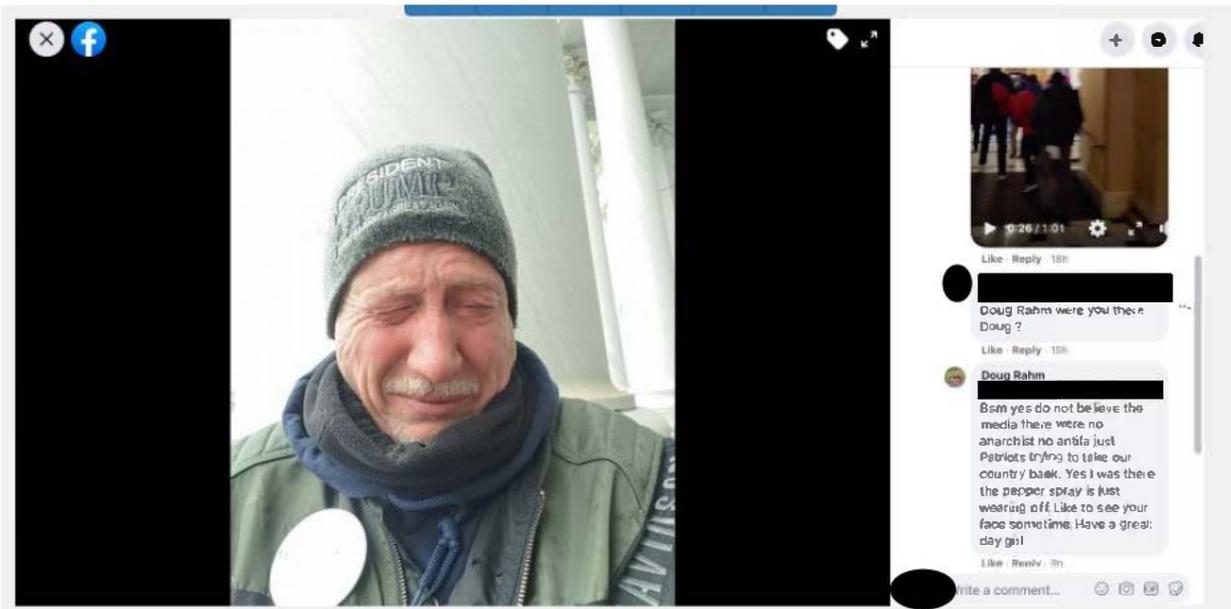
In another tip received by FBI on January 11, 2021, an individual, hereinafter Individual 2, said the following:

"Doug Rahm posted photos and videos of him on Facebook breaking into the capitol building on January 6th. He has since taken down most of the posts, however, I was able to get the one video he posted in a comment on Facebook of him inside. He also replied, Pissed in her office (referring to Nancy Pelosi) when someone commented on his post Get back inside. Give Pelosi a kiss."

Individual 2 submitted a photograph of JAMES DOUGLAS RAHM taken from Facebook to the FBI. JAMES DOUGLAS RAHM is seen wearing a grey Trump knitted winter hat, a dark hooded sweatshirt inside of a green and black Harley Davidson motorcycle jacket, blue jeans and tan work shoes. This photograph was shown to Individual 1, which Individual 1 positively identified as JAMES DOUGLAS RAHM. Individual 2 noted for law enforcement that this photo, copies below, was included in one of the Facebook posts made by JAMES DOUGLAS RAHM about his presence in Washington, D.C. on January 6, 2021.



In another Facebook post provided by Individual 2, another Facebook user asked in response to a photo of JAMES DOUGLAS RAHM with swollen eyes titled “Pepper Spray,” “were you there Doug?” JAMES DOUGLAS RAHM responded “yes do not believe the media there were no anarchist no antifa just patriots trying to take our country back. Yes I was there the pepper spray is just wearing off...”



In a continuation of the above post provided by Individual 2, a different Facebook user said “Get back inside. Give Pelosi a kiss.” JAMES DOUGLAS RAHM responded “Pissed in her office.” [followed by a strong man emoji].

On January 22, 2021, law enforcement officers interviewed Individual 2, who provided law enforcement a video screen capture which recorded the entirety of a video which JAMES DOUGLAS RAHM recorded from inside the U.S. Capitol on January 6, 2021. This video was also deleted from Facebook along with other posts.

On January 22, 2021, law enforcement officers uncovered an additional public tip submitted to the FBI on January 10, 2021, by an anonymous individual, hereinafter Individual 3.

Individual 3 provided a Facebook post made by JAMES DOUGLAS RAHM. In this post (which seems to have been taken prior to JAMES DOUGLAS RAHM entering the U.S. Capitol on January 6, 2021), JAMES DOUGLAS RAHM said, “They’re in there counting the electoral votes we have the building surrounded we’re ready to make a breach and take our Capitol back.”

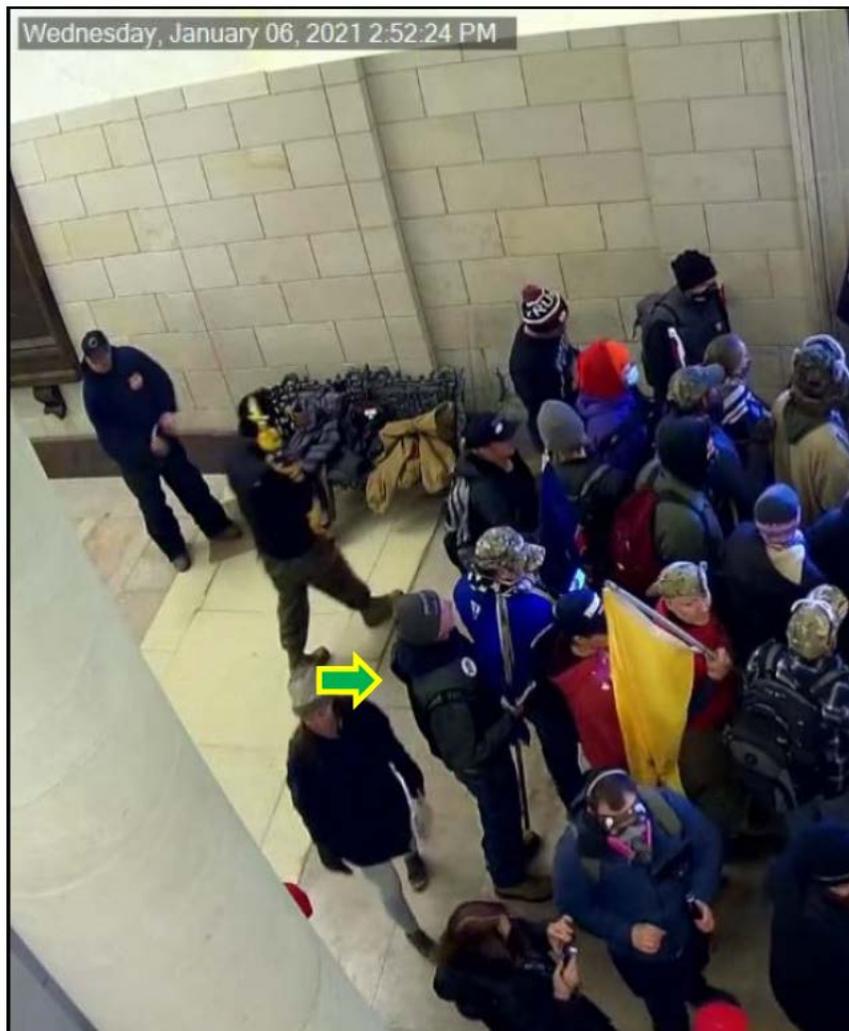


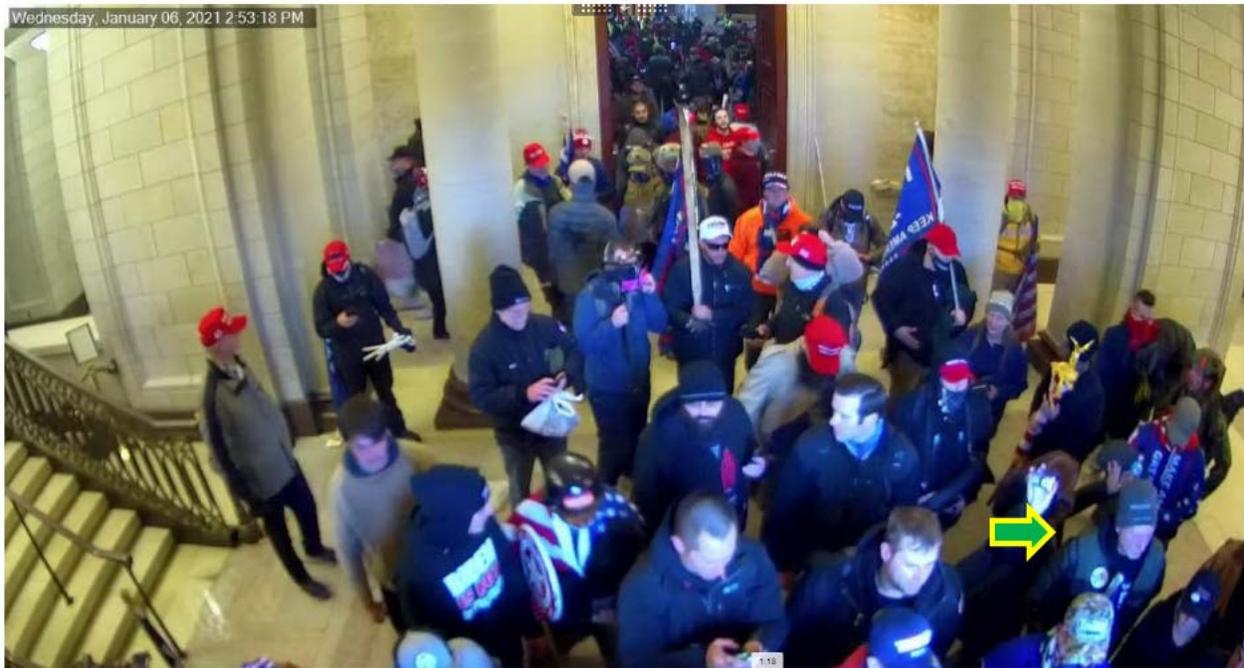
In another Facebook post provided by Individual 3, JAMES DOUGLAS RAHM said “From my experience it was Patriot’s [sic] trying to take our house back. Nobody burned anything, nobody broke anything except for a door and the window. All the papers running all over in the offices we’re done just for news cameras we destroyed nothing we didn’t knock over one piece of paper only the front door. We the people tried to take our house back now they will blame it on Trump. Disgusting anti-Americans.”



On January 22, 2021, law enforcement officers reviewed raw closed-circuit television footage of inside the U.S. Capitol taken on January 6, 2021. Law enforcement officers positively identified JAMES DOUGLAS RAHM inside the U.S. Capitol and exiting the building at approximately 2:52 p.m. through the Rotunda exit doors. The identification was based on his aforementioned distinct clothing, to include the grey knitted winter hat, a dark hooded sweatshirt inside of a green and black Harley Davidson motorcycle jacket, blue jeans and tan work shoes, as well as facial features, which matched the photograph of JAMES DOUGLAS RAHM outside the illegal entry into the U.S. Capitol on January 6, 2021. Photographs of the individual identified as

JAMES DOUGLAS RAHM inside of the U.S. Capitol were shown to Individual 1. Individual 1 positively identified JAMES DOUGLAS RAHM in the photographs, and mentioned the standing stance of the individual in the photograph was similar to that of JAMES DOUGLAS RAHM, although Individual 1 said Individual 1 could not be fully certain.

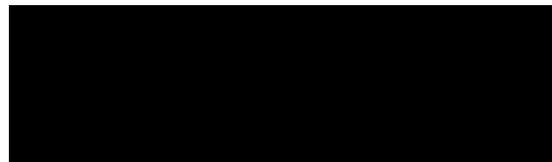




Based on the foregoing, your affiant submits there is probable cause to believe that JAMES DOUGLAS RAHM violated 18 U.S.C. § 1512(c)(2), which makes it a crime to obstruct, influence, or impede any official proceeding, or attempt to do so. Under 18 U.S.C. § 1515, congressional proceedings are official proceedings.

Your affiant submits that there is probable cause to believe that JAMES DOUGLAS RAHM 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. 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 JAMES DOUGLAS RAHM 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; (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Special Agent [REDACTED]
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 4th day of January 2021.

A handwritten signature in blue ink, appearing to read "G. Michael Harvey".

G. Michael Harvey
2021.02.04 17:08:56
-05'00'

G. Michael Harvey
U.S. MAGISTRATE JUDGE