

STATEMENT OF FACTS

Your affiant is a Special Agent with the Federal Bureau of Investigation (FBI) and has been so employed since 2014. During that time, I have investigated corruption of local and federal officials, fraud against the government, bribery, threat to life cases, and violations of Color of Law and Civil Rights as a part of the FBI Washington Field Office Public Corruption and Civil Rights program. I have prepared and assisted in the preparation of court orders and search warrant applications. Additionally, during the course of these and other investigations, I have conducted or participated in physical and electronic surveillance, assisted in the execution of search and arrest warrants, debriefed informants, interviewed witnesses and suspects, and reviewed other pertinent records. Through my training, education, and experience, I have become familiar with the efforts of persons involved in criminal activity to avoid detection by law enforcement. I am assisting in the investigation and prosecution of events which occurred at the U.S. Capitol on January 6, 2021.

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. 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. 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 approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, 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 U.S. Capitol Police Officers or other authorized security officials.

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 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, 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 U.S. Capitol from the time he was evacuated from the Senate Chamber until the session 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 7, 2021, law enforcement received a copy of an electronic video which appears to have been taken from a user's cellphone or computer, and which depicts an individual who I believe to be Peter Harding, standing inside of a house. A still screenshot from the video is below.

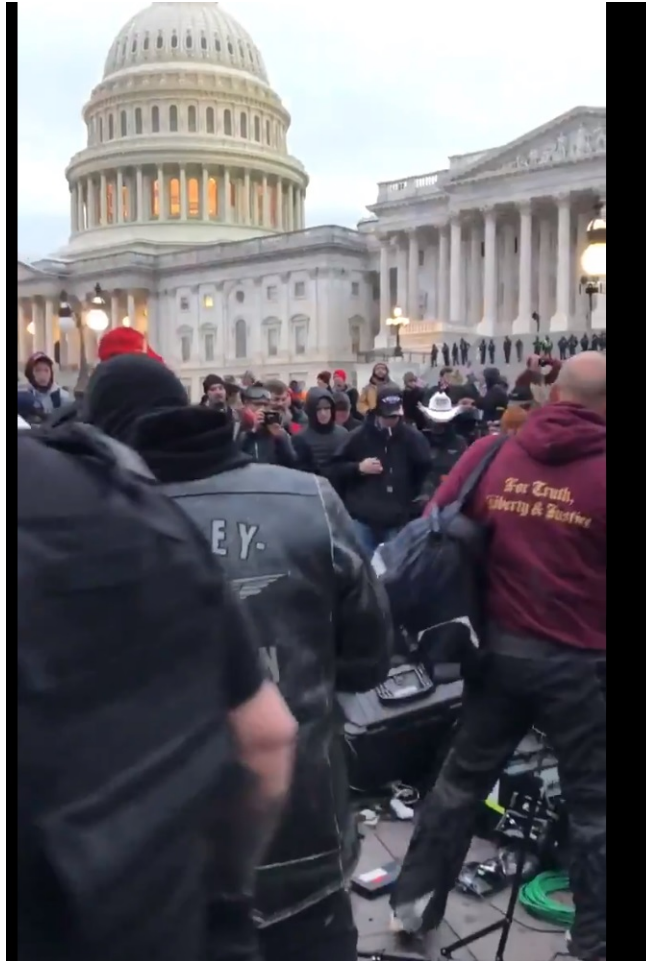


I have reviewed the video, which is over an hour in length, in its entirety. In the video, Harding discusses what happened “yesterday,” i.e., January 6, 2021. Harding notes that he has “it all on video...All of it. Everything.” Later in the video, Harding states, “We learned how strong we are. We learned how strong our voices are. We learned how strong our numbers are. If we can take the Capitol building, there is nothing we can’t accomplish - county government, city government, town government, state government.” Harding later states again, “I was there, I’ve got it all on video.” Harding further states, “We did what we needed to do. We made our point...and we got out.” Harding also states that “none of this” was “orchestrated.” Harding ends the video by thanking the “Marching Patriots for organizing it.” Harding notes that his “phone” (presumably a phone used to record the video) was dying. At various other points in the video, Harding states, among other things, that he attempted to calm people down, and that he “left his phone inside [Individual 1] and [Individual 2]’s vehicles yesterday.” He then references “getting my phones charged” to do a “longer” video.

I have reviewed other publicly available social media posts that I believe show Harding near or in the U.S. Capitol Building during the events of January 6, 2021. Specifically, I have reviewed a publicly posted screen shot showing a person identified as “Pete Harding.” I believe this person to be the same individual seen in the video discussed in the previous paragraph. The screen shot is below:



I have also reviewed a video posted on social media showing a bald man wearing a maroon hoodie, similar to the one above. I believe the person in this video to be Harding. In the video, Harding and another individual can be seen walking around a pile of destroyed camera equipment in front of the U.S. Capitol building as other individuals shout, “CNN Sucks. CNN Sucks.” At one point in the video, Harding is seen from behind, leaning down towards the camera equipment. A still image from that video is shown below:



I have reviewed another photo, which I believe to be of Harding, which was posted on a publicly available social media. I believe the photo shows Harding during the same event described in the previous paragraph. In the photo, Harding appears to be attempting to light camera equipment on fire. A copy of the photo is below:



I have reviewed another video posted on social media that appears to show Harding. The video, which is 24 seconds in length and dated January 6, 2021, shows a group of people inside a room, that I believe based on my experience with this investigation, to be a room in the U.S. Capitol building. In the video, a group of individuals is heard repeatedly shouting, “America First!” At approximately 18 seconds into the video, Harding is seen walking in front of the camera. Harding also appears to be using his own camera to film the events. A still image of the video is below:



#BakedAlaska #YOBA #IP2Cx

Baked Alaska inside the U.S Capitol [FULL STREAM]

2,668 views • Jan 6, 2021

98 25 SHARE SAVE ...

On January 8, 2021, the *Buffalo News* published an article entitled “Cheektowaga man set fire outside, entered Capitol during Washington insurrection.” See https://buffalonews.com/news/cheektowaga-man-set-fire-outside-entered-capitol-during-washington-insurrection/article_d5a6166a-51dd-11eb-97f8-cb5e3003b834.html (last visited Jan. 10, 2021). According to the article, Harding acknowledged that he entered the U.S. Capitol for approximately 40 minutes on January 6, 2021. Harding also acknowledged that he attempted to light media equipment on fire. Specifically, the story quotes Harding as stating:

We took the rest of the media equipment that was there. We put it into a pile. That was a symbolic gesture. Nothing burned. It was metal. It was far from any structure. It was nowhere near the Capitol Building. It was nowhere near a tree. It wasn’t even on grass, that could be lit on fire. There was a plastic bag. I had a Bic lighter and that was it. It was symbolism.

Based on the foregoing, your affiant submits that there is probable cause to believe that Peter Harding 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 Peter Harding violated 40 U.S.C. § 5104(e)(2)(C), which makes it a crime to willfully and knowingly with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of— (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or (ii) the Library of Congress.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 11th day of January, 2021.



Robin M. Meriweather

Robin M. Meriweather

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ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE