

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Case No: 1:22-CR-57 (RCL)

v.

40 U.S.C. § 5104(e)(2)(G)

KENNETH RADER,

Defendant.

*has this be filed.
Rogers C. Lunsford
U.S.D.C. 6/7/22*

STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and Kenneth Rader (“the defendant” or “Rader”), with the concurrence of his attorney, agree and stipulate to the below factual basis for the defendant’s guilty plea—that is, if this case were to proceed to trial, the parties stipulate that the United States could prove the below facts beyond a reasonable doubt:

The Attack at the U.S. Capitol on January 6, 2021

1. 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.
2. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.
3. 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.

4. As the proceedings continued in both the House and the Senate, and with Vice President 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.

5. 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.

6. 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, 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 law enforcement, as others in the

crowd encouraged and assisted those acts. The riot resulted in substantial damage to the U.S. Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

7. 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 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 United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

Kenneth Rader's Participation in the January 6, 2021, Capitol Riot

8. The defendant, Kenneth Rader, lives in Sioux City, Iowa. On January 5, 2021, the defendant traveled from Iowa to Washington, D.C. via automobile. The purpose of the defendant's trip was to protest Congress's certification of the Electoral College.

9. As early as November 7, 2020, when Joseph R. Biden, Jr. was declared to be the winner of the 2020 presidential election, Rader began planning to take action in response to the anticipated certification of the Electoral College results and inauguration of President Biden.

10. On November 7, 2020, Rader posted as his Facebook status, "2021 the militias [sic] will rise!" and,

This my friends is exactly how we get to my greatest declaration: CIVIL WAR!
There are 70,000,000 people who just witnessed the most corrupt election in

history. Actually, way more than that, but they turned a blind eye for it benefitted them. Now what do you think we[']re going to be doing about it. Me, I just joined a militia! And for you fucks that rejoice in this, this is also your democracy that was stolen from you. You are complicit in treason. You do know what the consequences of treason is, right?

11. On November 20, 2020, Rader posted as his status,

I know that this election was the first in history to be fraudulent, and it will not be allowed. This is our liberty being undermined. On January 20, 2021, if they plan to swear Joe Biden in[,] I will be in Washington with every other American who knows what I know. This cannot be allowed! For those who benefitted off this, this is your liberty also. Allow it once, it will happen again. Next time it could be you.

12. In late November and early December, 2020, Rader commented on others'

Facebook posts about the certification and inauguration, including stating, "If they try to inaugurate Biden, when the well informed people know what they did to get him in, it won't be a pretty thing. This is going to spill blood in the streets. I can see coming," "I know come January 20, 2021, there will be no peaceful transfer [of] power. Too many people know the truth," "Hey, I'm laying in wait until January 20th. If they plan to swear Biden in, I'm going to Washington. I'm sure a whole lot are gonna," "We the people will not allow you to walk through that gate," and "Joey, go fuck yourself. You aren't president, nor will you ever be you Chinese dick sucker."

13. Rader's comments became more heated as the January 6, 2021 certification approached. On December 20, 2020 and December 21, 2020, he commented, "You're never going to be president. Is this guy really that stupid as to think that if he tries to walk in that Whitehouse [sic], it won[']t be surrounded by millions of patriots," "I call dibs I'll behead him like ISIS," and, "There's no legal protection for treason." On December 24, 2020, Rader posted as his status, in part, "We are right around the corner from Civil War. I'm ready to do this. Don't

get me wrong, I would much rather see a peaceful homeland, but I will not sit back and do nothing to stop it.”

14. In Facebook status updates and private messages to approximately 40 of his “Facebook friends,” Rader stated that the inauguration of President Biden, “cannot be allowed,” that he intended to participate in a “civil war,” and would go “to the front line.” Sharing an image on January 4, 2021 that read, “Operation Occupy the Capitol, January 6, 2021,” the defendant stated in private messages, “We[']re going to remove the corrupt politions [sic] and take our country back,” and “I will not stand by and let this go unanswered.”

15. Planning his trip to Washington, D.C., the defendant stated on January 4, 2021, “I got a ton of food and a Coleman burner. I got \$1,400.00 cash [in] a rental car. Now let[']s go show these corrupt politicians that WE THE PEOPLE are not having this.” On January 5, 2021, he sent a private Facebook message stating, “I’m on my way to the front line. We are 1 day away from Civil War.”

16. On January 6, 2021, the defendant attended the “Stop the Steal” rally in Washington, D.C., and then marched with other individuals to the U.S. Capitol Grounds.

17. Rader then joined other individuals on the West Lawn of the U.S. Capitol Grounds and then climbed through scaffolding to the Northwest Stairs. He walked up the stairs to the Northwest Terrace at 2:10 p.m.

18. Rader unlawfully entered the U.S. Capitol Building through the Senate Wing Door at 2:14 p.m. Rader stood near the entrance, walked near a broken window, retrieved pieces of broken glass and plaster as souvenirs, appeared to speak with several unidentified males, and then exited through the same door he used to enter. He was inside the U.S. Capitol Building for approximately three minutes.

19. During the evening of January 6, 2021, Rader sent a private message stating, that “a po[i]nt was made” that “nothing is beyond the people[']s reach,” and asked rhetorically, “who[']s ne[x]t?” The next day, he sent a private Facebook message to his sister stating, “if Biden dares, or makes it to be able to, you can bet your ass this will be what be happening daily to wherever he goes. Yesterday proves we’re unstoppable.”

20. Considering the possibility of being prosecuted for his conduct on January 6, 2021, Rader sent a message to approximately 40 of his Facebook friends on February 24, 2021 that read, in part,

I don't care if the feds come arrest me, and I won't be a pussy like the rest of them. When the judge says you're going to prison, I'm going to say, no disrespect, your honor, but I made peace with God before I left, so let's do this.

Elements of the Offense

21. Kenneth Rader knowingly and voluntarily admits to all of the elements of Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G). Specifically, the defendant admits that he willfully and knowingly entered the U.S. Capitol Building knowing that he did not have permission to do so. Defendant further admits that while inside the Capitol, defendant willfully and knowingly paraded, demonstrated, or picketed.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: JORDAN KONIG

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KONIG
Date: 2022.05.06 13:46:39
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Jordan A. Konig
Trial Attorney, Department of Justice
Detailed to the U.S. Attorney's Office

DEFENDANT'S ACKNOWLEDGMENT

I, Kenneth Rader, have read this Statement of the Offense and have discussed it with my attorney. I fully understand this Statement of the Offense. I agree and acknowledge by my signature that this Statement of the Offense is true and accurate. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this Statement of the Offense fully.

Date: 05/23/2022

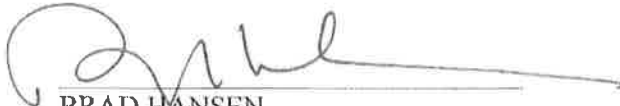


KENNETH RADER
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of the Offense and have reviewed it with my client fully. I concur in my client's desire to adopt this Statement of the Offense as true and accurate.

Date: 5.23.22



BRAD HANSEN
Attorney for Defendant