

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NO. 1:21-CR-00301-TJK-1

UNITED STATES OF AMERICA

v.

STEPHEN ETHAN HORN,

Defendant.

**AFFIDAVIT OF
JEREMY LEE**

I, Jeremy Lee, being first duly sworn, state the following:

1. I reside at 1621 Vineyard Avenue Los Angeles CA 90019.

2. I am 49 years old.

3. I am a professional journalist currently working for ABC affiliate KITV, and I also work continuously as an independent multimedia journalist publishing under the pen name Jeremy Lee Quinn for Los Angeles Magazine and Newsweek. In that capacity, I cover and have reported on newsworthy events of protest and civil unrest and then personally disseminated the information I obtain to the public through various platforms, primarily Twitter but also YouTube and Facebook. There is no guarantee the content I shoot as an independent will be picked up for either profit or mention, and in fact, I would estimate that over 90% of the time I am left to self-publish the work to a small online following.

4. From May 2020 through October 2021, I was an independent journalist. In that capacity, I was *not* employed by a news media company but sought out events of political and social conflict to document. I personally disseminated all information I gathered, going from one scene of civil unrest to another from Los Angeles to Portland to New York City to San Francisco

to Louisville to Rochester to inside the US Capitol on January 6, 2021. I documented protest and unrest in cities like Washington, DC on multiple occasions.

5. As an independent journalist at the Capitol on January 6, 2021, I carried no press credentials. Even so, representatives from both the Capitol police and FBI told me afterwards that because of my work as a journalist, based on my intent and output, I was never considered a suspect for any offense given that I entered the Capitol with the intent of recording what transpired.

6. My experience as an independent journalist involves covering many different types of events, including: the riot/ransacking of Santa Monica, CA on May 31, 2020; The 'Berkeley Antifa' organized attack on a free speech rally in San Francisco on October 17, 2020; the Sacramento mob attack on a rally of Trump supporters on December 5th 2020; and the riot in Washington, DC on December 12, 2020, at which BLM supporters clashed with MAGA supporters. Many episodes of political unrest were documented by me after January 6, 2021 as well, including the WiSpa riots in Los Angeles the summer of 2021 and most recently an organized attack on those viewing a conservative speaker at UC Davis in 2023. Many of these events leading up to and following January 6, 2021, can be found documented on Twitter and sometimes by local news outlets, but they are not well documented in national mainstream media coverage. Independents play a vital role in documenting contemporary political unrest. Independents who are willing to check their political leanings at the door and document, releasing the entirety of what they capture unedited, are even rarer. Corporate news outlets, from my experience and discussions with former employers and contacts, are hesitant to send staff into a potentially violent fray for fear of harm to employees and liability. Thus, the work of independents (a lot of the time uncredited) is cited and often the backbone of entire articles.

7. In my capacity as an independent journalist, I covered the events that took place at the United States Capitol on January 6, 2021. I found my work and that of independent colleagues covering those events indispensable. The value of this work has been referred to time and again by law enforcement, mainstream Press, and the January 6 commission in their investigation of what transpired that day.

8. To follow the action and document what I observed that day, it was necessary for me to crawl through a broken window and enter the congressional offices of what turned out to be those of Republican Senator James Risch in the 5pm hour on January 6th as the offices were vandalized. I rolled camera continuously while within the US Capitol with the understanding of both my constitutional rights and the importance of my work for the public record. I even turned the camera on myself to show those rioting I was hiding nothing. My work was then cited by the FBI in the case of *United States v. Daniel Joseph Rodriguez*, who was accused of tazing Capitol Police Officer Fanone. My coverage is documented by Huffington Post, a publication active in the genre of identifying rioters.

a. As a journalist I entered the Capitol, receiving a hand from a man in the crowd who gave me a boost. I did not stop at least one of my cameras as I entered, which I believe to be appropriate journalistic protocol.

b. As a journalist I did not have a credential or press ID on January 6th.

c. As a journalist I used only 2 smart phones to record that day.

d. As a journalist I interacted with the area surrounding me, at one point propping myself up on a couch to film.

e. As a journalist I had the delicate and difficult task of needing to blend in with the crowd while not seeming hostile and yet carrying out my duties to film and document. At one

point that meant linking arms with a woman in the crowd who told me she was from Orange County, CA. I did so link arms with her in order to maneuver as a pair through the exterior crowd, blending in and advancing to the terrace near the Capitol rotunda.

9. After I left the Capitol, I did not publish all of my content immediately. Instead, I took time to research what had occurred. This research went on for a while and still continues, but I did eventually publish all of my content to Twitter, Facebook, and YouTube, with the exception of a clip of me wearing an American flag bandana over my face at the beginning.¹

10. As of the date of this statement, I have not been charged with *any* crime for my work in covering the January 6, 2021, events at the Capitol. Furthermore, in conversation with my FBI contact out of Los Angeles, “Chad,” the FBI has me “in the system” as cleared and not suspect of any wrongdoing. This was told to me over the phone by “Chad” during the summer of 2021 as I sought clarification and even a written document to officially state as much. I was told the FBI could not provide me such a document but that the information was “in the system.”

On initial contact with law enforcement in March 2021, I was told I was not suspected of wrongdoing. And in January 2021, merely days after the riot, Capitol police also contacted me and told me I was not suspected of wrong doing. I have always publicly maintained my work, livestreams, and contact information, though the streaming site periscope shut down and the entirety of the streams are now archived or split apart on Twitter.

¹ I have previously written about wearing a brand new American flag handkerchief over my face upon my arrival to the Capitol lawn. I have disclosed that this was to blend in with the crowd. At the time, I also felt there might be some risk with COVID in a big crowd as well. I wore a different mask, a plain mask when I was inside the Capitol. My reason for withholding the photo/video of me in the American flag bandana is that it may be taken out of context and used by online persecution fanatics to portray me as “part of the riot” rather than somebody “blending in to document the riot,” as I have always maintained was my good faith intent in being there on January 6th.

11. I was initially contacted by the Federal Bureau of Investigation (FBI) in March 2021 as they visited my Los Angeles address on Vineyard Ave. My housemate Todd answered the door and, in his account, became nervous about the ordeal, ushering FBI agent Chad and his partner away but promising to pass on the message. At the time, I was residing temporarily in San Diego County at my grandmother's former home, which I was helping remodel for my family. I did not immediately respond to the FBI.

In April 2021, a leftist independent journalist and activist named Andrew Beale posted a photo of me on Twitter labeling me a "Capitol stormer." Beale, also a leftist activist, took the photo of me as I was in Huntington Beach, California on April 11, 2021, documenting a Black Lives Matter protest on the pier. Online, I contested Beale's accusation that I was a "Capitol stormer." It was at this time that I believe I had my first conversation with the FBI, the week of April 12, 2021, after Beale had made the accusation. My worry was that baseless online aspersions by activists would be taken as fact by law enforcement, press, or others.

My first 1-hour conversation with FBI agent "Chad" lasted over an hour on the telephone in April 2021. The FBI asserted that I was not a suspect of any wrongdoing and asked if I would be willing to visit the federal building in LA for a sit down discussion. I said at some point I would be willing to sit down and chat. I never considered consulting with an attorney as I felt I could represent myself capably in the matter, given my experience as a journalist.

Later that month, I went so far as to politely confront Mr. Beale in Hollywood, CA at a BLM rally on April 17, 2021, that I was documenting. Beale was surprised, as his Twitter account in which he accuses people, was anonymous. However, I was able to triangulate his position from his video and other live streams shot in Huntington Beach and Hollywood to ID him.

I challenged Beale on April 17 in conversation on Sunset Blvd. Beale holds a master's degree in journalism from UC Berkeley. I asked him: "would you have NOT gone in?" Beale eventually deleted his original post on Twitter calling me a "Capitol stormer." He reluctantly posted an explanation behind his reasoning for deleting the accusatory tweet, in which he admitted to his followers that had he been there, he too, as an independent and un-credentialed journalist, would have "probably jumped through that window too" to cover the riot events. I was encouraged by Beale's conclusions and that he made statements publicly to his followers to not harass me and retracted the "stormed the Capitol" knee jerk designation.

Then, at some point in late April, I agreed to submit to an interview by the Federal Bureau of Investigation (FBI) regarding my experience on January 6, 2021. I voluntarily agreed to the interview in person. As a journalist, my initial reaction was to not get involved with the FBI, but the episode with Beale made me rethink the prudence of that decision. I also thought it would be interesting to see how the FBI was handling things.

So, on May 14, 2021, I was visiting Los Angeles. It is around this date that I met with 3 representatives of the FBI on an upper floor of the federal building on Wilshire Boulevard in LA. For over 2 hours, I had a candid conversation on my impressions of not just the Capitol on January 6, 2021, but of political violence in general, which I had traced back in its contemporary iteration to the 2016 election and 2017 inauguration, and even back to the late 1980s and 1990s, which was afflicted with sub-cultural brawls between fringe radical left and radical right gangs.

12. It remains true that since my meeting with the FBI in May 2021, I have not been charged with *any* crime relating to the January 6, 2021, events at the Capitol.

13. Before my interactions with the FBI and in the course of my work as an independent journalist, I was connected with Stephen Ethan Horn ("Mr. Horn") who appeared on my podcast

“Unblocked Live” which streamed to YouTube and Twitter. In the episode on March 15, 2021, we aired the entirety of Mr. Horn’s helmet camera video from J6 on my live stream, discussing journalistic observations and comparing notes to a public audience. That live stream still is intact and viewable.

Mr. Horn, on the morning of March 11, 2021, had posted a public “Tweet” to Twitter that tagged my profile handle. In the message, he wrote: “I recorded this video on the steps of the Capitol on January 6th. Do you think the man in Press gear is the same man you interviewed the following night?” Mr. Horn had posted an excerpt from his January 6th documentation of a man named Mathew Purse of California, a militant who took responsibility for leading a group to attack the mainstream media pen on the east side of the Capitol on January 6, 2021, going so far as to ransack their equipment.

Christopher Mathias of the Huffington Post went on to publish a piece on Matthew Purse, reviewing both my footage from the day after when I interviewed Purse on Jan 7, 2021, and Mr. Horn’s footage of Purse taken on January 6th. Writing of Purse, Mathias noted: “Of all the characters at the Capitol on Jan.6, Purse could prove to be one of the most malevolent.”

Early in the article, Mathias used Stephen Horn’s video to quote Purse as saying into a microphone on the Capitol steps “First of all, mission accomplished, Patriots.” Mathias published his article on Purse in October 2021. Horn and I spoke in length about Purse, comparing notes as journalists, on the March 2021 podcast from nearly 7 months before. I spoke to Mathias on the phone before October 2021 when the story was published on the Press pen attacker. In the conversation, I referenced both my work and Mr. Horn’s work. Mr. Mathias referenced the moments captured by both Horn and me on tape at the Capitol. Mr. Mathias did

not, however, credit me or Mr. Horn in his piece. My work interviewing Purse on January 7th was uncredited as was Horn's work capturing Purse on the Capitol steps.

14. After meeting and getting to know Mr. Horn, I am aware that he too is an independent journalist. I am now familiar with his background as a journalist, which included coverage of the local BLM scene in 2020 from content he shared with me before our March 2021 livestream. In hosting Mr. Horn on my March 2021 podcast, I had to verify Mr. Horn was authentically a journalist whose interest was a fair telling of January 6, and not a participant. I did this because in having him on my podcast, I was risking decades of credibility.

Though I found Mr. Horn's content history to be limited as a documentarian, it was easy to see, as a seasoned journalist, that Mr. Horn was both transparent in his coverage and very interested in pursuing the truth behind what we had both documented that day. In short, he was not willing to just compare notes but also research unanswered questions and aggregate content with the intention of providing the public a fuller picture of what really happened at the Capitol on January 6, 2021. The story of extremist Matthew Purse was one point of conversation, as was the outlier John Sullivan, who also appeared in Mr. Horn's footage which we aired in its entirety.

I was so impressed with Mr. Horn's analysis and insights that I asked him to reappear on my show on January 6, 2022, to do a "One year later" livestream disclosing some of our continued discoveries in the year since the Capitol riot.

15. What's more, in my professional experience with Mr. Horn as mutual independents covering J6, I know that Mr. Horn, like me, personally covered the January 6, 2021, events at the Capitol. I know that, like me, he entered the Capitol with the crowd without a press credential and that, like me, he engaged in certain behavior while in the Capitol that was done for the purpose of blending in with the disorderly crowd. I know that Mr. Horn, like me, faced

challenges that day to blend in and make sure that the act of continuous filming was not dubbed hostile by others.

16. From my interaction with Mr. Horn and my independent investigation of his actions on January 6, 2021, I know that Mr. Horn, like me, did not engage in any violence or riotous behavior while in the Capitol that day and that he was at the Capitol on January 6, 2021, as a journalist to document the events for newsgathering purposes, rather than to participate in any riot or protest. I know that Mr. Horn, like me, faced online persecution from would-be “sedition hunters” who falsely label those who are indeed journalists as “Capitol Rioter” and “Capitol Stormer.”

Furthermore, I know that admitted participants such as Matthew Purse of Irvine, CA (who appeared in both my video and that of Mr. Horn) falsely claimed to be press and wore press badges while actually participating in the mayhem. This was a topic Mr. Horn and I even discussed in the Youtube “Unblocked Live” live casts which still are up for viewing.

18. Since that day, I also know that Mr. Horn has worked to disseminate the valuable information he obtained regarding the January 6 events to the public via a variety of outlets, including Twitter, Facebook, and Rumble.

19. Mr. Horn’s work has been cited in articles from other news sources, though like mine he is often not given a name credit as deserved.

20. I also know that Mr. Horn has been charged with crimes stemming from his important work in covering the January 6, 2021, events at the Capitol.

21. As a fellow independent journalist, I find the fact that he has been charged to be worrisome, unjust, and unfair, particularly when I consider the many independent journalists who were in the Capitol on January 6, 2021, without any sort of official press credential and have not

been charged with crimes. In fact, two of my closest colleagues in this line of independent work were also in the Capitol and had their work used by the January 6th commission. Like me but unlike Mr. Horn, these colleagues have not been charged with a crime for their involvement in the events at the Capitol.

22. In preparing and offering this sworn statement on Mr. Horn's behalf, I fully recognize and understand that I have a Fifth Amendment right, under the United States Constitution, to remain silent and not incriminate myself with respect to any criminal exposure I may have for covering the January 6, 2021, events at the Capitol.

23. In any event, I offer this statement voluntarily on behalf of Mr. Horn as a fellow independent journalist. A free press is of utmost importance to our country, and I firmly believe prosecuting Mr. Horn for his valuable work on January 6, 2021, infringes upon this most sacred, fundamental right and ignores the intent with which he captured uninterrupted footage on that day, and then disseminated it in a timely manner in its entirety, to the public.

SIGNATURE AND ACKNOWLEDGMENT

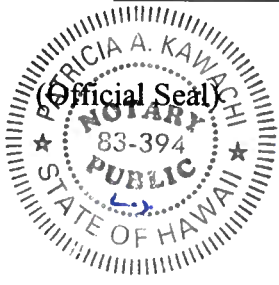
[Signature] 6/27/23
[NAME] Jeremy Lee Date

State of HAWAII, County of HAWAII.

Sworn and subscribed before me this 27th day of June, 2023.

Date: JUNE 27, 2023 [Signature]
Signature of Notary Public

PATRICIA A. KAWACHI
Printed or Typed Name of Notary Public



My commission expires: 10-27-2023.

Doc. Date: 6-27-23 # Pages: 10

Notary Name: Patricia A. Kawachi 3rd Circuit

Doc. Description: AFFIDAVIT OF
JEREMY LEE

Patricia A. Kawachi 6-27-2023
Notary Signature Date

NOTARY CERTIFICATION
Commission No. 83-394

