

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

[STEPHEN MICHAEL BAKER]

I, STEPHEN MICHAEL BAKER, being first duly sworn, state the following:

1. I reside at 3903 Carpenter Pond Road, Durham, North Carolina, 27703.
2. I am 63 years old.
3. I am an independent multimedia journalist. In that capacity, I cover and report on newsworthy events and then personally disseminate the information I obtain to the public through various platforms, including podcasts, blog sites, Locals, Facebook, Twitter, etc., under the names: STEVE BAKER and THE PRAGMATIC CONSTITUTIONALIST.
4. As an independent journalist, I am *not* employed by any news media company; I personally disseminate all information I gather, but also periodically collaborate with established news and media organizations.
5. I have been an independent journalist for more than 20 years.

6. My experience as an independent journalist involves commentary and analysis of topical news stories, as well as investigative reporting on a variety of topics.
7. In my capacity as an independent journalist, I covered the events that took place at the United States Capitol on January 6, 2021.
8. In doing so, I arrived at the Washington Monument Lawn at about 9:30 am on January 6, 2021 in order to cover the speeches to take place on The Ellipse stage. Due to the size of the crowd, and the poor audio and video production, I decided to begin walking toward the Capitol Building — for the scheduled events at and around the Capitol — about halfway through President Trump’s speech. I arrived at the Peace Monument on the west side of the Capitol at about 1:10 pm, where I began hearing many police sirens apparently heading to the Capitol. From that distance, I then heard what sounded like explosions at the Capitol, and also saw smoke. It was then that I broke out in a run to the lower west terrace and began videoing the violence that was taking place on the west terrace. I continued filming the chaos and violence for most of the next hour until there was a movement by the crowd toward the upper west terrace. After several hundred people made their way up the stairs, I then followed that activity.
  - a. Upon my arrival to the northwest side of that upper terrace, I observed several hundred people entering the Capitol Building through what many now call the “Senate Wing Door.” At this time, there was no visible police opposition to the movement of the crowd into the building. I entered the building at approximately 2:19 pm.

- b. I did not have any press credentials on the day.
  - c. When I entered the Capitol Building, I was carrying a backpack with my camera tripod, spare batteries, microphone, and other electronic accessories. I was wearing no clothing or accessories with political messaging of any kind.
  - d. During my roughly 40 minutes inside the Capitol Building, I attempted to capture as much of the newsworthy activity as possible, without any interference in the operations of the facility, nor interfering with any law enforcement officers. I primarily tried to stay above and away from whatever the protestors were doing, utilizing empty spaces or benches to get optimal camera angles.
  - e. During my time in the Capitol, I did not participate in any chanting or songs, as did most of the protestors.
  - f. Just before 3:00 pm, a female Capitol Police officer asked me if she could “safely escort me from the building.” I said, “yes,” and she then led me out the lower south exit door where I captured on video the extraction of Ashli Babbitt from the building by EMT personnel and the accompanying law enforcement tactical squad.
9. After exiting the Capitol Building, I engaged in a number of interviews with local news agencies, then eventually left the premises.
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.

11. I was, however, contacted by the Federal Bureau of Investigation (FBI) on July 22, 2021, and requested to submit to an interview by the Federal Bureau of Investigation (FBI) regarding my actions on January 6, 2021.
12. I voluntarily agreed to this interview, and the initial interview that was scheduled on August 5, 2021, was canceled, the day of — as explained by the two FBI Special Agents — because my status as a member of the press required them to acquire a letter of permission from the US Attorney General's Office in order to conduct the interview. My attorney and the US Attorney General's representative negotiated a proffer agreement for my rescheduled FBI interview, which then occurred on October 18, 2021. Since that time, it remains true that I have not been charged with *any* crime relating to the January 6, 2021, events at the Capitol.
13. In the course of my journalistic work subsequent to January 6, I eventually came to know of Stephen Ethan Horn ("Mr. Horn").
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 includes his work covering the post-George Floyd riots in the summer of 2020, as well as his earlier work covering historical events at Gettysburg, Appomattox, and Waterloo, as well as other work he has done covering news events in the Raleigh, North Carolina region.
15. I also know that Mr. Horn, like me, covered the January 6, 2021, events at the Capitol.

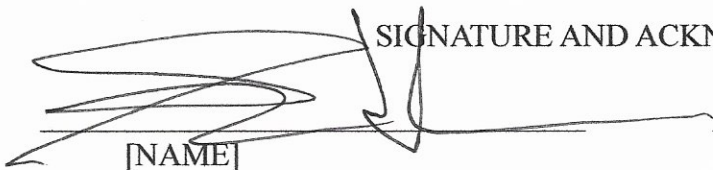


16. I know that Mr. Horn, like me, entered the Capitol with the crowd and did not have any sort of press pass or credential purporting to give him permission to enter the building.
17. From my interaction with Mr. Horn and my independent investigation of his actions on January 6, 2021, I know that Mr. 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 a riot or protest.
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.
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 so charged worrisome and unfair, particularly when considering that I know of many independent journalists who were in the Capitol on January 6, 2021, without any sort of press credential and have not been charged with crimes.
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 work on January 6, 2021, infringes upon this most sacred, fundamental right.

SIGNATURE AND ACKNOWLEDGMENT

 [NAME] July 5, 2023  
Date

State of North Carolina, County of Wake.

Sworn and subscribed before me this 05 day of July, 2023.

Date: 07/05/2023

Nivea Whistle  
Signature of Notary Public

(Official Seal) **NIVEA WHISTLE**  
Notary Public  
Wake Co., North Carolina  
My Commission Expires Aug. 11, 2027

Nivea Whistle  
Printed or Typed Name of Notary Public

My commission expires: Aug. 11, 2027.