

STATEMENT OF FACTS

Your affiant, [REDACTED] is a FBI Special Agent assigned to the Washington Field Office. In my duties as a special agent, I have worked many complex national security and criminal investigations, to include investigations related to terrorism, espionage, narcotics trafficking, and child exploitation. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent with the FBI, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol 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 were 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 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.

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 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, around 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 United States 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 7, 2021, a tipster (Tipster 1) submitted an online tip to the FBI National Threat Operations Center. Tipster 1 stated that DOUG MACRAE “posted on Facebook pictures and video of him invading Congress.” Tipster 1 and MACRAE are Facebook friends but have not met in person.

Your affiant reviewed the referenced Facebook account, which was associated with the name Doug Macrae. Legal records obtained from Facebook confirmed that the Facebook account belonged to subject MACRAE. During two in-person interviews, described below, MACRAE admitted that the phone number ending in -4041 belonged to him, and that phone number has been used by your affiant several times to contact MACRAE.

On MACRAE’s Facebook account, there were three posts from January 6, 2021. In the first post, MACRAE posted a “selfie” outside the U.S. Capitol building. Based on your affiant’s observations of MACRAE during two in-person interviews (described below), I have determined that MACRAE is the individual in the photo:



In the second post, the person taking the photo appears to be ascending a staircase near a large painting on the wall, and the photo is captioned, “I made it deep into the Capitol building.”



The third January 6, 2021 post shows a hallway inside what appears to be the U.S. Capitol building. In the comment section below the photo, another Facebook user asks MACRAE “Are you there?” MACRAE responds, “Yes!”

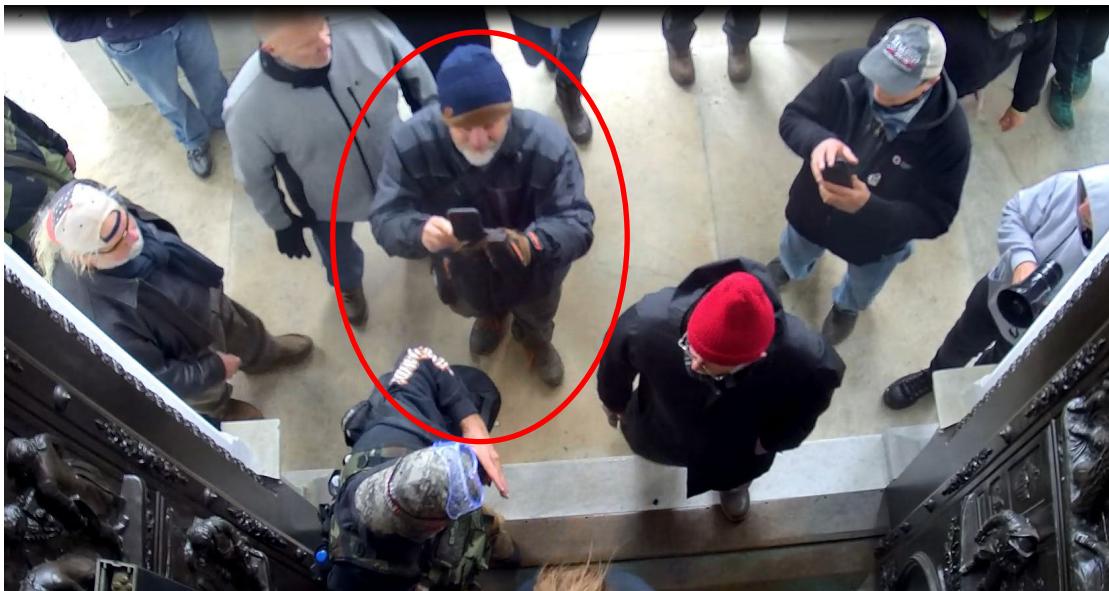


On January 28, 2021, and on April 12, 2021, your affiant interviewed MACRAE at his residence. During both interviews, MACRAE admitted to entering the U.S. Capitol building on January 6, 2021. MACRAE also admitted that, while in the U.S. Capitol building, he took a photo of a large painting halfway up a staircase and a photo of a hallway, and that he later posted both photos on his Facebook account. MACRAE’s description of the photos he took inside the U.S. Capitol building matches the photos posted to MACRAE’s Facebook account that are included above. MACRAE confirmed his cell phone number, which ended in -4041.

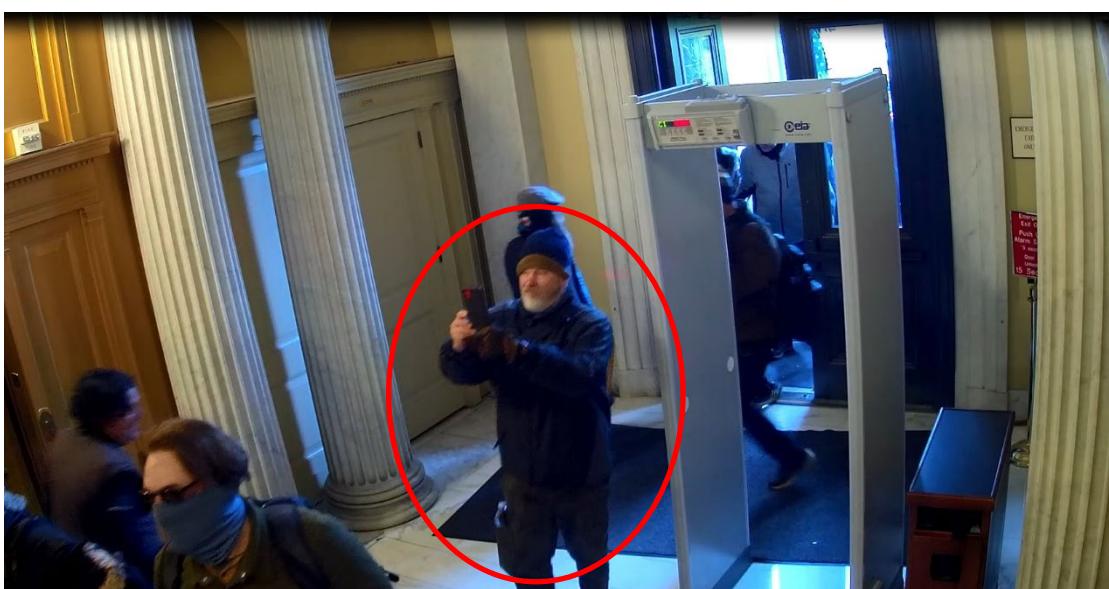
Consistent with the information provided by MACRAE, the cellular phone number ending in -4041 was cross-referenced against cellular tower records that were obtained through a search warrant served on Verizon on January 6, 2021. Between approximately 2:25 p.m. and 2:46 p.m., a phone associated with the Verizon telephone number ending -4041 was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the U.S. Capitol building.

Additionally, your affiant obtained U.S. Capitol Police Closed Circuit Television (CCTV) recordings from January 6, 2017. In a review of CCTV recordings of the Capitol riot, your affiant observed a white male dressed in a dark jacket with a navy blue and peanut/brown colored beanie carrying a black backpack, with a grey beard, entering the U.S. Capitol building on January 6, 2021, at approximately 2:42 p.m. and wandering around for at least several minutes.

Based on your affiant's observations of MACRAE during two in-person interviews, I have determined that MACRAE is the individual in the images below from CCTV.



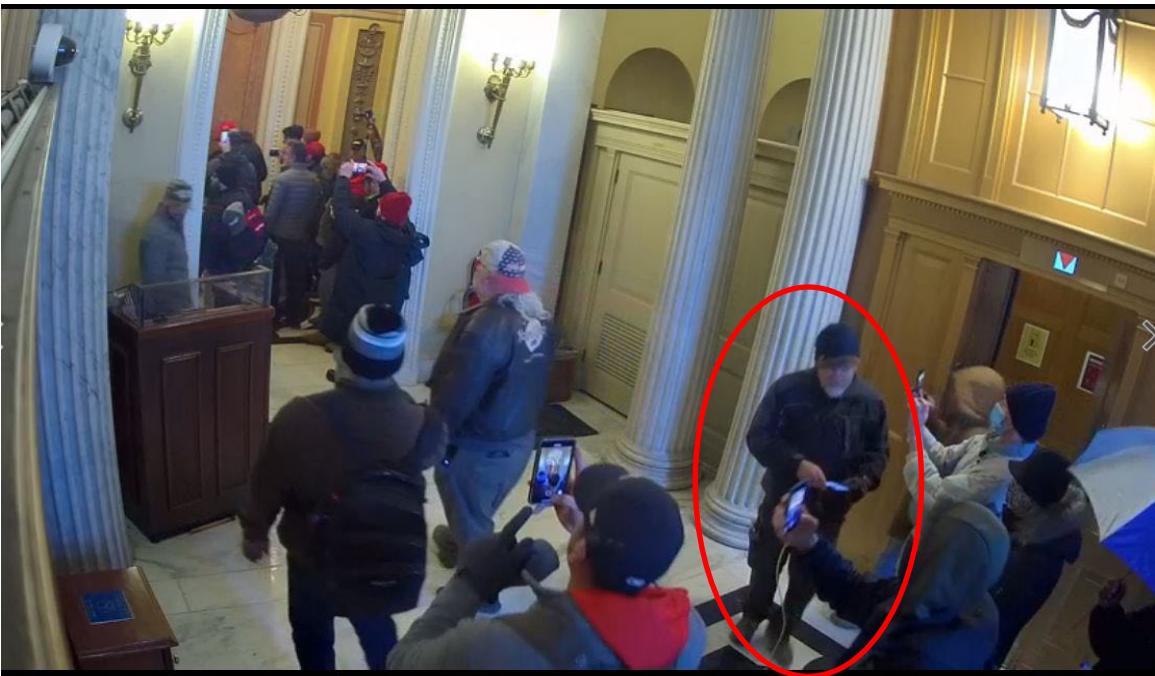
MACRAE about to enter the U.S. Capitol building



MACRAE immediately after entering the U.S. Capitol building



MACRAE walking around inside the U.S. Capitol building

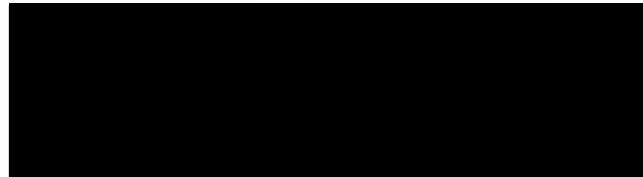


MACRAE standing inside the U.S. Capitol building

Based on the foregoing, your affiant submits that there is probable cause to believe that DOUGLAS MACRAE 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 also submits there is also probable cause to believe that DOUGLAS MACRAE 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; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 12th day of May, 2022.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE