

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

JON RYAN SCHAFFER

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Case: 1:21-mj-00094

Assigned To : Faruqui, Zia M.

Assign. Date : 1/16/2021

Description: Complaint w/ Arrest Warrant

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section and Offense Description. Rows include 18 U.S.C. 1752 (a)(1), (b)(1); 18 U.S.C. 1752(a)(2), (b)(1); 18 U.S.C. 1752(a)(4), (b)(1); 40 U.S.C. 5104(e)(2)(A); 40 U.S.C. 5104(e)(2)(F); 40 U.S.C. 5104(e)(2)(G).

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Handwritten signature of Elizabeth J. Ward

Complainant's signature

Elizabeth J. Ward, Special Agent FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by Telephone (specify reliable electronic means).

Date: 01/16/2021

Judge's signature



2021.01.16 14:19:22 -05'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui U.S. Magistrate Judge

Printed name and title

## STATEMENT OF FACTS

On January 6, 2021, your affiant, Elizabeth J. Ward, was on duty and performing my official duties as a Special Agent with the Federal Bureau of Investigation (“FBI”). As a Special Agent, I am authorized by law to engage in or supervise the prevention, detention, investigation, or prosecution of violations of Federal criminal laws.

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. Vice President Mike Pence was present and presiding in the Senate chamber.

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 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.

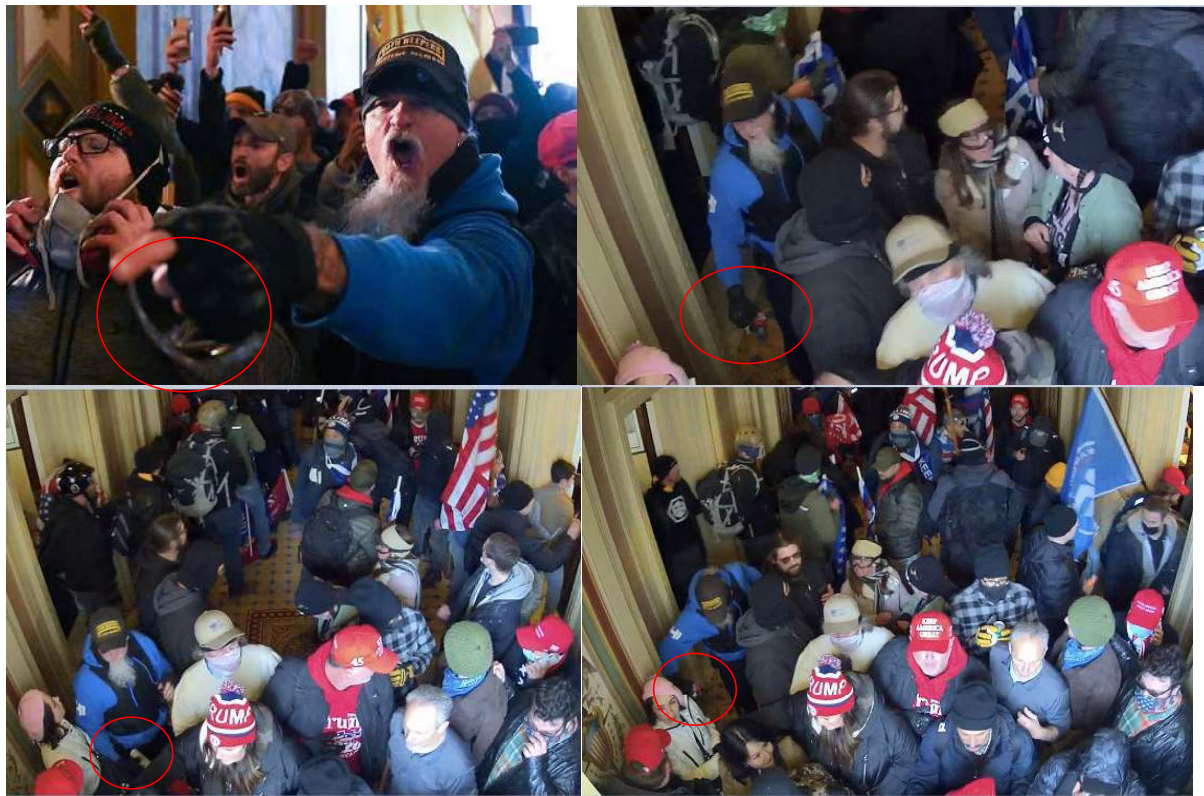
With the joint session underway and with Vice President Mike Pence presiding, a large crowd gathered outside the U.S. Capitol. Temporary and permanent barricades surround the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside. Between 1:00 p.m. and 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. At such time, the joint session was 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, individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows. 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.

**JON RYAN SCHAFFER (SCHAFFER)** of Columbus, Indiana, traveled to the District of Columbia to participate in a rally and protest at the U.S. Capitol. **SCHAFFER** is a person of some celebrity in the heavy metal music industry, and was identified by numerous individuals

when his photograph was published by the FBI seeking identification of individuals who participated in the events of January 6, 2021.

**SCHAFFER** was among the rioters who sprayed United States Capitol Police officers with “bear spray,” a form of capsaicin pepper spray sold by many outdoors retailers, as part of their efforts to push the officers back inside the Capitol and breach the Capitol Building themselves. **SCHAFFER** was photographed and captured on surveillance video carrying “bear spray” and engaging in verbal altercations with Capitol Police officers inside the Capitol Building. **SCHAFFER** is seen holding a clear sunglasses in one photograph, and bear spray in other photographs.



The photographs show **SCHAFFER** in a blue hooded sweatshirt under a tactical vest with a baseball cap that reads “Oath Keepers Lifetime Member.” The “Oath Keepers” is an organization that characterizes itself as a militia of former law enforcement and military personnel and has often, as a group, urged President Trump to declare Martial Law in order to prevent the Congress from certifying the Electoral College Results.

**SCHAFFER**, who is the front man of the heavy metal band “Iced Earth,” has long held far-right extremist views. During an interview in 2017, **SCHAFFER** identified himself as an “anarchist” and referred to the federal government as a “criminal enterprise.” During that same interview, **SCHAFFER** stated that the 2016 Presidential election was “rigged.”



On November 14, 2020, **SCHAFFER** participated in the “Million MAGA March” in Washington, D.C. with other Oath Keepers members. Schaffer was photographed wearing the same blue hooded sweatshirt and clear plastic sunglasses that he wore on January 6, 2021.



**SCHAFFER** was approached by a member of the press during the March, and made numerous statements indicating his intent to join others in fighting the election results – with violence if necessary. Specifically, **SCHAFFER** stated the following:

My name’s **JON SCHAFFER**, I’m from Indiana. A group of thugs and criminals hijacked this country a long time ago. And now they’re making their big move, and it’s not gonna happen. . . People need to wake up and snap out of the Matrix, because they’re going down. They made the move, they’re messing with the wrong people here, trust me on that. And we needed it to be open like this. Open fraud. Open theft. Because now we see you, and you’re going down, mark my words.

When asked if he expected the protest to involve violence, **SCHAFFER** stated “if somebody wants to bring violence, I think there’s a lot of us here that are ready for it. We don’t want that, but if they bring it we’re going to respond to that, trust me.” **SCHAFFER** went on to state:

We’re not going to merge into some globalist, communist system, it will not happen. There will be a lot of bloodshed if it comes down to that, trust me. The American people will not go for that bullshit once they understand what’s actually happening. So that’s where we’re at. Nobody wants this, but they’re pushing us to a point where we have no choice.

Based on the foregoing, your affiant submits that there is probable cause to believe that **JON RYAN SCHAFFER** violated 18 U.S.C. §§ 1752(a)(1), (2), and (4), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; 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; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or

grounds, or attempt or conspires to do so. For purposes of Section 1752(a), 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. For purposes of Section 1752(b), “bear spray” is a dangerous weapon. For purposes of Section 1752(b), the storming of the United States Capitol building resulted in “significant bodily injury.”

Your affiant submits there is also probable cause to believe that **JON RYAN SCHAFFER** violated 40 U.S.C. §§ 5104(e)(2)(A), (F) and (G), which make it a crime to willfully and knowingly: (A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



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ELIZABETH J. WARD,  
SPECIAL AGENT, FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 16th day of January 2021.



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ZIA M. FARUQUI

U.S. MAGISTRATE JUDGE