

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

UNITED STATES OF AMERICA	:	Case No:
	:	
v.	:	18 U.S.C. § 1752(a)
	:	(Restricted Building or Grounds)
	:	
	:	40 U.S.C. § 5104(e)(2)
DONOVAN RAY CROWL	:	(Violent Entry or Disorderly Conduct)
Defendant.	:	
	:	18 U.S.C. § 1512(c)(2)
	:	(Obstruction of an Official Proceeding)
	:	
	:	<u>UNDER SEAL</u>
	:	

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, David H. Lochner., being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. This Affidavit is submitted in support of a Criminal Complaint charging DONOVAN RAY CROWL (“CROWL”) with violations of 18 U.S.C. § 1752(a), 40 U.S.C. § 5104(e) and 18 U.S.C. § 1512(c)(2). I respectfully submit that this Affidavit establishes probable cause to believe that CROWL (1) did knowingly enter or remain in any restricted building or grounds without lawful authority, or did knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct; (2) did willfully and knowingly 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 any deliberations of either House of Congress; and (3) corruptly did obstruct, influence, or impede any proceeding before the Congress. Specifically, on or about January 6, 2021, CROWL

traveled to Washington, D.C., and knowingly and willfully joined and encouraged a crowd of individuals who forcibly entered the U.S. Capitol and impeded, disrupted, and disturbed the orderly conduct of business by the United States House of Representatives and the United States Senate.

BACKGROUND OF AFFIANT

2. I am employed as a Special Agent of the Federal Bureau of Investigation (FBI) and have been employed since 2018. Currently, I am assigned to a squad that investigates Counterintelligence matters as part of the FBI Washington Field Office. The focus of my Counterintelligence efforts has been foreign intelligence activities. My squad is based at the Washington Field Office. As a Special Agent, I am authorized to investigate violations of laws of the United States and am authorized to execute warrants issued under the authority of the United States. My duties with the FBI include but are not limited to the investigation of counterintelligence matters.

3. Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as “on or about” dates.

BACKGROUND

Incursion at the U.S. Capitol on January 6, 2021

4. 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.

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

6. 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.

7. 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.

8. 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.

9. At such time, the certification proceedings 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 the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

10. 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, 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 pm 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.

11. 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.

The Oath Keepers

12. Law enforcement and news media organizations observed that members of a

paramilitary organization known as the Oath Keepers were among the individuals and groups who knowingly, willfully, and forcibly entered the U.S. Capitol.

13. The Oath Keepers are a large but loosely organized collection of militia who believe that the federal government has been coopted by a shadowy conspiracy that is trying to strip American citizens of their rights. Though the Oath Keepers will accept anyone as members, what differentiates them from other anti-government groups is their explicit focus on recruiting current and former military, law enforcement and first responder personnel. The organization's name alludes to the oath sworn by members of the military and police to defend the Constitution "from all enemies, foreign and domestic." Members of the Oath Keepers have been arrested in connection with a wide range of criminal activities, including various firearms violations, conspiracy to impede federal workers, possession of explosives, and threatening public officials.

14. According to an archive of the Oath Keepers website created on December 24, 2020, the Oath Keepers profess to be

a non-partisan association of current and formerly serving military, police, and first responders, who pledge to fulfill the oath all military and police take to "defend the Constitution against all enemies, foreign and domestic." That oath, mandated by Article VI of the Constitution itself, is to the Constitution, not to the politicians, and Oath Keepers declare that they will not obey unconstitutional orders, such as orders to disarm the American people, to conduct warrantless searches, or to detain Americans as "enemy combatants" in violation of their ancient right to jury trial.

Based on this mission statement—including that Oath Keepers swear not to obey orders that they consider unconstitutional—as well as additional information gained in the course of my investigation, I am aware that Oath Keepers will violate federal law if they believe their cause is just.

Donovan Crawl

15. DONOVAN CROWL is a 50-year-old resident of Champaign County, Ohio.

CROWL is a member of the Ohio State Regular Militia, based in Champaign County, Ohio. Based on information gained during the course of my investigation, I am aware that the Ohio State Regular Militia is a local militia organization which is a dues-paying subset of the Oath Keepers.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

16. I have reviewed footage of the January 6, 2021, incursion of the U.S. Capitol, including a video that, at the approximate 3 minute and 8 second mark, shows 8 to 10 individuals in paramilitary equipment aggressively approaching an entrance to the Capitol building.¹ These individuals, who are wearing helmets, reinforced vests, and clothing with Oath Keepers paraphernalia, move in an organized and practiced fashion and force their way to the front of the crowd gathered around a door to the U.S. Capitol.

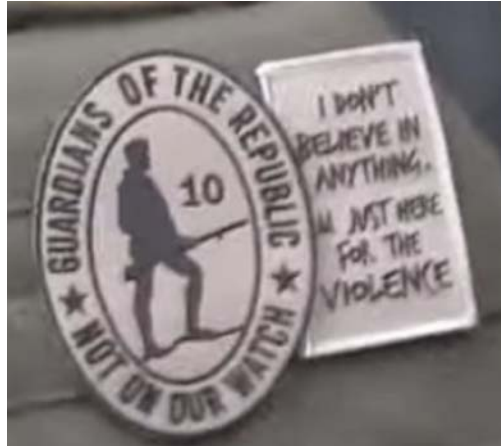
Picture 1:



¹ <https://www.youtube.com/watch?v=b76KfHB0QO8&feature=youtu.be> (last viewed January 16, 2021)

17. A close-up view of the badges on the vest of one of these individuals, seen just under the Oath Keepers emblem on his shirt, displays the Oath Keepers motto, “Not On Our Watch.”

Picture 2:



18. Based on the foregoing observations of the video, and information gained in the course of my investigation, I believe the organized group of individuals marching to door of the U.S. Capitol in the video above are members of the Oath Keepers.

19. Media accounts helped to identify one of the Oath Keepers who forcibly entered the U.S. Capitol to be CROWL. I have been able to confirm these identifications of CROWL by comparing pictures from that day at the U.S. Capitol to pictures of CROWL from DMV records and the Ohio State Regular Militia Parler² page.

20. Among the media accounts was an interview of CROWL published in the New Yorker on January 14, 2021, entitled, *A Former Marine Stormed the Capitol as Part of a Far-Right Militia*.³ The article notes that CROWL was photographed in the Capitol Rotunda on January 6 and references him as the individual depicted in the video screenshot photo below:

³ <https://www.newyorker.com/news/news-desk/a-former-marine-stormed-the-capitol-as-part-of-a-far-right-militia> (last accessed, January 16, 2021).

Picture 3:



21. Additionally, I have reviewed photographs taken from inside of the Capitol Rotunda on January 6, including one from the above referenced New Yorker article that identifies CROWL as the individual wearing dark glasses with other Oath Keepers members (red circle). In this photo, as shown below, a green reinforced vest with the “Trapper” label on the lower left side is partially visible (yellow circle).

Picture 4:



22. In a social media post made by JESSICA WATKINS, a self-proclaimed commanding officer of the Ohio State Regular Militia, CROWL is depicted with the caption: “One of my guys at the Stop the Steal Rally today. #stopthesteal⁴ #stormthecapitol #oathkeepers #ohiomilitia.” The individual in this picture is wearing the same distinctive military attire as CROWL in the two above-referenced photographs, including with the “Trapper” label on the lower left side and Oath Keepers patch on his left shoulder.

⁴ In the course of investigating this matter, I have learned that the #stopthesteal hashtag was used by many individuals who believe that the 2020 U.S. Presidential Election was fraudulent and who pledged to try to stop that election from being certified.

Picture 5:



23. Furthermore, CROWL gave an interview in the above referenced New Yorker article in which he identified himself as a member of both the Oath Keepers and the Ohio State Regular Militia, and admitted that he attended events representing those groups to include the incursion of the U.S. Capitol on January 6, 2021. Further, CROWL acknowledged that he was drinking on January 6, 2021, and he confirmed to the writer that he entered the Capitol, saying that he went to Washington, D.C., to “do security” for “V.I.P.s” whom he declined to name. CROWL also stated to the writer that his intentions had been peaceful, and that he had never been violent, claiming “we protected the fucking Capitol Hill police.” He declined to substantiate the claim during the interview. CROWL at the same time admitted during this interview that he “expelled three fucking

people” whom he said had been injured. He further elaborated about “patriots [who] dragged this fucking maggot off the wall and started beating his ass.”

24. Accordingly, I have confirmed CROWL’s identification based on the photographs of CROWL shown immediately outside as well as inside of the U.S. Capitol on January 6, his association with a self-described Oath Keepers leader in WATKINS on that same day, and CROWL’s public statements in which he admitted his Oath Keepers association as well as violent participation in the January 6 Capitol siege.

CONCLUSIONS OF AFFIANT

25. Based on the foregoing, your Affiant submits that there is probable cause to believe that CROWL violated:

- a. 18 U.S.C. § 1752(a), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (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; (3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstruct or impede ingress or egress to or from any restricted building or grounds; or (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; 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 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; and
- b. 40 U.S.C. § 5104(e)(2), which makes it a crime for an individual or group of individuals 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; (B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House; (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of— (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or (ii) the Library of Congress; (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; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or (G) parade, demonstrate, or picket in any of the Capitol Buildings.
- c. 18 U.S.C. § 1512(c)(2), which makes it a crime to corruptly obstruct, influence, or

impede any official proceeding—to include a proceeding before the Congress--or
make an attempt to do so.

26. As such, I respectfully request that the court issue an arrest warrant for CROWL.

The statements above are true and accurate to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "D. Lochner", is written over a light gray rectangular background.

SPECIAL AGENT DAVID H. LOCHNER
FEDERAL BUREAU OF INVESTIGATION

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.

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE