

STATEMENT OF FACTS

Your affiant, Deryck Parks, is a Task Force Officer detailed to the Federal Bureau of Investigation. I am currently tasked with investigating criminal activity in and around the Capitol grounds that occurred on January 6, 2021. As a Task Force Officer, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of violations 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, shortly 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.

The government received information through legal process that Facebook UID 100047172724820 was livestreaming video in the Capitol during these events.¹ Law enforcement obtained three livestream videos from Facebook UID 100047172724820 and determined that the user of the account was CHRISTOPHER SPENCER (C. SPENCER). A complaint and arrest warrant was issued for C. SPENCER by U.S. Magistrate Judge Zia M. Faruqui on January 18, 2021, for violating 18 U.S.C. § 1752(a)(1) and (2); 40 U.S.C. § 5104(e)(2)(D),(G); and 18 U.S.C. 1512(c)(2). C. SPENCER was arrested on January 19, 2021, in North Carolina.

On January 19, 2021, the FBI interviewed both C. SPENCER and Virginia Marie Spencer AKA Jenny Spencer (J. SPENCER), who is C. SPENCER's wife. J. SPENCER indicated that they had decided to travel to D.C. as part of a caravan organized by ENoCH, a Twitter personality.² According to J. SPENCER, they met the caravan but ultimately drove separately to D.C. She further advised that they parked and attended the rally.

During the interview, J. SPENCER stated that the (now former) President was saying we're going to march to the Capitol. According to J. SPENCER, they then agreed with each other to walk towards the Capitol, see it, and then go home. As they approached the Capitol, a bunch of people who looked like a militia group were marching and saying something to the effect of screw Antifa (but were using different words). She then advised that they then started walking behind the militia-looking group following them.

J. SPENCER stated that they were standing by some gates before you get to the steps of the Capitol, which the police had blocked off.³ Closer to the Capitol, she saw officers arresting a man who ran up by the scaffolding. She saw people climbing on another set of scaffolding. She saw officers shooting tear gas and percussion grenades into the crowd directly in front of the officers, but that the SPENCERS were way out to the side of that crowd.

J. SPENCER explained that they then turned around, but couldn't move because of the other people around them. She stated that they finally were able to push their way back further to where the pillar was. According to J. SPENCER, the crowd then started pushing. She indicated she could not get away because she was afraid of being trampled. J. SPENCER stated that they went inside, through the doors, as everyone was pushing that direction. J. SPENCER then advised that they told each other something to the effect of "we gotta get out of here." She stated that she then saw the police officers in riot gear and went out the first exit. According to J. SPENCER, they weren't in there for even 15 minutes.

¹ A Facebook UID is a unique number assigned to an individual's Facebook profile.

² <https://wbckfm.com/michigan-man-organizing-caravan-for-historic-large-president-trump-rally/> (last accessed January 30, 2021).

³ J. SPENCER indicated that she was not in a position to see what happened but "one of the issues" is that officers moved the barriers out of the way.

J. SPENCER said she was wearing a gray toboggan, black facemask, and a Ryan Upchurch jacket with a gun control message (see photos below which show J. SPENCER displaying the jacket during her interview).



J. SPENCER said she took pictures outside the Capitol but that she did not take any pictures or video of anything inside the Capitol.

Video aa3a383cfd1da1e7068cd856e071eeac.mp4 captures both C. SPENCER and J. SPENCER as part of a crowd inside the Crypt. They are among a large, tightly packed crowd of people apparently being held back by police officers. C. SPENCER says, “Wooh! We in this motherfucker!” He then lowers his neck gaiter and says, “Bro, they stormed the Capitol, bro...pushed the cops out of the way, everything...took it over.” Suddenly, the crowd, including the SPENCERS, rushes further forward into the building and starts chanting, “Who’s House? Our house!” and “Stop the steal!” repeatedly.



J. SPENCER can be seen in the below screenshots from this video wearing a patterned toboggan, black facemask, and a dark colored hoodie.



Video 9d7de52208ae7577d9e67f47ea88ab40.mp4 captures the SPENCERS entering into the wing where the Speaker of the House's offices are located.



As the SPENCERS continue walking into the office hallway, C. SPENCER says, "Where's Nancy's office?" He then turns with his family to leave, walking into Statuary Hall. Still shots of his video below show his passage through the hall.



The image below depicts a comparison photo from the Architect of the Capitol for the same area depicted in C. SPENCER's video. <https://www.aoc.gov/explore-capitol-campus/art/about-national-statuary-hall-collection> (last visited January 18, 2021).



U.S. Capitol surveillance video also captures the SPENCERS inside Statuary Hall. See the below redacted surveillance video still shots.



J. SPENCER is shown more clearly on C. SPENCER's video, wearing the patterned toboggan, black facemask, and a dark colored hoodie with the circular white logo on the front, just before leaving Statuary Hall.



As he walks through Statuary Hall, C. SPENCER says, "Who would've knew the first time I ever come would be to storm." He then moves towards the entry doors to the House of Representatives where a crowd is gathered chanting, "Stop the steal. Stop the steal." Later you can also hear screams of, "Open the door!" The video ends with chants of, "Break it down! Break it down! Break it down!" At approximately 4:15 into the video, it appears that C. SPENCER yells "kick that motherfucker open!" as others are shouting "push" and attempting to push through the closed door. J. SPENCER is visible nearby her husband in this area as well.

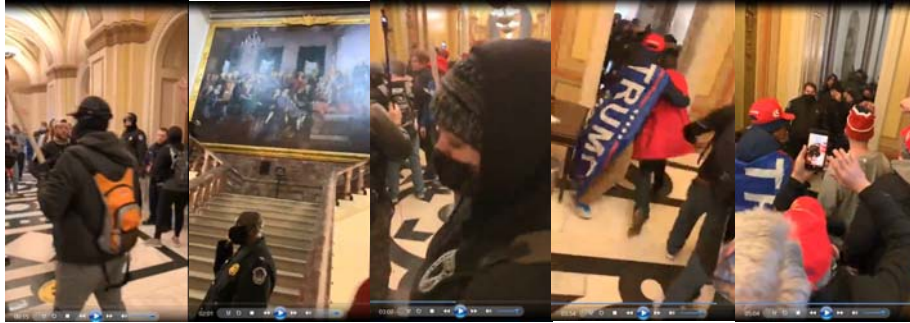


Another video – ebe11b28fc0dfd2b4119776c9818cfef – shows C. SPENCER gathered with others, including J. SPENCER, in a hallway. J. SPENCER appears to speak with law enforcement officers before walking back to talk to C. SPENCER. She says, “(unintelligible) this is not only for us, this is for y’all too.” C. SPENCER says, “What’d he say?” She says, “He said, I know but the points been made...the points been made. I said, well it’s bullshit. He said, I know it is, I know it is.”



Male voices can be heard yelling at the officers guarding a door nearby, “When’s the last time this happened in America?” “You still believe Joe Biden won?” “Hey when’s the last time you dealt with this in the Capitol? Never!” Individuals can be heard yelling vulgarities at police officers and taunting the officers. SPENCER then turns the camera and said “What up Alec? We done stormed the Capitol building, bro. They done teared us.”

The crowd yells at police officers who are fighting their way through a doorway to get down the hall. Men are heard calling them “fucking traitor,” “pig,” and “fascist.” People began sliding furniture down the hallway towards the officers. C. SPENCER yells, “Smile motherfucker! Smile bitch! Fucking traitor!”



Of note, these videos last for over 20 minutes total. The SPENCERS do not appear to be actively searching for exits during these videos, instead C. SPENCER joins in with the chanting and comments to his viewers on Facebook live. Also, the Capitol surveillance video shows J. SPENCER using her phone in what appears to be an attempt to videotape the event in the Statuary Hall connector.



Based on the foregoing, your affiant submits that there is probable cause to believe that J. SPENCER 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 submits there is also probable cause to believe that Jenny Spencer violated 40 U.S.C. § 5104(e)(2)(D),(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.

A rectangular box containing a handwritten signature in black ink. The signature appears to be "Deryck Parks" written in a cursive style.

Deryck Parks
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this the 5th day of February 2021.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE