

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

FILED 27 JAN '16 15:35 USDJ-ORP

for the  
District of Oregon

United States of America  
v.  
Ammon BUNDY, Jon RITZHEIMER,  
Joseph O'SHAUGHNESSY, Ryan PAYNE,  
Ryan BUNDY, Brian CAVALIER,  
Shawna COX, Peter SANTILLI,

Case No. 3:16-mj-00004-1,2,3,4,  
5,6,7,8

Defendant(s)

REDACTED  
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 2, 2016, to the present in the county of Hamey in the  
District of Oregon, the defendant(s) violated:

Code Section

18 U.S.C. § 372

Offense Description

Conspiracy to Impede Officers of the United States from discharging their  
official duties through the use of force, intimidation, or threats

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Katherine D. Armstrong

Complainant's signature

Katherine Armstrong, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

Jan. 26, 2016

Stacie F. Beckerman

Judge's signature

City and state:

Portland, Oregon

Stacie F. Beckerman, U. S. Magistrate Judge

Printed name and title

UNITED STATES OF AMERICA     )  
    )  
 DISTRICT OF OREGON             )     AFFIDAVIT OF KATHERINE ARMSTRONG

I, Katherine Armstrong, having been first duly sworn, do hereby depose and state as follows:

**Introduction and Agent Background**

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been so employed for approximately one-and-a-half (1½) years. I am currently assigned to the FBI's Portland Division and am part of the violent and organized crime squad. In 2014, I successfully completed twenty-one (21) weeks of training at the FBI Academy located in Quantico, Virginia. During that time, I was taught the use and practical application of various investigative techniques that Federal law enforcement officers are allowed to employ. In addition to my formalized training in violations of the law at the FBI Academy, I have also acquired knowledge and information pertaining to violations of federal law from numerous other sources, including: formal and informal training, other law enforcement officers and investigators, informants, and my participation in other investigations. Prior to joining the FBI, I was a prosecutor with the Philadelphia District Attorney's Office for approximately two-and-a-half years and briefly worked in the private sector as a civil litigator. I attended law school at Temple University in Philadelphia, Pennsylvania, and have been certified to practice law since October 2010.

**Purpose of Affidavit**

2. This affidavit is submitted to support a criminal complaint and arrest warrant for Ammon BUNDY (hereinafter A. BUNDY), white male, date of birth [REDACTED] 1975, Jon RITZHEIMER, white male, date of birth [REDACTED] 1983, Joseph O'SHAUGHNESSY, white male,

date of birth [REDACTED] 1972, Ryan PAYNE, white male, date of birth [REDACTED] 1983, Ryan BUNDY (hereinafter R. BUNDY), white male, date of birth [REDACTED] 1972, Brian CAVALIER, aka "Booda Bear," white male, date of birth [REDACTED] 1971, Shawna COX, white female, date of birth [REDACTED] 1956, and Peter SANTILLI, white male, date of birth [REDACTED] 1965, for the felony crime of Conspiracy to Impede Officers of the United States from discharging their official duties through the use of force, intimidation, or threats, in violation of Title 18, United States Code, Section 372. The named individuals, most of whom have been armed, have been working together, with additional known and unknown actors, to control federal property while refusing to leave, intending to impede and prevent by force the federal officials who work on and use that property from performing their official duties.

3. The facts set forth in this affidavit are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; interviews of witnesses; my review of records related to this investigation; and communications with others who have knowledge of the events and circumstances described herein.

4. Persons identified by name in the photographs contained herein have been independently identified by a witness with knowledge or a law enforcement officer through motor vehicle records and/or criminal history records. All photographs of the Malheur National Wildlife Refuge that depict the land, entrances/gates, and buildings inside and out have been identified by a Federal Wildlife Officer or staff member with the U.S. Fish and Wildlife Service who works at the Malheur National Wildlife Refuge. The Federal Wildlife Officer or staff member with the U.S Fish and Wildlife Service has confirmed the photographs depict what is  
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represented in this affidavit. All video referenced in this affidavit has been downloaded and preserved by investigators.

5. I have not included all information learned through this investigation. I have included information I believe is sufficient to establish probable cause for the criminal complaint and arrest warrants requested by this affidavit.

#### **Investigation**

6. Based on the foregoing facts, I have probable cause to believe that starting on or about January 2, 2016, and continuing through the date of this affidavit A. BUNDY, RITZHEIMER, O'SHAUGHNESSY, PAYNE, R. BUNDY, CAVALIER, Robert Lavoy Finicum, COX, SANTILLI, and other known and unknown individuals did conspire to impede by force, intimidation, or threat, officers of the United States from discharging their duties in the Malheur National Wildlife Refuge in Harney County, Oregon, in violation of Title 18, United States Code, Section 372.

7. This affidavit is based on an investigation by the FBI into the activities of A. BUNDY, RITZHEIMER, O'SHAUGHNESSY, PAYNE, R. BUNDY, CAVALIER, Finicum, COX, SANTILLI, and others in connection with an armed occupation of the Malheur National Wildlife Refuge (MNWR), a unit of the National Wildlife Refuge System managed by the United States Fish and Wildlife Service (USFWS). The MNWR is federal property.

#### **Hammond Sentencing**

8. On June 6, 2012, Dwight and Steven Hammond were convicted of two counts of arson by a jury in the District of Oregon. They were originally sentenced on October 30, 2012. Dwight Hammond was sentenced to serve three months in prison, and Steven Hammond was sentenced to serve twelve months. On February 7, 2014, the Ninth Circuit Court of Appeals



overturned the District Court's sentence. The United States Supreme Court denied a petition for writ of certiorari on March 23, 2015. On October 7, 2015, Dwight and Steven Hammond were resentenced to serve a mandatory, five-year term of imprisonment. On January 4, 2016, the Hammonds reported to a Federal Correctional Institute in California to serve the remainder of their sentences. Prior to surrendering to serve their sentences, the Hammonds, through their attorney, continued to distance themselves from A. BUNDY and his group.

9. On January 4, 2016, A. BUNDY addressed the media and stated that he named his group of protesters the "Citizens for Constitutional Freedom" (CCF), and they were acting in support of the Hammonds. A. BUNDY told a national morning news show that members of CCF were armed because "We are serious about being here. We're serious about defending our rights, and we are serious about getting some things straightened out." When asked on the show if he anticipated it would lead to violence, A. BUNDY responded, "Only if the government wants to take it there."

10. In a video posted on an Internet website titled "Citizens for Constitutional Freedom News Conference" posted on January 4, 2016, A. BUNDY said their purpose is to restore and defend the Constitution, and they have spent two months petitioning the state and county representatives to stand for the Hammonds against the so-called "unconstitutional actions." Bundy said, "We feel that we have exhausted all prudent measures and have been ignored. And it has been left to us to decide whether we allow these things to go on or whether we make a stand." In the video, Finicum makes a statement about the purported oppression against ranchers, specifically the Hammonds.

11. On January 4, 2016, Harney County Sheriff Dave Ward held a press conference and informed the armed occupiers of the MNWR that the Hammonds had peacefully surrendered

themselves to complete their federal sentences and informed the armed occupiers that "it was time to leave."

**Armed Occupier Activity in Harney County, Oregon**

12. On October 5, 2015, A. BUNDY and PAYNE visited Harney County Sheriff Dave Ward in Harney County. During the visit, A. BUNDY and PAYNE told Ward that he needed to protect the Hammonds from going back to prison. PAYNE and A. BUNDY informed Ward that if the Hammonds spent one more day in jail there would be "extreme civil unrest." On November 12, 2015, A. BUNDY publicly posted a letter from the Bundy family to Harney County Sheriff Dave Ward. The letter was posted online at <http://bundryranch.blogspot.com> and was still publicly viewable as of January 26, 2016. In summary, the Bundy family claims that federal employees are abusing their positions within the federal government to punish the Hammond family. Several additional blog posts, made on November 12 and later, further state that it is the Bundy family position that the Hammond family has been illegally arrested.

13. A Facebook Community page titled "Harney County Liberty News" includes eight videos on the page. I personally viewed the Facebook page on January 7, 2016, and all videos appear to be narrated by the same individual, who identifies himself on several of the videos. In one of the videos, posted on December 12, 2015, and titled "Time for some camping" the individual is pictured standing outside with the road sign "Hammond Ranch Rd" clearly visible in the background. The individual talks about winter camping and camping in the area. In a video posted on December 13, 2015, and titled "Through the wind and snow yesterday I neglected to post this lovely cattle drive," the individual identifies himself as being present in Harney County and later states he is doing some "tactical camping." In an untitled video posted December 15, 2015, he discusses a community meeting in Harney County and shows a flyer for

the meeting indicating that it will include a “presentation on Committee of Safety by Ryan Payne.”

14. On December 18, 2015, a citizen (hereafter Citizen) of Harney County was shopping at the Safeway grocery store in Burns, Oregon. Citizen was wearing a BLM shirt. Citizen was confronted by two men, one whom she identified as RITZHEIMER. Citizen reported to law enforcement that she heard yelling, and when she turned around, the second individual shouted “you’re BLM, you’re BLM” at her. That person further stated to Citizen that they know what car she drives and would follow her home. He also stated he was going to burn Citizen’s house down. RITZHEIMER and the second individual left the area in a black pick-up truck with black canopy and no visible license plate. Since the incident, Citizen has observed a similar vehicle outside her residence. Citizen was unable to identify the driver of the vehicle when she later saw it. The following week, a second vehicle, described as a white truck with a pink license plate and a big rebel flag sticker on the back window, aggressively tailgated Citizen, flashing lights and driving erratically. Citizen believed the second incident was related to the first. Citizen also saw the black pick-up truck outside of her place of employment early in the morning hours of Christmas Day.

15. On December 26, 2015, a video posted to an Internet website channel indicated the video is a “call out” to all “patriots” to meet at the Safeway parking lot in Burns, Oregon, on January 2, 2016, for the protest. One of the individuals states they are in Burns, Oregon, and are there to support the Hammonds. A screenshot from the video, attached below, shows O’SHAUGHNESSY on the far left and RITZHEIMER on the far right. In the video each individual identifies himself by name. Their identities have also been independently confirmed through motor vehicle records.





16. On December 31, 2015, a video posted to an Internet website showed RITZHEIMER in a car saying “we the people need to take a stand,” “we need real men and women here to take a stand” and that he has “had to do a lot of soul searching” and he is “one hundred percent willing to lay down my life, to fight against tyranny in this country.”

**January 2016 – Takeover of Malheur National Wildlife Refuge**

17. According to open source reporting that I have reviewed and conversations I have had with other law enforcement officers, on January 2, 2016, several hundred unidentified individuals participated in a protest in Burns, Oregon, related to the resentencing of Steven and Dwight Hammond. Following the protest, A. BUNDY, RITZHEIMER, O'SHAUGHNESSY, PAYNE, R. BUNDY, CAVALIER, and Finicum, among others, entered the MNWR, blocked the entrance to the Refuge, and began their armed occupation of several buildings within the MNWR. The MNWR and all buildings located thereon are federal property and facilities. The armed occupation of the MNWR has been continuous and ongoing since January 2, 2016. The



MNWR is located in Harney County, District of Oregon. A news article posted on an Internet website on January 3, 2016, at 7:19 a.m. and updated January 4, 2016, at 12:53 p.m. included a photo with the caption "The militiamen have blocked the entrance to the headquarters of the Malheur National Wildlife Refuge with vehicles" and is shown below. This photograph has been verified by a Federal Wildlife Officer with the U.S. Fish and Wildlife Service and confirmed to depict the entrance to the MNWR. The Federal Wildlife Officer identified the vehicle as an MNWR vehicle blocking the main road.



18. According to a senior official with the U.S. Fish and Wildlife Service, Pacific Region, the MNWR is adjacent to the Steens Mountain Wilderness, with the Wild and Scenic Donner and Blitzen River flowing into it at its southern boundary. The MNWR consists of more than 187,700 acres of prime habitat, including 120,000 acres of wetlands that provide a crucial stop for waterfowl along the Pacific Flyway. Particularly important to colonial waterbirds, sandhill cranes, and redband trout, the Refuge also encompasses upland and riparian habitats vital to many migrating birds and wildlife. The MNWR hosts over 320 bird species and 58

mammal species. The MNWR supports over 20 percent of the Oregon population of breeding greater sandhill cranes. Refuge property includes more than 200 miles of water delivery ditches, 7 major irrigation dams, 450 miles of fence, and 200 miles of roads.

19. Refuge property also contains 13 historic buildings. Many were built by the Civilian Conservation Corps in the 1930s and early 1940s. The headquarters features National Register of Historic Places structures and landscaping including five wood frame buildings (clad with local lava rock and roofed with terra cotta tile) that function as offices, workshops, natural resource labs, and visitor facilities. A historic lookout tower, mature landscaping, and modern shop, garage, and wetland management infrastructure are also part of the historical headquarters ensemble. In 2014, there were 23,967 visitors to the MNWR including birders, hunters and outdoor recreationists. The winter hunting season closed at the end of December; currently, there are no open hunting seasons on the Refuge.

20. The MNWR is staffed by employees of the United States Fish and Wildlife Service. As a result of the armed occupation of the MNWR by the known conspirators and others, which began on or about January 2, 2016, and continuing to the present, employees of the USFWS who work at the MNWR have been prevented from reporting to work because of threats of violence posed by the defendants and others occupying the property. Sixteen (16) federal employees work at the MNWR, including one federal law enforcement officer and a volunteer coordinator who lived on the Refuge and works in the visitor center.

21. According to a senior official with the U.S. Fish and Wildlife Service, Pacific Region, following the unauthorized, armed occupation of the MNWR, the staff has been unable to conduct any official operations, including but not limited to business elements, critical management requirements, law enforcement operations, visitor services, and essential

maintenance activities. As a result, the MNWR is being **degraded and damaged** by the inability of the staff to conduct required conservation management operations which are essential to the MNWR. The staff is entrusted with the management of the MNWR through the Fish and Wildlife Service Mission, the Refuge System Mission, and the governing comprehensive conservation planning document which includes the applicable authorities of the Refuge Administration Act, the Refuge Improvement Act, as well as supporting acts. In addition, active contracts, cooperative agreements, and other partnership arrangements requiring work on the part of contractors or collaborative partners are not able to occur as a result of the armed occupation. Any and all legal arrangements that exist with contractors and other business collaborators are being hindered resulting in loss of time, funding, and critical management elements.

22. USFWS management believes that as long as this unauthorized, armed occupation persists, it is unsafe for employees to be in the area.

23. According to a Special Agent with the Bureau of Land Management (BLM), on January 2, 2016, the BLM learned, by watching a live online video stream, that numerous individuals to include A. BUNDY and PAYNE left the rally that was in support of the Hammonds in Burns, Oregon, and travelled to the MNWR to take it over. BLM was notified later that day by a Harney County Sheriff's Officer that a source informed him that the group controlled the MNWR and had explosives, night vision goggles, and weapons and that if they didn't get the fight they wanted out there they would bring the fight to town.

24. Due to the presence of armed individuals occupying the Refuge and also learning that some of their associates were still in the Burns area, the BLM made the decision to close the Burns District Office, located at 28910 Highway 20 West, Hines, Oregon, 97738. The office is



currently closed and has been since January 4, 2016. This BLM action was taken out of concern for the safety of the approximate 80 employees who work there.

### **Social Media Posts, and News Reports**

25. Since the armed occupation of the MNWR, the occupiers have continually posted to various social media accounts and conducted interviews with news media, within and outside of the MNWR buildings, as further described below.

#### **A. BUNDY**

26. On January 3, 2016, a video posted on an Internet website by “The Conspiracy Scope” showed A. BUNDY and two others at the MNWR. The location of this video at the MNWR was confirmed by a Federal Wildlife Officer of the U.S. Fish and Wildlife Service. The Federal Wildlife Officer confirmed the individuals are at the main entrance to the MNWR. One individual is in the background holding a rifle. A. BUNDY states that we have “taken over the Malheur National Wildlife Refuge” and that the MNWR will become a “base place for patriots from all over the country to come and be housed.” A. BUNDY continues by saying that “we’re planning on staying here for several years.” A. BUNDY also says in the same video, “We are calling people to come out here and stand” and “We need you to bring your arms and we need you to come to the Malheur National Wildlife Refuge.” One individual is also in the video saying that he agrees with A. BUNDY and that they need people to “bring your arms.” Two screen shots were taken from the video. The screen shot on the left shows two individuals (one with a rifle), and the screen shot on the right shows an unknown individual armed with a rifle, standing with A. BUNDY, shown below:

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27. On January 4, 2015, A. BUNDY gave a news conference at the MNWR. A photo on a news website shows CAVALIER (second from left), A. BUNDY (third from left), and others leaving the news conference together, below. According to a Federal Wildlife Officer with the U.S. Fish and Wildlife Service who has viewed this photo, the group appears to be walking down the hill from the main entrance to the MNWR and toward the main headquarter building.





**RITZHEIMER**

28. RITZHEIMER appeared in a video titled "Militants take to social media to recruit supports," posted on January 4, 2016, to an Internet website and stated, "We are in my truck parked outside the Refuge," "We need you to get here and stand with us," "whether you are armed or unarmed," and "Please get up here to help us." Another person also appeared in the video stating, "We need your help guys." RITZHEIMER also posted a video where he stated, "I've had to do a lot of soul searching up here, and I am with good people who also have had to do a lot of soul searching, some who've done this soul searching for years, and I am one hundred percent willing to lay my life down, to fight against tyranny in this country." A photo posted on an Internet news website shows RITZHEIMER adjusting a sign outside the MNWR on January 5, 2016, shown below. A Federal Wildlife Officer with the U.S. Fish and Wildlife Service has confirmed the location of the signs on the MNWR close to the main entrance.





29. On January 5, 2016, in a video taken by SANTILLI and posted to YouTube, RITZHEIMER states “last word we got is they’re headed out here” in reference to the armed occupiers who believed they were going to be raided by the federal government. RITZHEIMER further states, “We got word that they’re coming out here, uh so we are trying to plan and maintain a defensive posture” and “Right now underneath that tarp right there—Lavoy Finicum is sitting underneath that tarp, and he is not going to let them come through. We’re maintaining a defensive posture back here.” In the still shot below, RITZHEIMER is carrying what appears to be, based on my training, experience and knowledge of firearms, an AR-15-style rifle with sling.



#### O'SHAUGHNESSY

30. A video entitled “#aslongasittakes” was live-streamed starting January 5, 2016, continuing into January 6, 2016, and posted on YouTube to the “Pete Santilli Show.” The video is filmed at or just outside the MNWR. The location of the video outside the MNWR was confirmed by a Federal Wildlife Officer. In the video, O'SHAUGHNESSY was interviewed by SANTILLI and states, “We have people here that are standing up for the constitution,” “We need

every patriot in this country to come out here and and support the message,” “You guys need to be out here to show your support you need to stop the bickering,” and “If you want to lock arms in front of this reserve and make sure that these federal agents and this corrupt government doesn’t come through those gates, you can do that. Or if you want to go on in and do what you gotta do then go on and do that, everybody has a place in this and everybody need to be here.” O’SHAUGHNESSY further states in the interview, “I’m right now in the process of trying to set up a constitutional security protection force to make sure that these federal agents and these law enforcement don’t just come in here like cowboys, that’s we have to prevent that um.”

### PAYNE

31. PAYNE arrived to Harney County in November 2015. In one public source email dated November 20, 2015, posted by a user using email address [rypaynel@xxx.com](mailto:rypaynel@xxx.com) with the user name “Ryan Payne,” PAYNE was encouraging others to support him in planning a response to Harney County, and wrote:

The opportunity to defend the Hammonds is not the first, nor will it be the last. But the display of tyranny in this particular case is so appalling, the people being directly subjected to it so undeserving, and the oppressive weight so heavily and completely applied; upon not only the Hammonds, but their entire community; that to decide to allow it to persist should trouble the soul such that death might be a welcome relief.

We must be wise, and great discernment must guide our decisions, particularly when we ask that others be willing to shed their blood alongside us. We must choose our engagements with great care and consideration for the lives of all involved, on all sides. The situation calling out to us now is such that to not heed it’s [sic] cries will be a betrayal of the very foundation and principles we have built our convictions on, and reduce them to empty claims.

32. On November 22, 2015, a second email was posted by the same user as above stating: “I have made my decision. I spoke with those that I began this endeavor with, well before OMD came to be, and we agreed that the people must be given an example, and that this

is what we sought to provide. Perhaps the example I provide is such to educate them, whether as a leader, or as to what they should not do. Only God can determine such things.”

33. On January 5, 2016, PAYNE was contacted by Burns Police Department at a McDonalds in Harney County, Oregon. PAYNE was with a second individual at the time of contact and both individuals were armed. An officer’s body camera captured the event and a still image from the contact is shown, below. PAYNE is the individual on the left, with a visible holster on his hip.



34. The photo below depicts PAYNE at the MNWR. A staff member of the U.S. Fish and Wildlife Service who works at the MNWR, has confirmed the photo depicts the interior of the RV park common room, a building located inside the MNWR. PAYNE has been positively  
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identified by law enforcement through motor vehicle records and open source information, including Internet sharing websites.



35. On January 4, 2016, a national news organization posted a video online of A. BUNDY delivering a press conference. A screenshot from that video appears below. The screenshot depicts, from left to right, CAVALIER, A. BUNDY, PAYNE, and other known and unknown individuals. This photograph has been verified by a Federal Wildlife Officer with the U.S. Fish and Wildlife Service to depict the MNWR's headquarter tower in the background.

Given the proximity of the tower to the individuals, the individuals are likely standing close to the Refuge entrance sign on the entrance road.



### **R. BUNDY**

36. On January 6, 2016, R. BUNDY was photographed by a national news reporter inside an MNWR building with A. BUNDY. The location of the photograph inside a U.S. Fish and Wildlife biologist's office in a federal building on the MNWR was confirmed by a Federal Wildlife Officer of the U.S. Fish and Wildlife Service. This photograph was posted to a national Internet news website. The photo clearly shows R. BUNDY carrying a rifle while A. BUNDY is on the phone, as shown below:

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**CAVALIER**

37. CAVALIER, who uses the handle "Booda Bear," posted a video to an Internet website channel on September 9, 2015, in which he stated, "I am Cliven and Carol's and the family's personal body guard."<sup>1</sup> As recently as January 4, 2016, he can be seen standing next to and escorting A. BUNDY during press conferences, as seen in the below screen shot (CAVALIER is the individual on the left). According to a Federal Wildlife Officer with the U.S. Fish and Wildlife Service, the photo depicts A. BUNDY at the main entrance and the trees in the background surround the main headquarter building. Sometime after January 4 and before January 11, 2016, CAVALIER left the MNWR. CAVALIER was arrested on January 11, 2016, by the Buckeye Police Department in Arizona. He had outstanding warrants from Prescott and Prescott Valley, in Arizona. CAVALIER was in possession of a firearm at the time of his arrest. After his arrest, he was released and returned to Harney County.

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<sup>1</sup> Cliven and Carol Bundy are the parents of A. BUNDY and R. BUNDY.





### Finicum

38. In a local news report dated January 5, 2016, located online, Finicum spoke to reporters at the MNWR. Finicum was interviewed on video outside the Refuge wrapped in a tarp and blanket. He stated, "There are things more important than your life and freedom is one of them. I'm prepared to defend freedom." Finicum was reported as holding a rifle and backpack and was staying at the entrance to the Refuge overnight. A. BUNDY, identified as a group leader, said the group would take a defensive position as they were anticipating a possible raid. In a later video posted on January 6, 2016, the speaker states, "There was intel that the uh, um, camp was going to be raided." He then shows the heavy equipment which was placed to barricade the road and stop the "feds." He then states the equipment was brought up for them to "defend themselves." A photo accompanying the local news article and captioned "Activists

have used heavy equipment to block to the road to the Malheur wildlife refuge buildings” is shown below. A Federal Wildlife Officer with the U.S. Fish and Wildlife Service identified the equipment in the photograph as an MNWR loader and grader blocking the main entrance.



39. A photo shown below from a local news station posted online on January 6, 2016, shows Finicum carrying a rifle at the MNWR. The location of Finicum at the main entrance of the MNWR was confirmed by a Federal Wildlife Officer of the U.S. Fish and Wildlife Service.





**COX**

40. On January 4, 2016, a video was posted to an Internet website titled "Citizens for Constitutional Freedom News Conference Oregon 1-4-16(1)." In the video, A. BUNDY introduces COX who identifies herself and spells her name. COX speaks as a representative of the "Citizens for Constitutional Freedom" and other participating groups, including Bundy Family and Supporters, Liberty for All, Oregon Bearded Bastards, Pacific Patriot Network, and Liberty Watch Washington. A screenshot from the video is shown below:



41. On January 6, 2016, COX was photographed with A. BUNDY inside a building at the MNWR. The photo was posted online to a national news website with the caption "Ammon Bundy (L), and supporter Shawna Cox work in an office at the Malheur National Wildlife Refuge." A Federal Wildlife Officer with the U.S. Fish and Wildlife Service confirmed the photo depicts the inside a U.S. Fish and Wildlife biologist's office in a federal building on the MNWR.





### **SANTILLI**

42. Law enforcement became aware SANTILLI has been in Harney County, Oregon, since January 2, 2016, but the exact date of his arrival in the area is unknown. SANTILLI operates a channel on YouTube called "Pete Santilli Show." Details of the channel indicate it is categorized as entertainment under a standard license for YouTube. SANTILLI has posted video to the channel concerning the Hammond family and has been calling for people to come to Oregon since at least December 27, 2015. SANTILLI often streams live video from his YouTube channel. All video referred to in this affidavit has been preserved by law enforcement agents. In the referenced videos, SANTILLI often wears a vest which says "PRESS" with his name below it. SANTILLI has identified himself as a member of the Oath Keepers and wears insignia which indicates his affiliation with the III% group, detailed below. According to open source information, the Oath Keepers and III%ers have been identified as organizations associated with the anti-government patriot movement.

43. On December 27, 2015, a video was posted on SANTILLI's YouTube channel "Pete Santilli Show" titled "Operation Hammond Ranch – Patriot ALL-CALL Deployment to

Oregon.” In the video, SANTILLI mentions known armed occupiers RITZHEIMER and O’SHAUGHNESSY and states they have “put out an all call for all patriots to respond. It was a call to action, all patriots to respond no later than January 2 to Oregon.” SANTILLI also states:

There’s going to be a lot of updates coming, ok. Ah, a lot of stuff that’s going to be happening out there, I can’t go into the exact details, because a, I don’t have all the details. I ah, I, let’s call it, um, I’m not a, I need to be on a need to know basis. I’m going to be, as a member of the media, ah, exercising my First Amendment rights to cover this stuff for the American public cause the main stream media is not going to be bringing you what we are going to be bring to, bringing you as to what’s happening, ah, at Hammond Ranch. So, ah, we are calling it initially here Operation Hammond Ranch. That may change, ah, but we want to bring awareness to Hammond Ranch.

SANTILLI continued in the video by stating:

What it’s about, it’s in Oregon, ah, and we need you to get out there, ah, this is an all call, ah, it’s been green lighted, for all patriots to respond to Oregon on or before January 2, ah there’s going to be a patriot convoy on January 2. You’ll be getting those exact details. So I’m Pete Santilli. Be sure to like, comment, subscribe, and share the heck outta this thing. Get the word out, ah, to all patriots that can get out there, especially in the Pacific Northwest. Ah, you must get out there, ah what is happening here . . . .

SANTILLI continues:

Ok, ah, we got the Federal government running around as if they’re trying to protect us from terrorism. No, they’re trying to shut down patriots like me, Schuyler Barbeau, throw them in jail, throw the Hammonds in jail, call them terrorists, and, ah, let all the Syrian refugees come in. We’re not going to let it happen. We’re going to take a stand . . . . Ok, I’m sure they had original intentions to be extremely peaceful. Ah, of course, ah, we, ah, we must get the Federal government to comply with our peaceful demands, ah, otherwise we have to explore all opportunities that we have made available to us through our founding fathers. So, ah, um, be prepared, be alert, um, and definitely respond to this call of action, call to action folks, all call, all patriots get out there. Thank you. Alright, here we are.

44. On January 2, 2016, a video was posted on YouTube channel “Pete Santilli Show” titled “[Live feed 2] Operation Hammond Ranch.” The video appeared to be filmed in the parking lot of the Safeway grocery store in Burns, Oregon, prior to a scheduled protest at

noon ~~the~~ same day. In the video, SANTILLI states, “Hey ladies and gentlemen, I just want you guys to know, I want it stated for the record here on the Pete Santilli Show.” SANTILLI then turns and faces the camera directly and states: “Hey Stewart Rhodes, I tore up my membership card. I’m still an Oath Keeper, homey, huh, how does that work? I don’t need your card. I don’t need to pay your membership dues.” SANTILLI then turns away from camera and addresses others and says: “I tore up my card. I tore up my card. I tore up my card. I’m still an Oath Keeper. See how that works?” SANTILLI then turns back to camera and says: “You know what, sue me. I got nothing. I got a freaking, I got an ash tray and a freaking pocket a hole. That’s it. Sue me. Sue me. I’m an Oath Keeper. Can you imagine that? I tore up my card. I didn’t blow up. It’s amazing.”

45. On January 2, 2016, a video was posted to YouTube channel “Pete Santilli Show” titled “Live feed Hammond ranch.” The following conversation was heard on video but took place off-camera:

Ammon BUNDY: Hey we’re continuing the stand. We’re continuing the stand [at/out] ~~the~~ MNWR.

SANTILLI: Ok.

Ammon BUNDY: Let everybody know that.

SANTILLI: Ok.

Ammon BUNDY: They’re to go to the MNWR . . . [inaudible] . . . after the rally . . . MNWR right after.

SANTILLI: [Coming back on **microphone**]: Ok, here we go . . . [Returns to protest].

Also captured in the same video, an unidentified male greets A. BUNDY, and states he was with A. BUNDY in Nevada. The following conversation was then captured on video:

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Ammon BUNDY: We're continue the stand . . . [becomes inaudible as SANTILLI's cameraman moves away, and bumps into someone].

Cameraman: I was trying to get away from that conversation.

Below is a still frame shot from the above conversation as A. BUNDY speaks to the unidentified man.



46. Later, on the same video, the camera pans back as A. BUNDY leans in to SANTILLI and says, "Malheur, Malheur." The below still shot captures the moment A. BUNDY is talking to SANTILLI (SANTILLI is facing away from camera with mesh vest and black baseball cap). SANTILLI appears to acknowledge A. BUNDY and then pulls A. BUNDY in for a public speech on SANTILLI's live stream.



47. On January 5, 2016, a video was posted on YouTube channel “Pete Santilli Show” titled “Live update Burns Oregon #aslongasittakes.” In the video, SANTILLI states: “We want a constitutional sheriff, constitutional peace officers, but here is what we need, most **importantly**, ok, this is what we need, now I’m gonna say this and I am going to be talking about it throughout the day: one hundred thousand, unarmed, men and women, to stand together. It is the most powerful weapon in our arsenal, those guns that we were talking about, those that were carrying guns . . . .” SANTILLI then talks to a gas station attendant and repeats the same call for one hundred thousand people.

48. Also on January 5, 2016, a video entitled “#aslongasittakes” was live-streamed for several hours. The video started on January 5, 2016, continued into January 6, 2016, and was posted on YouTube channel “Pete Santilli Show.” The video is **filmed** at or just outside the MNWR. The location of the video outside the MNWR was confirmed by a Federal Wildlife Officer of the U.S. Fish and Wildlife Service. During the video, SANTILLI stated, “We’re not fucking going nowhere.” SANTILLI later stated, “Here is what we need. I’m gonna tell you something right now. Captain Joe, myself, I’m not armed. I am armed with my mouth. I’m armed with my live stream. I’m armed with a coalition of like-minded individuals who sit at home and on YouTube and watch this.”

49. On January 6, 2016, a video was posted on YouTube channel “Pete Santilli Show” titled “press conference.” In the video, SANTILLI states, “We need to join together, one hundred thousand, **unarmed** men and women, **one** hundred thousand of **them**, whether they be **from the** outside, or they **be from** here in this local county.”

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50. On January 7, 2016, a video was posted on YouTube channel "Pete Santilli Show" titled "Live From Burns, Oregon - #aslongasittakesoregon." In the video, SANTILLI states:

I want one hundred thousand people out here, shoulder to shoulder, uh, unarmed. That's what I am calling for. Out here, between, and and to learn, ok, and to also protect the good souls that are inside, uh, if the Sheriff's department is telling you not to come out here, ok, uh, that means that they are trying to keep you away from the truth. . . . Ok, this learning experience that is going to take place here in the coming days, you guys are going to be blown away as this thing starts to unravel, uh, but you need to come out here, ok, you need to come out and not cower in fear . . . .

51. On January 11, 2016, a video was posted on YouTube channel "Pete Santilli Show" titled "Burns, Oregon – Community Meeting @ Burns High School." In the video, SANTILLI can be seen wearing III% on the sleeve of his shirt, shown below.



52. On January 12, 2016, a video was posted to YouTube channel "Pete Santilli Show" titled "1/12/16 Day 11 – Update [1] from Malheur Wildlife Refuge in Burns, Oregon - #OregonFront." In the video, SANTILLI states:

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I give you my word from this point forward, I will be lawful, I will be constitutional, ok, but I want to stand with you shoulder to shoulder, in opposition to what is happening here in Burns, and I want to crush communism here in Burns, and I want to crush socialism here in Burns, and I want to call upon everyone, if we can get one hundred thousand people standing shoulder to shoulder with me with flowers and determination, to take a stand against what's happening here in Burns. I want you to join me at this meeting. Please join me at this next meeting. Please. I'm going to go . . . .

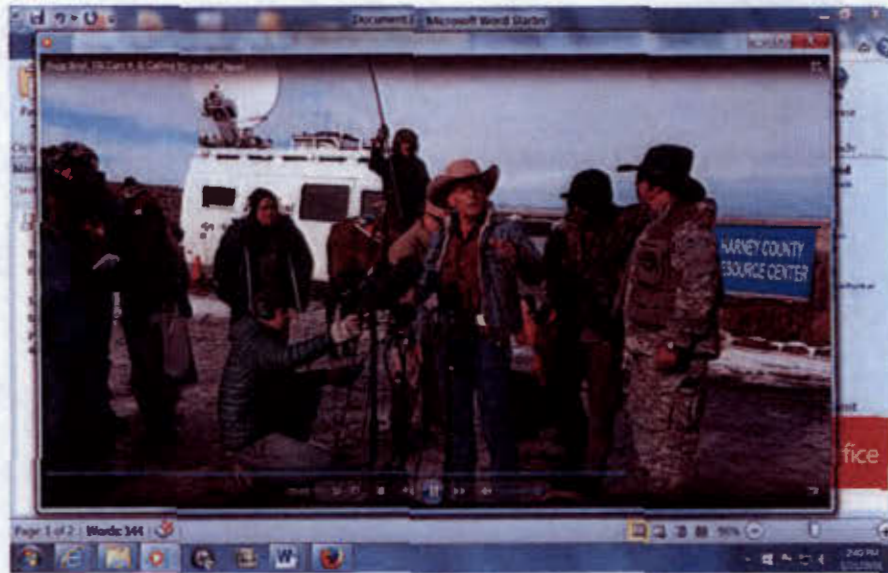
53. On January 17, 2016, a video was posted to an Internet video sharing website by user "Veritas 13 Fox" titled "Press Brief, FBI Cam#, & Calling BS on ABC News." In the video SANTILLI can be seen standing behind Finicum, with RITZHEIMER and another occupier, at the main entrance to the MNWR. The vest SANTILLI is wearing has a clearly visible Oath Keeper patch on front. The vest also reads "PRESS" on the back. The video depicts that just prior to the press conference, SANTILLI whispered something in Finicum's ear and patted him on the back. After Finicum stated that the property does not go back to the BLM and then stated, "It does not return to the federal government," SANTILLI put his arm around the individual standing next to him. After Finicum spoke, SANTILLI addressed the media and said:

LaVoy's ah, offered me the opportunity to come up and speak to the members of the press. Uh, my name is Pete Santilli, uh for those of you that don't know me, uh I've accumulated approximately fifteen million uh minutes of viewing time, on the stream total combined uh worldwide, and I want to uh let the main stream media know uh that those that are not watching the stream or haven't been tuned in to my show, shame on each and every one of you. For those people that have been following the main stream media . . . [inaudible] . . . still asking the question. After twelve, thirteen days of being out here people are still wondering what the core issues are here, on this land. Shame on each and every one of you, millions of dollars being spent, you have an obligation to communicate to the public, and unfortunately your filtering [inaudible] . . . the public is not well informed.

A screen shot of the video is shown below:

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54. On January 21, 2016, a video was posted to YouTube channel "Pete Santilli Show" titled "BREAKING: Ammon Bundy Meets & Negotiates With FBI [EXCLUSIVE]." In the video, A. BUNDY can be seen and heard speaking with FBI personnel over a speaker on a cell phone. CAVALIER is standing beside A. BUNDY. SANTILLI introduced himself to several people as he filmed what was going on. Approximately thirteen minutes after leaving the meeting and while driving away, SANTILLI had the following conversation with a second person in his vehicle, who is off-screen, operating the video camera:

Camera person: They're amping up their uh little camp there. You know they are building, they have built a uh very large triage in the hospital. We have, we've confirmed that, we have, and we've also noticed in the last week that they're starting to uh get closer and closer to the refuge.

SANTILLI: Can I say something? Can I add something?

Camera person: Well of course.

SANTILLI: This is what I wanna tell, and good patriots will do good things, that's what I'm calling for. All you good patriots out there, it's time to staff up. Ok.

Camera person: Staff up? Yes.




SANTILLI: I'm gonna say this right now, loud and clear, and I want to put it out to every one of you patriots out there right now. This is to provoke constitutionality, ok, only! That's it. So don't say 'oh my goodness lo lo lo, shut your cake hole!' If you're a patriot, ok, and and you believe in what we're doing here as to ah protecting our god given rights, ok, you need to get in your car and come out here ok. Good patriots will do good things. Now's the time, time to staff up, ok. Time to staff up. I, I saw a compound that is so [video skips] . . . alright, that's what I'm calling for, that's what I'm provoking here, alright! Uh, we have a Second Amendment right uh to do that, to keep and bear arms. So those patriots that do keep and bear arms lawfully and constitutionally, it's time to staff up now! Right now.

55. In addition to social media posts made by individuals noted above, multiple news reports, interviews, and videos have reported or shown the occupiers of the MNWR to be armed with pistols and long guns.

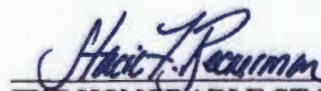
56. On January 26, 2016, A. BUNDY, O'SHAUGHNESSY, PAYNE, R. BUNDY, CAVALIER, COX, and SANTILLI were taken into custody.

#### Conclusion

57. This affidavit and the requested arrest warrants were all reviewed by two Assistant United States Attorneys (AUSAs) prior to being submitted to the Court. The AUSAs informed me that in their opinion, the affidavit is legally and factually sufficient to establish probable cause to support the issuance of the requested warrants. I respectfully request the Court to authorize the proposed arrest warrants based on this complaint.

  
KATHERINE ARMSTRONG  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 26th day of January 2016.

  
THE HONORABLE STACIE F. BECKERMAN  
U.S. Magistrate Judge, District of Oregon