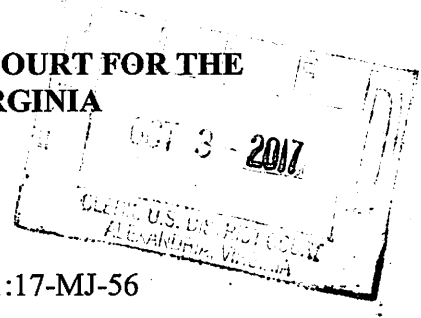


**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division



UNITED STATES OF AMERICA

v.

JOHN EDGAR RUST

Defendant.

)
) Case No. 1:17-MJ-56
)
)
)
)
)

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

I, Keith Palli, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been a Special Agent with the Federal Bureau of Investigation (“FBI”) for approximately thirteen years. I am currently assigned to the Washington Field Office where I am assigned to investigate, among other matters, civil rights violations of the laws of the United States. My training and experience have provided me with an understanding of the civil rights laws of the United States. I have conducted and participated in various investigations involving a variety of criminal violations.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant charging JOHN EDGAR RUST (“RUST”), with the transmission in interstate commerce of communications containing threats to injure the person of another, in violation of Title 18, United States Code, Section 875(c).

3. This affidavit is based upon my personal knowledge, my review of evidence in this case, my conversations with other Special Agents and law enforcement investigators who have participated in the investigation, and my review of their reports. This affidavit does not

include each and every fact known to the government, but only those facts necessary to support a finding of probable cause.

PROBABLE CAUSE

I. The Threat & Identification of RUST

4. On or about November 11, 2015, at approximately 7:48 p.m. Eastern Standard Time (“EST”), the FBI received a tip from a Washington, D.C. resident regarding a threat to Howard University that was anonymously posted on the Internet forum 4chan (4chan.org), and then a hyperlink to the post was posted by username “watchouthoward” on Reddit (reddit.com). Howard University is a historically black university in Washington, D.C. According to its website, 4chan is an image-based bulletin board that allows users to post comments and share images anonymously. According to its website, Reddit is an online community where users provide all of the content.

5. The 4chan threat was posted, on November 11, 2015, at approximately 7:28 p.m. EST. The URL of the post was <http://boards.4chan.org/b/thread/651377206>. The threatening post included a photograph of former University of Missouri president Timothy Wolfe, who had resigned two days earlier following a string of racially charged incidents on the University of Missouri campus. The text of the 4chan post, appearing next to the Wolfe photograph, stated in full (emphasis added):

Seriously America why are we still putting up with this shit? I mean we might as well just bend over and let the niggers fuck us right in the ass.

And meanwhile they go around whining and complaining about everything as if there's something that's wrong in the world to fix. They're unhappy no matter what. Whining is addicting to them. Good people like this guy have to suffer for it. And now the niggers at other colleges have to do the same thing? And the white

people think it's a wonderful thing? Fuck that. What do they have to do, join ISIS before people get it?

I left MU yesterday because I couldn't put up with it anymore. I go home to MD and what do I see? The same old shit. Turn on the news and it's always the niggers causing trouble everywhere.

So I've decided. Any niggers left at Howard University after 10 tomorrow will be the first to go. And any of those cheapskate niggers who try to get out using the metro will regret that choice real fast. Sure, the po po will take me down, but I'll go out a hero knowing I made the world better. I just hope at least someone else can see it too and continue the fight.

They were too stupid to know what to do when they got freed. They're too stupid to know what to do now they got rights. **Sometimes the best thing to do is to put stupid out of its misery.**

After all, it's not murder if they're black.

6. Records received from 4chan, on or about November 11, 2015, indicated that the Internet Protocol ("IP") address associated with the threatening 4chan post was 98.172.16.231 ("SUBJECT IP ADDRESS").

7. A public search of Reddit by the FBI, on November 11, 2015, revealed that someone posting under the user name "watchouthoward" posted the following message shortly after the 4chan threat, on November 11, 2015: "Hey Reddit, my roommate just posted this on 4chan. Just consider yourselves warned." This post included a hyperlink to the 4chan threat set forth above. The URL of the Reddit post was https://www.reddit.com/r/washingtondc/comments/3sh618/hey_reddit_my_roommate_just_posted_this_on_4chan/.

8. Records received from Reddit identified the IP address used to create the "watchouthoward" username as the SUBJECT IP ADDRESS. These records further showed that the username "watchouthoward" was created on November 11, 2015, at 7:33 p.m. EST.

9. On November 11, 2015, the FBI confirmed that the SUBJECT IP ADDRESS resolved to the Alexandria/Springfield area in northern Virginia and belonged to Internet service provider Cox Communications. On the same date, Cox Communications' records revealed that the SUBJECT IP ADDRESS was assigned to a Panera Bread franchise located at 6670 Richmond Highway, Alexandria, VA 22306, in the Eastern District of Virginia.

10. Subsequently, Panera Bread confirmed that its Richmond Highway location offered in-store wireless Internet connection to its customers. Panera Bread further provided the FBI with user information associated with the use of the SUBJECT IP ADDRESS, on or about November 11, 2015, at the Richmond Highway location.

11. Based on Panera Bread's records, the FBI identified seven devices that were actively connected to the SUBJECT IP ADDRESS around the time of the 4chan threat and Reddit post. The names of two of those devices were captured in Panera Bread's router logs as "John's-MacBook-Air" and "Windows-Phone."

12. Panera Bread's records identified "John's-MacBook-Air" as a device that connected to the SUBJECT IP ADDRESS at approximately 7:10 p.m. EST and disconnected at approximately 7:39 p.m. EST. Panera Bread's records identified the "Windows-Phone" as a Nokia Windows 8 cellular phone that connected to the SUBJECT IP ADDRESS at approximately 7:06 p.m. EST and disconnected at approximately 7:41 p.m. EST. As described below, both of these devices are registered to RUST and were found in his possession.

13. Panera Bread's records of credit card transactions showed that, on November 11, 2015, at 7:08 p.m. EST, RUST's credit card was used to make a purchase at the Panera Bread on Richmond Highway that was assigned the SUBJECT IP ADDRESS.

II. Howard University's Response to the Threat

14. Investigation has shown that some members of the Howard University community, located in Washington D.C., reacted to the threatening 4chan post with alarm and fright. Some students chose not to attend classes following the threatening communication, and some professors chose to cancel classes. In response to the threatening communication, Howard University added additional campus police and Metro Police Department security details across campus for 48 hours, and contacted the FBI concerning the threat.

15. One Howard University student, who was a freshman living on campus at the time of the threat, Victim 1 ("V1"), posted on Twitter the evening of November 12, 2015, "[i]f you're out on the yard, I admire you and your fearlessness." The "yard" is a reference to a large central courtyard on Howard University's campus. V1 explained that the Tweet was a reference to the bravery of the students outside on campus that evening because the posted threat was a "big deal" on campus and someone was threatening to harm them. V1 took the threat seriously and V1 and V1's friends remained inside their dorm rooms that evening so as not to take the chance the 4chan poster would act on the threat.

16. Other Howard University students, their families and Washington, D.C. residents also took the threat seriously. For example, on November 12, 2015, at approximately 9:59 p.m. EST, a Howard University student Tweeted, "About to be 10 I hope everyone inside and safe." On the afternoon of November 12, 2015, one Howard University student Tweeted, "[y]ou know things just got real at your campus when your floormates [sic] give you a curphew [sic]" and another Howard University student Tweeted, "[e]ven at the universities that were made for us, we are still not safe...."

III. Interview of RUST

17. On or about November 19, 2015, the FBI obtained subscriber information for the Apple device identified as "John's-MacBook-Air." Apple's records confirmed that the device was registered to RUST at an address on Elmwood Drive in Alexandria, Virginia, within the Eastern District of Virginia, approximately 2 miles away from the Panera Bread store with the SUBJECT IP ADDRESS.

18. From law enforcement records and contacts, the FBI determined that RUST was on state court supervised probation for a prior felony offense, and that the terms of RUST's probation prohibited him from accessing the Internet.

19. On November 19, 2015, FBI agents and Virginia Department of Corrections probation officers visited RUST's residence and requested to speak with him. At that time, RUST consented to a non-custodial interview in his home.

20. During this interview, RUST admitted that he owned an Apple MacBook Air laptop computer and a Nokia Windows 8 cellphone. At that time, RUST was in possession of a recently wiped Nokia Windows 8 cellphone and a newly ordered Nokia Windows 8 cellphone.

21. RUST admitted being at the Panera Bread with the SUBJECT IP ADDRESS, on November 11, 2015, and he further stated that he went there to eat dinner that evening. RUST confirmed that this Panera Bread store offered free WIFI Internet service, and that he had his MacBook Air laptop with him that day. RUST stated that he worked on a document while he was at the Panera Bread that evening.

22. Initially, RUST denied accessing the Internet at all and stated that the terms of his probation prohibited him from accessing the Internet. RUST admitted that his MacBook Air laptop was not blocked from accessing the Internet, but claimed that he had turned off the

laptop's wireless capability so that it would not automatically connect to the Internet. After the FBI confronted RUST with evidence that RUST's phone and MacBook had accessed the Internet at the Panera Bread, on November 11, 2015, RUST continued to deny any use of the Internet. Only after RUST's probation officer requested to address the alleged Internet violation did RUST concede that he had accessed the Internet.

23. Specifically, RUST admitted that he regularly accessed the Internet using the wireless connections available at Panera Bread and Starbucks. RUST claimed that he accessed the Internet – including Reddit – once a week and had most recently accessed the Internet the weekend of November 14, 2015, and November 9, 2015. However, RUST remained adamant that he did not access the Internet on November 11, 2015.

24. RUST further admitted that he had visited 4chan but claimed that he had not been on 4chan since high school. RUST graduated high school in 2009. Forensic analysis of RUST's old cellphone confirmed approximately 209 result hits for "4chan," including multiple hits to the website between October 30, 2015, and November 11, 2015.

25. RUST allowed a probation officer to view his Internet browsing history on his MacBook Air laptop. This review revealed that RUST had been on the Internet on or about November 10 and 11, 2015, and that he had visited Reddit during this time. Among the websites RUST visited on November 10, 2015, was the "DeadNiggaStorage" sub-Reddit.

IV. Forensic Examinations of RUST's laptop and phones

26. On November 19, 2015, the FBI executed a search warrant at RUST's residence in Alexandria, Virginia, and seized RUST's MacBook Air laptop, a 500 gigabyte G Drive Mini 2 GDM 4 500x external hard drive, and two Nokia Windows 8 cellphones. The FBI forensically examined these devices.

A. RUST's MacBook Air laptop

27. A comparison of MAC addresses – 10:40:f3:7d:3f:94 – confirmed that RUST's MacBook Air laptop was the computer identified on Panera Bread's logs as "John's-MacBook-Air." Forensic analysis of RUST's laptop confirmed that it connected to the SUBJECT IP ADDRESS at the Panera Bread, on November 11, 2015, between 7:10 p.m. and 7:39 p.m. EST.

28. RUST's MacBook Air laptop was found to contain text in unallocated space with language nearly identical to the text of the 4chan threat. Forensic analysis showed that this text, which was recovered from a password-encrypted volume on RUST's laptop, was created using the computer software program Sublime Text 2, which describes itself as a computer "text editor for code, markup and prose" (www.sublimetext.com). The text on RUST's laptop read (emphasis added):

"contents": "fds\nSeriously America why are we still putting up with this shit? I mean we might as well just bend over and let the niggers fuck us right in the ass.\n\nAnd meanwhile they go around whining and complaining about everything as if there's something that's wrong in the world to fix. They're unhappy no matter what. Whining is addicting to them. Good people like this guy have to suffer for it. And now the @ at other colleges have to do the same thing? What do they have to do, join ISIS before people get it?\n\nI left MU yesterday because I couldn't put up with it anymore. I go home to MD and what do I see? The same old shit. Turn on the news and it's always the @ causing trouble everywhere.\n\nSo I've decided. **Any @ left at Howard University after 10 tomorrow will be the first to go. And any of those cheapskate @ who try to get out using the metro will regret that choice real fast. Sure, the po po will take me down, but I'll go out a hero knowing I made the world better.** I just hope at least someone else can see it too and continue the fight.\n\nThey were too stupid to know what to do when they got freed. They're too stupid to know what to do now they got rights. **Sometimes the best thing to do is to put stupid out of its misery.**\n\nAfter all, it's not murder if they're black."

The wording of this text is almost identical to the threatening 4chan post, except that this text showed the “@” symbol where the 4chan post displayed the word “nigger.” Additionally, the line in the 4chan post stating, “[a]nd the white people think it’s a wonderful thing? Fuck that . . .” was not present in RUST’s laptop file.

29. Forensic analysis of RUST’s MacBook Air laptop also showed that RUST used Reddit Enhance Suite – a community driven browser extension installed on his MacBook Air – to create the “watchouthoward” username at approximately 7:33 p.m. EST, on November 11, 2015. Within minutes of the 4chan threat, on November 11, 2015, RUST’s MacBook Air accessed the URL www.reddit.com/r/washingtondc/comments/3sh618/hey_reddit_my_roommate_just_posted_this_on_4chan/. This is the same URL for the “watchouthoward” Reddit post that stated, “[h]ey Reddit, my roommate just posted this on 4chan. Just consider yourselves warned.”

30. Forensic analysis of RUST’s MacBook Air laptop further showed that, on November 11, 2015, RUST’s MacBook Air started a session of Sublime Text 2 at approximately 7:15 p.m. EST. This session ended at approximately 7:28 p.m. EST, which is the same time the 4chan threat was posted online.

31. The Internet browsing history on RUST’s MacBook Air laptop showed that on November 15, 2015, his laptop was used to view a *Washington Times* article titled, “Mizzou Protestors, Black Lives Matter Complain.” “Mizzou” is the known nickname for the University of Missouri.

B. RUST's Old Nokia Windows 8 cellphone ("Windows-Phone")

32. A comparison of MAC addresses – e8:15:0e:90:a0:d0 – confirmed that RUST's old Nokia Windows 8 cellphone, with IMEI number 353045065853747, was the device identified on Panera Bread's logs as "Windows-Phone."

33. Forensic analysis of RUST's old Nokia phone confirmed that it connected to the wireless network "PANERA," on November 11, 2015, at 7:06 p.m. EST.

34. Examination showed that RUST continued to use this smartphone through the early afternoon of November 12, 2015, after which the phone was reset to its factory settings, resulting in a wiping of previous data, and use of the phone was discontinued.

35. The Internet browsing history of RUST's old cellphone also showed that RUST's phone was used to view several online newspaper articles concerning race-based tensions at the University of Missouri in November 2015. For instance, RUST's cellphone was used to view a November 6, 2015 article from *The Washington Post* titled, "Black grad student on hunger strike in Mo. after swastika drawn with human feces," as well as two articles from *The Columbia Missourian* that described campus protests of former University president Tim Wolfe. RUST's cellphone was also used to view two November 8, 2015 articles from *The Washington Post* titled, "Students demand removal of University of Missouri president" and "Why Missouri football players are going on strike."

36. The Internet browsing history of RUST's old cellphone also showed that, on November 11, 2015, at approximately 5:37 p.m. EST, the phone was used to view a Tweet from a Howard University student that stated, "University Association will be hosting a meeting to provide support for Mizzou students. 9pm."

37. Further forensic analysis of RUST's old cellphone showed that it contained texts that appeared to be earlier drafts of the 4chan threat. One of these drafts read (emphasis added):

U ese [sic] niggers fuck us over again and again? They're gonna whine about anything forever. Nothings good enough. They're addicted to whining and complaining and good people like this guy have to suffer for it. And then every other fucking school has to suffer the same shit? Niggers need their own schools. It's time we tell Murica we're done with this. Niggers gonna learn their place or they get put in their place. I'm done listening to this shit. Shut up or die. Simple as that. I left MU yesterday because I couldn't take it. I drove all the way to DC because that's

Another draft read (emphasis added):

So real simple: Any niggers outside the Howard University metro station tomorrow at 10 am will be first to go. They'll beat me in the end but I'll go out a hero. I just hope I'm not the only one willing to put up a fight against self entitled dumb fucks who think that yelling loud enough is how you win. The niggers won't win. They were too stupid to know what to do once they got freed and they're too stupid to know what to do now they've got rights. Stupid people shouldn't be allowed to run the world!

Another draft read (emphasis added):

Seriously are we going to bend over and let these niggers fuck us over again and again? They're gonna whine about anything forever. Nothings good enough. They're addicted to whining and complaining and good people like this guy have to suffer for

38. Forensic analysis of RUST's old phone also recovered text messages between RUST and T.M. in which RUST stated, "I'm angry at everyone and that's just fueling the existing unresolved anger I have towards people which will burst" RUST texted T.M. that "I planned how to take out that anger years ago and I've been sitting on that plan ever since."

C. RUST's newer Nokia Windows 8 cellphone

39. Forensic analysis of RUST's new Windows 8 cellular phone revealed a series of text messages between RUST and T.M. on November 13, 2015, in which RUST stated, "Reddit is very productive"; "Reddit is always rebellious"; and "Anarchy on the internet works." This text exchange occurred a day after significant on-campus and online responses by the Howard University community to the 4chan threat on November 12, 2015.

40. Further forensic analysis of RUST's new cellphone showed that, on November 13, 2015, RUST's phone was used to run a search for "Howard University Threats" on the search engine Bing.com. RUST's phone was then used to open one of the search results, an online ABC news article about the 4chan threat to Howard University. On November 14, 2015, RUST's phone was again used to search for "Howard University Threats" on Bing.com.

D. RUST's G Drive Mini 2 external hard drive

41. Several text documents and images of pages from books and articles concerning the design and use of explosives, firearms, and killing were recovered from unallocated space on an external hard drive belonging to RUST, including:


- a. A list titled "22 Ways to Kill a Man With Your Bare Hands";
- b. A text detailing different types of poisons;
- c. A chapter on the "Manufacture of Explosives";
- d. A chapter on the "The Chemistry and Physics of Explosives";
- e. A chapter on the "Initiation of Explosives";
- f. A page from "Explosives Engineering";
- g. Several pages from "Explosives, Propellants and Pyrotechnics";
- h. A text document of a repetitive chant with "Explosions in the sky" in red letters;

- i. Several pages from “Kill or Get Killed”;
- j. An article about long range shooting of firearms;
- k. A page from “Home Workshop Prototype Firearms”;
- l. Cover page of “Home Workshop Gun for Defense and Resistance”;
- m. An article titled “Do-It-Yourself-Silencers”; and
- n. An article titled “The Man Who Brought Us Quiet Killing.”

CONCLUSION


42. Based upon the foregoing, I submit there is probable cause to conclude that, on or about November 11, 2015, in Alexandria Virginia, within the Eastern District of Virginia, JOHN EDGAR RUST did transmit in interstate commerce a communication containing threats to injure the person of another, in violation of Title 18, United States Code, Section 875(c).

Respectfully submitted,



Keith Palli
Special Agent, FBI

Subscribed and sworn to before me
on October 3, 2017, at Alexandria, Virginia:

 _____
/s/
Theresa Carroll Buchanan
United States Magistrate Judge

Honorable Theresa C. Buchanan
UNITED STATES MAGISTRATE JUDGE