

## STATEMENT OF FACTS

Your affiant, [REDACTED], is a Special Agent with the Federal Bureau of Investigation (“FBI”). Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent with the FBI, I am authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies 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, it does not contain every fact known by me or the FBI. The dates and times listed in this Affidavit should be read as “on or about.”

### *Background: Events at the U.S. Capitol on January 6, 2021*

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, 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

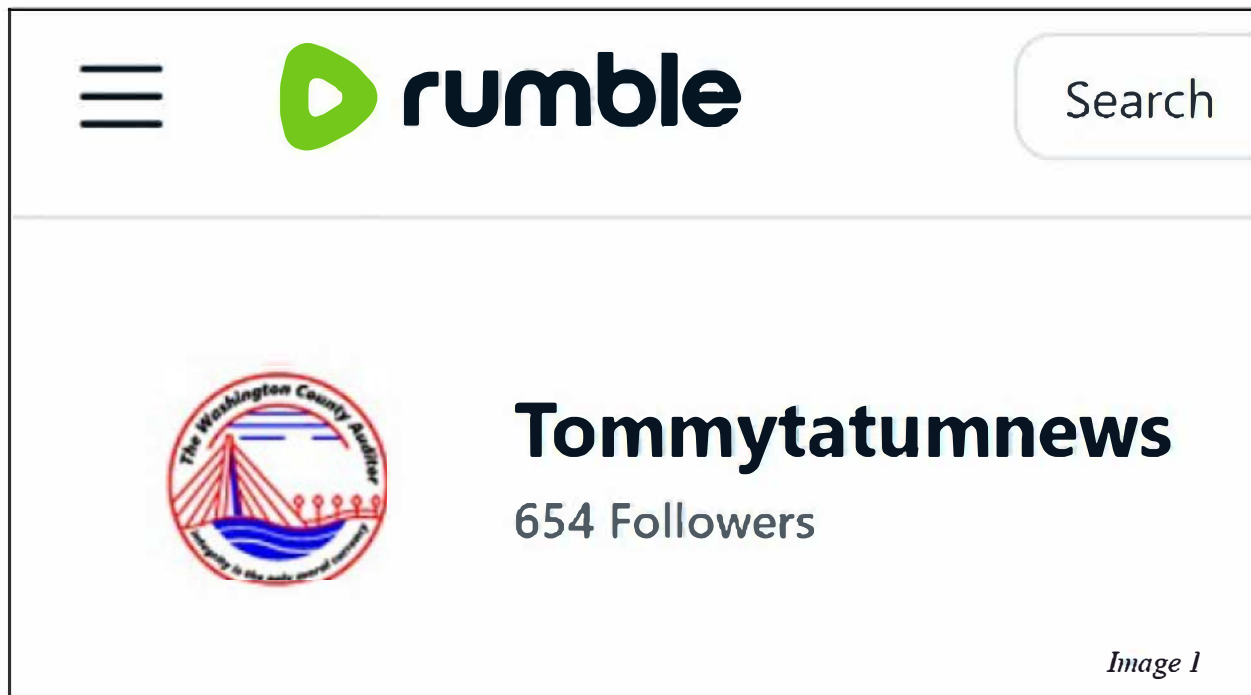
Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the 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.

***Evidence Linking THOMAS EUGENE TATUM to the Assault on the U.S. Capitol***

THOMAS EUGENE TATUM (“TATUM”) is a 48 year old man who resides in the state of Mississippi.

The FBI initiated an investigation based on publicly available video recordings which appeared to have been taken on the west side of the U.S. Capitol Grounds on January 6, 2021 and subsequently posted on the video streaming website Rumble by an account named “Tommytatumnews.” As depicted in **Image 1** below, the profile image for the account “Tommytatumnews” displayed a circular logo for “The Washington County Auditor,” with a blue and red image resembling a bridge’s superstructure. Other videos from the account “Tommytatumnews” referenced the “Mississippi Delta” region. A check of publicly available maps confirmed the existence of a Washington County in the state of Mississippi, with its county seat in the town of Greenville, MS.



Among the videos uploaded by the Rumble account “Tommytatumnews” was an 8 minute and 48 second video entitled “Peaceful Protestors Attacked By Capitol Hill Police -” which had been uploaded on January 16, 2021 (the “VIDEO”). The VIDEO depicted numerous physical altercations between uniformed officers of the U.S. Capitol Police (USCP) and Metropolitan Police Department (MPD) and rioters gathered on the Lower West Plaza of the U.S. Capitol Grounds on January 6, 2021. A screenshot of this Rumble video is provided in **Image 2** below.



Your affiant conducted research using law enforcement databases and identified a Mississippi resident named Thomas Eugene Tatum, with the date of birth February 7, 1976. Your affiant reviewed public records for TATUM, including his Mississippi driver’s license photograph, and determined TATUM to be a white male approximately 6’2” in height and weighing over 200 pounds. TATUM’s photograph depicted him with a fully bald head. TATUM’s driver’s license records identified his home as being in Greenville, MS, within the same Washington County in Mississippi referenced above.

After reviewing the photo from TATUM’s driver’s license photograph, law enforcement identified multiple selfie-style videos uploaded to the “Tommytatumnews” Rumble account that depicted a person your affiant determined to be TATUM. A screenshot from one of these selfie-style videos is provided below in **Image 3**.



During a telephonic interview conducted by law enforcement with TATUM in August 2022, TATUM confirmed that he had traveled to Washington, DC in January 2021 in order to attend then-President Donald Trump's rally near the Ellipse on January 6. TATUM further confirmed that after attending the rally he made his way to the Lower West Terrace of the U.S. Capitol Building.

Following the events of January 6, 2021, TATUM attended multiple federal trials of January 6 defendants and was included on defense witness lists for multiple trials. In July 2023, TATUM testified under oath as a defense witness in the case of *United States v. Brian Mock*, 21-cr-444. During his sworn testimony in *United States v. Mock*, TATUM was shown the VIDEO, labeled during the trial as government exhibit 511, and confirmed that he had taken the footage using an iPhone he was carrying in his hand and that his voice could be heard throughout the VIDEO, including during various statements discussed below.

The VIDEO captures TATUM repeatedly berating and taunting uniformed police officers as the police line made up of both USCP and MPD officers gradually collapsed on the Lower West Plaza at approximately 2:30 pm on January 6<sup>th</sup>, 2021. Additionally, as described in more detail below, your affiant also reviewed Body Worn Camera (BWC) footage recorded by MPD officers who were present on the Lower West Plaza on January 6<sup>th</sup>, 2021, and identified TATUM, who, consistent with his sworn testimony in *United States v. Mock*, can be seen in the BWC footage holding up his cell phone, as though filming the officers in a manner and location consistent with the recording of the VIDEO. TATUM can also be seen and heard on the BWC footage saying many of the same statements heard in the narration-style audio of the VIDEO.



Near the start of the video, TATUM addresses the closest uniformed officers, stating “God’s gonna judge every one of y’all, every one of y’all is going to go to eternal damnation.” A still image from the VIDEO demonstrating TATUM’s close proximity to the group of officers being addressed is provided in **Image 4** below.



A uniformed officer orders TATUM to move back but TATUM does not comply. TATUM then states, “Ya’ll surrounded now, padnah...,” appearing to reference the large crowd that is visibly forcing the police line back towards the southwest corner of the Lower West Plaza, before adding “I rebuke you in the name Jesus...your little pepper gas got no effect on me.” As the police line continues to be pushed back, TATUM begins to shout “Retreat” repeatedly, before describing the ongoing police withdrawal as a “walk of shame!” Throughout this period, TATUM is face-to-face with uniformed officers, and he appears to place himself at the front of a large crowd of rioters whose advance across the Lower West Plaza forces a group of uniformed

USCP and MPD officers to retreat towards the plaza's southeast corner. TATUM's proximity to these officers in the VIDEO is shown in **IMAGE 5** below.



As the VIDEO continues, TATUM appears to fall to the ground, briefly obscuring the events occurring around him. When he returns to his feet, the police line has been pushed even further back, leaving TATUM behind the first ranks of rioters, as shown in the VIDEO via **IMAGE 6** below.





As the police line continues to retreat, TATUM verbally advises other rioters “don’t run back, just stand your ground, take a breath, take a breath, re-group,” and then, in apparent reference to the police line he is actively filming, says “they’re scared as shit right now.” TATUM then repeatedly shouts “take their helmets,” in apparent reference to the protective headgear being visibly worn by the retreating officers, and also yells “take their heads!” TATUM’s footage also captures nearby rioters passing around a riot shield stolen from police officers, as seen in **IMAGE 7** below.



TATUM then moves toward the faltering police line. As he approaches, he says “use their batons, get their batons, use their weapons against them, use their batons!” As the police line is backed into the corner of the plaza, as shown in **Image 8** below, TATUM continues to taunt officers, shouting “yeah, run bitches! We got you motherfuckers now! Woo! Woo! Woo! Woo!”



*Image 8*

TATUM then says, “get out of here, take your pig sorry asses back up in there, run your sorry asses off,” and continues to shout advice to his fellow rioters, urging them to “take their helmets, take their facemasks, take his helmet!” As TATUM is speaking these words, the VIDEO footage shows a white flag attached to a silver pole in the immediate foreground of the footage, with the end of the pole close to vertical in relation to the ground. The flag, as depicted in the VIDEO, is shown in **Image 9** at the center of the image.



*Image 9*



Shortly afterwards, the same white flag on a silver pole can be seen again, with the flagpole now close to parallel to the ground and its end therefore pointed towards the remnants of the police line. The flag is identified using a yellow circle in **Image 10** below.



*Image 10*

As the VIDEO continues, the remains of the police line are forced to abandon the Lower West Plaza, visibly retreating up an enclosed stairwell, as shown in **Image 11** below.



*Image 11*

As previously discussed, your affiant also review Body-Worn Camera (BWC) footage recorded by MPD officers who were present on the Lower West Plaza on January 6<sup>th</sup>, 2021. Beginning just before 2:30 pm, an individual your affiant recognized to be TATUM is visible from multiple officers' BWCs shouting at police officers making up part of the same police line seen in the VIDEO described above. In these recordings, TATUM is also visibly wearing what appear to be black-fingered gloves with removable camouflage mitten covers, consistent with the



Image 12



Image 13



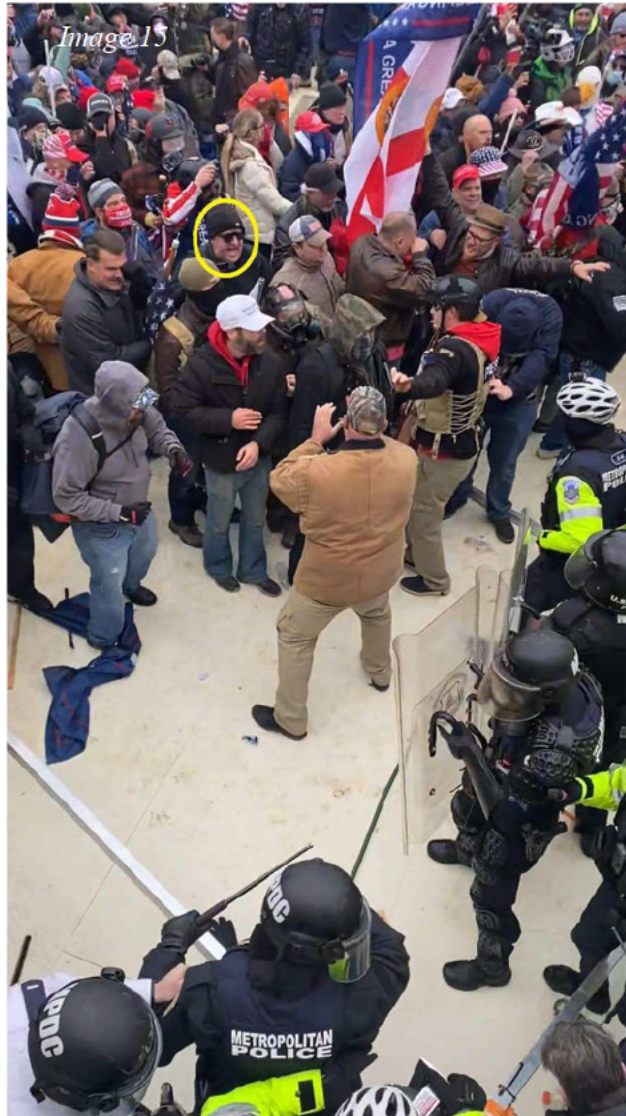
hand seen in the bottom of Image 5 above. **Images 12 and 13 above** show the individual I have identified as TATUM, circled in yellow, as depicted in officer BWC footage.

As previously noted, TATUM can be seen in the BWC recordings holding up his cell phone, as though filming the officers in a manner and location consistent with the recording of the VIDEO and his subsequent sworn testimony, and can be seen and heard on the BWC footage saying many of the same statements heard in the narration-style audio of the VIDEO. TATUM is also visibly carrying a white flag with blue and red decoration affixed to a silver flagpole, consistent with the flag and flagpole seen in the VIDEO and in Images 9 and 10 above.

As MPD officers within the police line retreated towards the southwest corner of the Lower West Plaza, BWC and open source footage shows TATUM as part of the rioting crowd pursuing the officers and moving to join the closest ranks of rioters. TATUM is again identified in **Images 14 and 15** using a yellow circle.



*Image 14*



In subsequent BWC footage, TATUM can be seen approaching to within a short distance of the police line with his flagpole extended and parallel to the ground, with the end of the pole at or near chest level of the officers and in close proximity to the police line. The BWC footage does not show the end of TATUM's flagpole making contact with any officers. After TATUM initially approaches with the flagpole lowered in the police line's direction, a second rioter places his hand on the flagpole and briefly appears to keep the flagpole oriented in the direction of the police line. **Images 16 and 17** shows TATUM and his flagpole, identified with a yellow circle.





Open source footage taken by other rioters on January 6, 2021 shows that after police retreated from the Lower West Plaza, TATUM appeared further inside the restricted area, going from the Lower West Plaza up onto the Lower West Terrace. In that footage, TATUM's glasses appeared to have flip-up sunglass lenses, explaining why the BWC footage from the Lower West Plaza depicted TATUM as appearing to wear clear glasses and sunglasses at different points in time. **Image 18** shows TATUM, identified with a yellow circle, on the Lower West Terrace with his sunglass lenses raised.



After making his way to the Lower West Terrace, TATUM can be seen in open source videos and footage joining a large crowd of rioters seeking to enter the U.S. Capitol Building via the tunnel at the center of the Lower West Terrace shortly after 4:15 p.m. TATUM is identified in **Images 19 and 20** with a yellow circle and can be seen wearing the same attire and glasses shown above while moving towards the tunnel with other rioters.





Open source video footage from outside of the tunnel shows TATUM entering the threshold of the tunnel with the crowd, before the tunnel is initially cleared of rioters by uniformed police officers. Your affiant also reviewed CCTV footage from inside of the tunnel on the Lower West Terrace and identified TATUM as an individual joining the crowd pushing into the tunnel shortly before 4:20 p.m. The individual I have identified as TATUM can be seen below in **Image**

**21**, and is identified with a yellow circle while wearing the same glasses and hat seen on TATUM in the various images above.



As the CCTV footage progresses, TATUM's head moves inside of the tunnel entrance itself, as seen via the yellow circle in **Image 22 below**, and the larger crowd of rioters inside the tunnel that TATUM has joined begins making repeated collective efforts to surge forwards against an unseen line of police officers located below or behind the viewpoint of the CCTV camera and blocking the rioters' access to the U.S. Capitol Building. As the rioters in the tunnel make these attempts, TATUM's head can be seen moving forwards and backwards, as though he is pushing or bracing against the rioters in front of him in support of the collective effort to push back police officers inside the tunnel.





The CCTV footage then shows TATUM and other rioters being gradually expelled from the tunnel by multiple ranks of police officers.

Open source images and footage show that after being expelled from the tunnel, TATUM remained in close proximity to the tunnel's entrance, where numerous rioters assaulted officers standing at the tunnel's entrance. TATUM is identified via a yellow circle in **Images 23 and 24** below as these assaults were occurring.



During the previously discussed direct examination in *United States v. Mock*, TATUM acknowledged having been present at the speech by former President Trump on January 6<sup>th</sup> before walking to the Capitol and confirmed he is from Greenville, Mississippi. TATUM further testified that he had been at the Capitol from roughly 2:25pm through about 5:45pm or 6:00pm. TATUM provided a description of his location and movement while on U.S. Capitol Grounds on January 6<sup>th</sup>, 2021 consistent with the videos and images above, to include his presence on the Lower West Plaza, his seeing and filming uniformed police retreat through a door to an upper level, and his subsequent presence on the Lower West Terrace. Tatum also testified that he felt angry at the police for using riot control devices and chemical irritants against the rioters.

During cross examination in *United States v. Mock*, TATUM acknowledged that on January 6<sup>th</sup>, 2021, he was aware that Congress was scheduled to certify the results of the 2020 presidential election, and that he “wanted them to send the votes back to the states for ten days and let the state legislatures per the Constitution of the United States of America look at them and make sure there was nothing wrong with those votes before they certified the presidential election.” TATUM further stated:

I had questions about the way the secretaries of state changed state law and not the legislatures of states. And I would allow those states to look at their votes from – if Mike Pence would have chose to express the authority he had and send those votes back to the states, the states’ legislatures, not us, would have decided if those were certifiable.

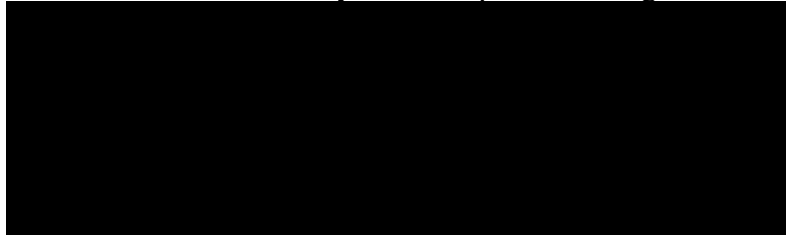
When repeatedly asked on cross examination if he believed Congress should stop the certification process on January 6<sup>th</sup>, 2021, TATUM responded “I believe they should have sent the votes back to look at them to the state legislatures,” and “whatever that process starts, sir, however that process is done.” TATUM also testified that he knew the vote certification process had in fact stopped on January 6<sup>th</sup> and that he remained on Capitol grounds after learning the certification had been stopped.

### ***CONCLUSION***

Based on the foregoing, your affiant submits there is probable cause to believe that THOMAS EUGENE TATUM violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant further submits there is probable cause to believe that TATUM 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. 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.

Finally, your affiant submits there is also probable cause to believe that TATUM violated 40 U.S.C. § 5104(e)(2)(D) and (E) which make it a crime to: (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 (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings.



Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
by telephone, this 3rd day of May 2024.

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ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE