

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.

Jeffrey Raphiel Clark, Jr.

Defendant(s)

Case No.

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 June 2011 through October 2011 in the county of United States in the
District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 922(g)(3) and D.C. Code §7-2506.01.

This criminal complaint is based on these facts:

See attached affidavit incorporated herein.

Continued on the attached sheet.

Complainant's signature
Special Agent Michael Bauknight
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/09/2018

Judge's signature
G. Michael Harvey
Printed name and title

City and state: Washington, D.C.

**AFFIDAVIT IN SUPPORT OF AN ARREST
WARRANT**

I, **Michael Bauknight**, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for an arrest warrant for JEFFREY RAPHIEL CLARK, JR.

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and have been employed with the FBI since July 2017. Prior to my work with the FBI, I was a Maryland State Trooper for 5 years working in law enforcement. I have a Bachelor Degree in Criminal Justice and Criminal Psychology. Additionally, I have received specialized training in the FBI relevant to the investigation of computer related crimes to include computer forensics training. I have experience and specialized training related the collection of computer related evidence, and I have personally participated in search warrants involving the search and seizure of computer related equipment. As a federal agent, I am authorized to investigate violations of laws of the United States, and as a law enforcement officer I am authorized to execute warrants issued under the authority of the United States.

3. The facts of this affidavit come from my personal observations, my training and experience, and from information obtained from other agents and witnesses. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. This affidavit is in support of a criminal complaint charging JEFFREY RAPHIEL CLARK, JR., an unlawful user of a controlled substance, with having knowingly possessed and

transported in interstate commerce a firearm, in violation of 18 U.S.C. § 922(g)(3), and possession of an illegal high-capacity magazine in violation of D.C. Code Section 7-2506.1 (b).

PROBABLE CAUSE

5. On October 27, 2018, at approximately 9:54 a.m., Robert Bowers, a self-proclaimed white supremacist, attacked the Tree-of-Life Synagogue in Pittsburgh, Pennsylvania, killing 11 members of the synagogue. Bowers used an assault rifle in the attack on the Tree-of-Life Synagogue. Bower's attack was defined as a hate crime by the Federal Bureau of Investigation (FBI).

6. The ongoing investigation regarding Bowers has revealed that shortly before he entered the Synagogue and began shooting, Bowers posted a message on a social networking site named "Gab" using the username "@onedingo." In that message, Bowers made the following comment about HIAS, a Jewish-American nonprofit organization: "HIAS likes to bring invaders in that kill our people. I can't sit by and watch my people get slaughtered. Screw your optics. I'm going in."¹

7. The FBI's investigation of Bowers revealed that Bowers' "friends" on Gab included a District of Columbia resident, Jeffrey Raphiel Clark, Jr., who resides at the PREMISES. Jeffrey Clark resides at the PREMISES with his father, sister, and younger brother, Edward William "Teddy" Clark.

¹ According the HIAS website, "HIAS works around the world to protect refugees who have been forced to flee their homelands because of who they are, including ethnic, religious, and sexual minorities. For more than 130 years, HIAS has been helping refugees rebuild their lives in safety and dignity."

8. On October 27, 2018, within hours after Bowers' fatal attack on the Tree-of-life Synagogue, news media outlets and online sources reported that Gab was cooperating with federal law enforcement authorities in their investigation of Bowers.² Sometime before 12:45 P.M. on October 27, 2018, Edward "Teddy" Clark went to Theodore Roosevelt Island in Washington D.C. and committed suicide. Edward Clark killed himself with a Berretta pistol. Officers who responded to the scene discovered that, in addition to the eight remaining rounds contained in the magazine of Clark's Berretta pistol, Edward Clark also possessed two additional magazines of ammunition containing 20 additional rounds of ammunition. Officers did not locate a suicide note, but did locate and seize a cell phone from Edward Clark. Edward Clark was 23 years old.

9. On November 2, 2018, the Washington Field Office (WFO) Command and Tactical Operations Center (CTOC) received a call from W-1 and W-2 pertaining to their family members Jeffrey and Edward Clark. W-1 and W-2 reported that Jeffrey and Edward Clark had been heavily involved in the "Alt-Right" movement, and that they were connected with the Pittsburgh Synagogue Shooter through Gab. After the death of Edward Clark, Jeffrey Clark became more outspoken about his radical views, expressing them openly to his family members who were in the area following Edward Clark's death. During these conversations, Jeffrey Clark defended Robert Bowers' killings at the Tree-of-Life Synagogue. Jeffrey Clark also stated that he and Edward Clark had both fantasized about killing "Jews and blacks".

² On the day of the shooting, Gab.com released a public statement that it had suspended Bowers' account: "We then contacted the FBI and made them aware of this account and the user data in our possession." *See* "What's Gab, the social platform used by the Pittsburgh shooting suspect?" (CNN, October 27, 2018).

10. W-1 and W-2 stated that Jeffrey Clark had been “really riled up” and “agitated,” and they called the FBI out of concern that he could be a danger to himself or others. W-1 and W-2 were so concerned that they went to Jeffrey Clark’s residence (the PREMISES) to check on him and to confiscate his firearms. Jeffrey Clark gave them four boxes, which they took to their home for safekeeping. As described below, those boxes did not contain any firearms, but did contain parts to weapons that are not registered to either Jeffrey or Edward Clark.

11. On November 2, 2018, WFO Joint Terrorism Task Force (JTTF), Special Agent (SA) and Task Force Officers (TFO) interviewed W-1 and W-2, and other family members who were in the area following Edward Clark’s death. W-1 and W-2 stated that Jeffrey and Edward Clark were heavily involved in the white nationalist movement. According to W-1 and W-2, both Jeffrey and Edward Clark attended the 2017 “Unite the Right” rally in Charlottesville, Virginia. W-1 and W-2 believe that there are photos online of them standing next to James Alex Fields, the white nationalist who drove a car into a crowd of protestors in Charlottesville, Virginia, killing one person and injuring nineteen. According to W-1 and W-2, Jeffrey and Edward Clark openly discussed killing Jews and black people, and openly admired Timothy McVeigh, Ted Kaczynski, and Charles Manson. According to W-1 and W-2, Jeffrey and Edward Clark believed that there would be a race revolution, and they wanted to expedite it.

12. In regard to the shooting at the Tree-of-Life Synagogue, Jeffrey Clark stated that the victims deserved it. Jeffrey Clark believed that a homosexual Jewish couple was having an adopted baby circumcised that week, and that justified Bowers’ actions.

13. W-1 and W-2 showed the interviewing agents a photo of Jeffrey and Edward Clark holding a flag. Your affiant recognized this flag as the flag of Vanguard America (“VA”) (Attachment C). The Southern Poverty Law Center describes VA as:

A white supremacist group that opposes multiculturalism and believes that America should be an exclusively white nation. Their right-wing nationalist slogan, ‘Blood and Soil,’ romanticizes the notion that people with ‘white blood’ have a special bond with ‘American soil.’ This philosophy originated in Germany (as Blut und Boden) and was popularized by Hitler’s regime. VA uses ‘For Race and Nation’ as an alternative slogan. Along those lines, the VA manifesto (as of April 2018) maintains that ‘The racial stock of this nation was created for white Christian Anglo/Europeans by white Christian Anglo/Europeans. All other ethnicities, races, religions and demographics are absolutely not compatible with this nation’s original culture... VA has also warned against the influence of ‘the international Jew,’ tweeting in July 2017, ‘Those behind the subversive elements eroding our culture often have something in common. Jewish influence is prevalent, invasive, and dangerous.’ This theme is echoed in their 2018 manifesto, which states that ‘Islam, Judaism and all other non-European or foreign religions’ should not have the freedom to practice in the United States.

14. W-1 and W-2 stated that their family has a history of depression, but they were not aware of any indications that Edward Clark would commit suicide. Further, W-1 and W-2 did not know why Edward Clark had so many bullets with him, but they believed he may have been planning to commit an act of violence on the day that he died.

15. On or about November 8, 2018, W-2 also informed agents that Jeffrey Clark had engaged in unusual behavior on October 27, 2018. According to W-2, Jeffrey Clark woke up around noon on October 27, 2018, (after the Tree-of-Life Synagogue shooting) and discovered that Edward was not home. Despite the fact that Edward Clark was 23 years old, Jeffrey Clark

called his mother to report that Edward was missing, and reported to his mother than he was going to call the police to report Edward missing.

Specific Information related to Drug Use

16. W-1 and W-2 also told agents that Jeffrey Clark needs medical treatment and needs to detox from drug use. According to W-1 and W-2, Jeffrey Clark and Edward Clark would stay at home a lot, smoke marijuana, and play video games such as “Ethnic Cleansing.” They were not aware of any other kinds of drug use, but believed it was possible based on of their behavior. W-1 and W-2 also stated that Jeffrey Clark was involved in selling marijuana.³

17. On November 8, 2018, agents conducted a further interview with W-2. During that interview, W-2 stated that she had smelled marijuana in the PREMISES as recently as October 27, 2018, and November 4, 2018. W-2 also reported that during this period she observed two propane torches in the kitchen area of the PREMISES. When W-2 asked Jeffrey Clark whether the torches were for welding, he just smiled. Your affiant is aware that propane torches such as those described by W-2 are consistent with those used for smoking methamphetamine. Your affiant notes that Jeffrey Clark’s Gab profile page includes the following description of himself: “Meth-Smoking, Pipe Bomb making, mailman-murding,#Fed,#DemoKKKrat, Che Guevara of the alright.”

³ W-2 later stated that Jeffery Clark had tried to stop smoking marijuana when he became active in the white supremacist movement, but he was not successful in doing so. Another family member also stated that Jeffery and Edward Clark talked openly about their drug use, and that the PREMISES often smelled of marijuana.

18. A criminal records check disclosed that in May of 2008 Jeffrey Clark was charged by the U.S. Park Police with possession of marijuana and distribution of marijuana, however, both of those cases were no-papered.

Specific Information Regarding Firearms

19. A review of records maintained by the District of Columbia revealed that four guns were registered to the Clark brothers. Jeffrey Clark is the registered owner of a Remington Arms 1911 R1 handgun, and a Mossberg Maverick 88 shotgun. Edward Clark was the registered owner of a Beretta 92FS handgun, and a Ruger Mini 14 Ranch Rifle. Edward Clark's Beretta handgun was recovered at the scene of his apparent suicide on October 27, 2018.

20. Following Edward Clark's suicide, a D.C. homicide detective went to the PREMISES. During a conversation with Jeffrey Clark, Clark stated that Edward's rifle was still located in the PREMISES. The homicide detective did not ask Jeffrey Clark about his firearms.

21. Based on your Affiant's training and experience, there are no firearms manufacturers located within the District of Columbia. Accordingly, the weapons registered to the Clark brothers necessarily traveled in interstate commerce.

22. W-1 and W-2 showed agents the four boxes of gun parts that they obtained from Jeffrey Clark. Upon inspection of the boxes, agents observed that they were filled with gun parts, but no functional firearms. Agents recognized several items in the boxes as parts used to modify AR-15 assault rifles. Based on your affiant's training and experience, these parts could not be used to modify any of the firearms that are registered to the Clark brothers in the District of Columbia.

23. On November 9, 2018, W-1 informed agents that the three remaining registered guns had been removed from the PREMISES to a home owned by W-1 in Falls Church, Virginia. On November 9, 2018, agents recovered those three firearms, specifically, a Remington Arms 1911 R1 handgun, a Mossberg Maverick 88 shotgun, and a Ruger Mini 14 Ranch Rifle. In addition, officers recovered a Colt .38 Special handgun that Jeffery Clark surrendered to W-1. This gun was not registered to either Jeffrey or Edward Clark.

24. Agents have also recovered two boxes of AR-15 rifle conversion kits. The conversion kits contain the upper portions of a .22 caliber AR-15 and other components used to convert an AR-15 to a complete rifle. However, the two lower portions of the AR-15s are missing. These lower portions can be easily converted to function as AR-15 rifles by adding a different upper section to fire .22 caliber up to 5.56 x 45 mm NATO rounds.

25. In addition, agents recovered four high-capacity AR-15 magazines capable of holding up to 30 rounds of ammunition.

Specific Information Related to Gab

26. Your Affiant has learned that Jeffrey Clark would communicate with users on "Gab." Gab owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.Gab.com>. Gab allows its users to create their own profile pages, which can include a short biography, and a photo of themselves. Gab also permits users to create and read 300-character messages called "Gab," and to restrict their "Gabs" to individuals with whom they approve. Upon creating a Gab account, a Gab user must create a unique Gab username and an account password, and the user may also select a different "display name" of 20

characters or fewer to identify his or her Gab account. The Gab user may also change this username, password, and display name without having to open a new Gab account.

27. A Gab user can post a personal photograph or image (also known as an "avatar") to his or her profile, and can also change the profile background or theme for his or her account page. In addition, Gab users can post "bios" of 160 characters or fewer to their profile pages. In addition, when a Gab includes a Gab username, often preceded by the @ sign, Gab designates that Gab a "mention" of the identified user.

28. On October 27, 2018, after learning of his brother's suicide, Jeffrey Clark told W-1 and W-2 that he thought the synagogue shooter (Bowers) had friended him on Gab.

29. On or about November 4, 2018, Jeffrey Clark told W-2 that he expected the FBI to "show up" because of his contacts with Bowers on Gab. During this conversation, Jeffrey Clark told W-2 "they (an apparent reference to VA) had not broken any laws, but at some point if a line gets crossed, I would be violent, everyone has a line, including you."

30. The FBI's investigation into Bowers confirmed that Bowers and Jeffrey Clark were friends on Gab.

31. Your affiant has identified Jeffrey Clark's Gab username as "DC Bowl Gang."⁴ Your affiant also has reason to believe that the Gab username for Edward Clark was "DC_Stormer." Your affiant viewed Jeffrey Clark's Gab profile page following Edward Clark's death. Jeffrey Clark's profile picture includes a photograph of Jeffrey and Edward Clark wearing

⁴ Your affiant believes that the term "bowl gang" is a reference to the bowl-style haircut of Dylann Roof, the white supremacist convicted of perpetrating the June 17, 2015, massacre at Emanuel African Methodist Episcopal Church in Charleston, South Carolina, that left nine people dead.

masks and holding what appear to be the Mossberg Maverick 88 shotgun and the Ruger Mini 14 Ranch Rifle that were registered in the District of Columbia. The Clark brothers are posing in front of a flag with a skull and crossbones. The skull has what appears to be a bowl-style haircut. Superimposed over this photograph is an image of Dylann Roof (Attachment D).

32. On his profile page, Jeffrey Clark describes himself as: “Aka DC Stormer (RIP), “Meth-Smoking, Pipe Bomb making, mailman-murding,#Fed,#DemoKKKrat, Che Guevara of the alright, Glenn beck, Not a NEET – just bathing in White privilege, Bowlcut Nationalism is the only way forward. . .” (Attachment D).

33. In one of Jeffrey Clark’s Gab posts he states that the “fucking kikes that got shot by the hero #RobertBowers were all active supporters of pedophilia... and every last one of them deserved exactly what happened to them and so much worse.”

34. Another post in Jeffrey Clark’s Gab account shows a picture of Robert Bowers, armed with a gun, splattered in what appears to be blood, followed by the following post by Clark: “Nah he was BASED! Get used to it libtards. This was a dry run for things to come.” (Attachment E). This statement implies that Jeffery Clark did know more about the attack in the Tree-of-Life synagogue, and that there was more to come.

CONCLUSION

35. Based on the abovementioned facts, I submit there is probable cause to believe that on or about September 2018 through November 9, 2018, JEFFERY CLARK, an unlawful user of a controlled substance, knowingly possessed and transported in interstate commerce a firearm, in violation of 18 U.S.C. § 922(g)(3), and unlawfully possessed a high-capacity magazine in violation of 7 D.C. Code § 2506.1 (b).

Respectfully submitted,

Michael Bauknight, Special Agent, FBI

Subscribed and sworn to before me
on November 9, 2018:

G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE

