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Militias [1]

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	Letter from Karen Mathews, County Clerk, Modesto, CA. Name. [partial] (2 pages)	06/02/1995	P6/b(6), b(7)(C)

COLLECTION:

Clinton Presidential Records
 Counsel's Office
 Elena Kagan
 OA/Box Number: 8293

FOLDER TITLE:

Militias [1]

2009-1006-F

vz98

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

August 9, 1995

The Honorable Jamie Gorelick
Deputy Attorney General
Department of Justice
10th and Constitution, NW
Room 4111
Washington, DC 20530

Dear Jamie:

Thank you for your August 1st memo on militia and for all the hard work of your good offices. The memo was most informative.

As always, I appreciate your efforts on behalf of the Administration.

Sincerely,

Abner J. Mikva
Counsel to the President



Office of the Deputy Attorney General
Washington, D.C. 20530

*File
Militias*

*Dear Jamie
Thanks for
your good
efforts
AJG*

August 1, 1995

MEMORANDUM

TO: Abner J. Mikva
Counsel to the President

Harold Ickes
Deputy Chief of Staff for Policy and
Political Affairs

FROM: Jamie S. Gorelick *JSG*
Deputy Attorney General

SUBJECT: Alleged Militia Threats and the
Federal Response

On July 16, 1995, the Washington Post printed an article entitled "Officials at Forum Describe Alleged Militia Threats." (See TAB A). In the article, the reporter, Serge F. Kovaleski, described the testimony of several witnesses who appeared at a forum organized by Representative Charles E. Schumer. Kovaleski recounted threats and incidents of harassment suffered by the witnesses.

It is believed that two of the three incidents described in the article were perpetrated by individuals who belong to anti-government extremist organizations that are not militias per se, but may have close associations with militia groups. All of the threats and the attack detailed in the article involve the rejection of legitimate governmental authority.

Part I below sets out brief explanations of each incident recounted in the article, and the federal government's response to the particular threats described. No grand jury material is included. Part II describes the other actions the Department of Justice has taken to address the overall threat posed by the criminal activities of some members of the militias and other anti-government extremist groups.

I. The Forum

A. Witness: Karen Mathews

Karen Mathews, a clerk-recorder from Stanislaus County, California, was attacked by two men on January 30, 1994. She told the congressmen that her problems began in November 1993 when, during the course of her official duties, she refused to remove an Internal Revenue Service (IRS) lien imposed on a member of "Juris Christian Assembly" (JCA), an anti-tax organization, and refused to record illegal JCA liens against IRS officials. Soon thereafter, she received anonymous telephone threats, a simulated pipe bomb was placed under her car, and bullets were fired into her office. The threats persisted and in early 1994, two men carried out the attack. Ms. Mathews was taken into her garage where her two assailants kicked her, beat her, and slashed her with a knife.

Government Response

The Federal Bureau of Investigation (FBI) investigated the threats and attack against Ms. Mathews. On June 22, 1995, a grand jury in the Eastern District of California returned an indictment against nine defendants for charges including conspiracy to obstruct IRS proceedings, false personation of a government official, interstate travel in aid of racketeering and HUD fraud. Ms. Mathews, who is under protection by local officials, is expected to testify in the upcoming trial against the members of the anti-tax organization.

It should be noted that although there was some suggestion at the hearing (and repeated in the Washington Post article) that the federal government may not be acting to investigate and prosecute threats against government officials, Ms. Mathews has repeatedly praised the federal government for its timely and effective response. We have received a copy of her prepared statement for the forum and in it she stated: "I have been deeply impressed by the professionalism, dedication, and concern I've witnessed with the many FBI, IRS and Justice Department officials I've worked with in recent months." She also sent a letter to the FBI Field Office in Sacramento praising the special agent who interviewed her on the night that she was attacked. (See TAB B).

B. Witness: Judge Martha A. Bethel

Martha A. Bethel is a non-lawyer city judge in Hamilton and Darby, Montana. Judge Bethel told the forum that she had been threatened by anti-government activists, including a self-styled "Freeman" who, in response to a traffic citation, claimed that her court had no jurisdiction over him. The defendant served her

with papers demanding that the charges against him be dismissed within ten days.

Judge Bethel stated during her testimony at the forum that she had received threatening phone calls and that on at least one occasion an individual had followed her home after court. She reported to the forum that the threats escalated after she testified before the Montana legislature on a bill which made impersonating or intimidating a public official a felony, rather than a misdemeanor. In a written statement she prepared for the forum, Judge Bethel stated that she has received hate mail from across the country.

During the forum, Judge Bethel advised the participants that she had recently received information from federal law enforcement officials that a contract has been issued for her murder. And although not reported in the Post article, Judge Bethel also stated that she had been under daily federal protection since January.

Government Response

There are small groups of anti-government activists throughout the State of Montana, the leading group is the "Freemen." The "Freemen," who have been active in the Eastern portion of Montana for about three years, have declared themselves citizens of their own self-defined country and have renounced the authority of the United States. They purport to have established their own court system, which has issued numerous bogus orders, writs, and judgments of various kinds. Last year their "court" purported to issue a bounty for the delivery, dead or alive, of several county, state and federal officials including a state district court judge, a county attorney, and an employee of the Federal Land Bank.

The FBI originally interviewed Judge Bethel this Spring after her testimony before the Montana legislature. During the interview, Judge Bethel did not provide any evidence of threats received through the mail or over the telephone. At that time, the agents determined that there were no alleged federal violations that could be further investigated. The FBI interviewed Judge Bethel again on July 24, 1995, after her appearance at the Forum and is taking appropriate investigative steps.

She told the FBI that, to her knowledge, she had never been threatened by the "Freemen" organization but that the defendant who had demanded the dismissal of the charges espoused views similar to those of the "Freemen." Judge Bethel did not dismiss the charges against the defendant and no further threats were received concerning that particular matter.

Judge Bethel informed the agents that she has not received any threats since state officials arrested some anti-government extremists in the western portion of Montana (the area of the State where she resides) on syndicalism charges. The only recent activity has been an uncorroborated report that there was a contract for her murder. In an abundance of caution, Judge Bethel and the local sheriff were informed of the threat. Judge Bethel is not under federal protection. She does live with a local law enforcement official and that may be the basis for her statement concerning daily federal protection. No additional information has been received concerning the murder contract.

C. Other Actions in Montana

The Justice Department, in concert with other federal, state and local officials, has done a great deal in Montana to address the threats from the anti-government extremist organizations. In January 1994, the United States Attorney for Montana established a task force on anti-government organizations. Members of the task force include federal, state and local law enforcement officials, county prosecutors, the State Attorney General, and representatives of other government institutions, such as the bankruptcy court, that have had dealings with the anti-government organizations. The task force has been meeting to discuss issues and coordinate strategies to address the criminal activities of the anti-government organizations, including the "Freemen."

The U.S. Attorney's Office in Montana and the local FBI representatives believe that they have established good relationships with other officials in the State, which enables them to respond effectively to the threats posed by the anti-government organizations. For example, last year the United States Attorney's Office for the District of Montana prosecuted one of the most visible members of the "Freemen," Ron Fulbright. Fulbright was convicted, inter alia, of intimidation of a United States Bankruptcy Judge.

D. Witness: Ellen Gray

Ellen Gray is the Director of the Pilchuck Audubon Society in Washington. At the forum, she told the congressmen that after she completed her testimony at a hearing in her county on land use issues, two men shook a hangman's noose in her face, another individual stated to her, "we have a militia of 10,000 and if we can't beat you at the ballot box, we'll beat you with a bullet." Ms. Gray also stated that the atmosphere at the land use hearing was so hostile that many of her fellow environmentalists refused to testify.

Government Response

The FBI has arranged to interview Ms. Gray to determine what federal law enforcement action can be taken to address the threats that she has received. Currently available information does not allow us to identify the individuals who made the statements or whether there would be a basis for criminal prosecution.

II. Other Law Enforcement Initiatives and Actions

The Department of Justice and its components have initiated numerous investigations and related activities to address the threats from militia groups and other anti-government extremist organizations.

The Department of Justice has been working closely with the Treasury Department and law enforcement agencies throughout the Executive Branch on domestic terrorism issues. We are coordinating federal law enforcement efforts relating to domestic terrorism including training, information sharing, advice to the field, and supervision of investigations.

To facilitate this coordination, we have created an Executive Group of representatives from all of the relevant components within the Justice Department. The Executive Group is meeting on a weekly basis (and more frequently when necessary) to ensure that all information -- regardless of the source -- received by the components is shared and analyzed, and that where appropriate, any law enforcement activity is coordinated. The Group is also tasked with identifying potential high-risk law enforcement actions and coordinating an effective response with the appropriate federal government components as well as facilitating coordination with more than 30 other federal law enforcement agencies that may have information on the criminal activities of anti-government organizations.

Specifically, the Justice Department has:

- o drafted Advice for FBI field offices concerning the Attorney General's Domestic Terrorism Guidelines.
- o planned for the collection and analysis of pertinent information regarding domestic terrorism, from traditional and nontraditional federal agencies and their state and local counterparts.
- o planned a series of domestic terrorism training seminars, first in districts where the federal community is most affected by anti-government groups, and thereafter for all districts; the first training

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say something more fully about it

session was a model session to "train the trainers." It was conducted on July 24 and 25, 1995 in Washington, D.C.

- o consulted with behavioral experts to determine the appropriate response to specific terrorist threats and the appropriate strategy for law enforcement actions involving a risk of violent confrontation.
- o reviewed the FBI's analytical capacity regarding domestic terrorist groups; the review was designed to determine what resources the FBI currently has to analyze domestic terrorist groups, and the limitations imposed by the Privacy Act on the collection of publicly available materials regarding domestic terrorism. ✓
- o developed a national coordinated strategy to address County Supremacy groups and other organizations that refuse to recognize lawful federal authority particularly on federal land and facilities and who threaten federal land management personnel. ✓
- o established an e-mail network consisting of all the United States Attorneys in states affected by county supremacy issues and all those working on the issue at Main Justice.
- o designated in each United States Attorney's Office in the network an Assistant United States Attorney to serve as a local coordinator of information received concerning county supremacy issues and as a liaison to the Department in Washington. ✓
- o established with the Bureau of Land Management and the Forest Service a system of designated county supremacy coordinators in Washington, D.C. who monitor the events within their agencies and inform attorneys in the Justice Department when incidents occur or are likely to occur. ✓
- o formed a Domestic Safety Working Group comprised of Justice Department officials and U.S. Attorneys from Western states that are particular focal points for potential terrorism activity to identify common issues and coordinate law enforcement responses.

In addition:

- o United States Attorneys will provide all relevant information on domestic terrorism investigations to the Department for coordination.

A

Officials at Forum Describe Alleged Militia Threat

By Serge F. Kovalski
Washington Post Staff Writer

A county employee in California was beaten and slashed with a knife. A murder contract has been put out on a Montana judge. And a federal wildlife worker received a threat that his wife and children would be bound in barbed wire and stuffed down a well.

These people say they were targets of terror by citizen militias and other right-wing extremist groups that viewed them as part of a sinister government conspiracy to wipe out individual rights. During a forum yesterday on Capitol Hill, law enforcement authorities, government workers, environmentalists and abortion rights activists described incidents of harassment, intimidation and violence carried out by paramilitary groups.

Democrats used the hearing to suggest that the groups enjoy a protected status with the GOP-controlled Congress, despite growing complaints from government workers that they are being singled out for harassment.

One witness, Karen Mathews, a clerk-recorder in Stanislaus County, Calif., was accompanied to the hearing by a sheriff's deputy as a precaution. She is scheduled to testify in a criminal case against nine members of a local tax protester group who have been charged in connection with harassing and attacking her.

Mathews's troubles started in November 1993 when she refused a demand by the anti-tax activists to remove a \$416,000 Internal Revenue Service lien imposed on one of its members. Bullets were fired through a window of her office after she received anonymous telephone threats and found a simulated pipe bomb under her car. Nobody was hurt.

But on the night of Jan. 30, 1994, Mathews pulled into her garage and was attacked by two men. She was kicked and punched repeatedly and her neck was slashed. Finally, a gun was placed to her head and the trigger pulled several times. But the chamber was empty. "My assailants said I was a messenger to all recorders. That if we did not begin to do our jobs and record their documents, this would happen to them too," Mathews recalled yesterday. One of the attackers "reminded me I would be easy to kill."

She lamented: "The beating has changed my normal existence dramatically. . . . I carry a gun at all times. . . . I never imagined I'd ever carry a gun."

Led by Rep. Charles E. Schumer (N.Y.), the ad hoc hearing was organized by seven House Democrats after majority Republicans refused their request for a formal hearing into militia activities. Democrats used the hearing to criticize Republicans for not taking



Waiting to testify are Darby, Mont., City Court Judge Martha A. Bethel, left; Montana state Rep. Deborah Kottel; Washington state Assistant Attorney General Cynthia Sypolt; and Stanislaus County (Calif.) Recorder Karen Mathews.

an interest in holding official hearings on the militia movement despite a letter signed by 61 House Democrats that was sent to Speaker Newt Gingrich (R-Ga.) requesting GOP participation. "Many in the Republican Party have become mealy-mouthed mollifiers of militias," Schumer said.

In declining Schumer's invitation in a letter Monday, Gingrich said that the House Judiciary subcommittee on crime held a hearing on domestic terrorism on May 3 and that comprehensive testimony was submitted by the Anti-Defamation League, "which, as you know, has undertaken to monitor very closely the activities of many of these groups."

Schumer also criticized last month's Senate hearing in which militia leaders appeared before Congress for the first time, contending that "it quickly disintegrated into a soapbox for the wacky right." "This is just the first shot across the bow," Schumer said of yesterday's forum.

Several Democrats said they were particularly eager to probe reports that many militias receive a large chunk of funding from major U.S. corporations. They were also told by witnesses that some federal lawmakers have been intervening on behalf of militia members in disputes with government agencies,

as well as intimidating federal employees trying to enforce land use statutes.

Martha A. Bethel, a city judge in western Montana, said yesterday that she has been terrorized by the right-wing "Freemen" because of court cases involving its members, who claim she has no legal jurisdiction over them. She was told that she would be kidnapped and tried before the Freeman's "common law" court and sentenced for her acts, which were described as "treasonous."

The threats worsened after she testified before the state legislature on behalf of a bill that made intimidating a public official a felony. "I have since that time received hate mail from across the country. On two occasions I had my children live with their dad for a week at a time; I would like to spare them the terror of seeing mom kidnapped," Bethel said. "After threats of ridding my home with gunfire, law enforcement officials visited my residence and showed me which room they would expect me and my children to hide in if the house came under attack."

The situation got so grave that they recommended Bethel keep a packed duffel bag at the back door, along with a police radio, and mapped out where in the woods she and her family should hide if they fled the house.

Last Easter weekend, she said; police urged her to leave the county after finding out that an attack on her house was in the works. Bethel said she has been told by a federal law enforcement agency that a contract was out for her murder.

Witnesses also talked about "paper terrorism," referring to the mounds of documents filed against county officials by extremists whose intent is to smear and bog down the system.

The director of a Washington state environmental group said that after testifying at a county council hearing last November she was confronted by a member of the Snohomish County Property Rights Alliance who pulled out a hangman's noose and said, "This is a message for you." Another man then said, "We have a militia of 10,000 and if we can't beat you at the ballot box, we'll beat you with a bullet."

Jeff DeBonis, executive director of Public Employees for Environmental Responsibility, gave a litany of violent acts against federal workers, including the bombing of a U.S. Forest Service office in Nevada and the attempted shooting of a biologist for the service in California. "The federal government's anemic response to [such] incidents creates the impression that threats and violence against federal employees are acceptable," he said.

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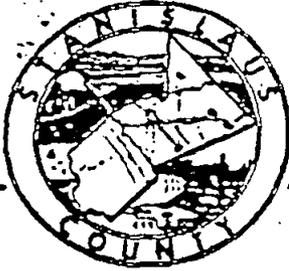
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OFFICE OF
COUNTY CLERK-RECORDER

MODESTO, CALIFORNIA 95353

KAREN MATHEWS, COUNTY CLERK-RECORDER

June 2, 1995

Richard Ross
FEDERAL BUREAU OF INVESTIGATION
2800 Cottage Way
Room E 1606
Sacramento, California 95825

Dear Mr. Ross:

It is not often for those employed in government to receive appreciation for outstanding performance from someone outside the agency that they are employed with. Therefore, I want to take this opportunity to express my admiration for Special Agent (b)(7)(c), P6/(b)(6) Modesto, California. [ov]

Over the past year I have had the occasion to interact with several public safety agencies for the first time as a victim of crime. I must say, at times this experience was quite frustrating -- except for my association with Agent (b)(7)(c), P6/(b)(6) is always honest and open with me to the extent he is able to do so. This is very important to a victim. [ov]

Prior to my assault, I had never interacted with the FBI. My image of the FBI was a Hollywood image (you know, the secret, scary agents who have cameras in their pockets). Well, we know how inaccurate Hollywood can be. The first time I met Agent (b)(7)(c), P6/(b)(6) was nervous. He arrived at my office for a meeting with an air of professionalism. After I shot him with a rubberband, it broke the ice. He has a strong sense of humor that has definitely been helpful through this difficult time. [ov]

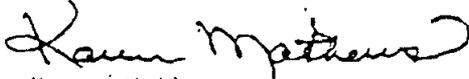
As you may be aware, my particular situation is rather unique. A county elected official assaulted in my home, with no arrests made to date. The night I was attacked I was sitting in my livingroom in shock. Agent (b)(7)(c), P6/(b)(6) quietly took my hand and asked me what happened. I recall telling him, "They win. I'm quitting. I'm scared they'll kill me." Agent (b)(7)(c), P6/(b)(6) said, "Give us time to make this right." At that moment I need to "hang on" to something as hope. He gave me that hope -- something a victim is desperate to have. [ov]

I don't know if Agent (b)(7)(c), P6/(b)(6) nature is instinctively sensitive, or if he is trained to be so. Nevertheless, in my situation it is the crux of what keeps me going. [ov]

Karen Mathews
June 2, 1995

Agent (7)(c), P6/(b)(6) is tenacious, professional, and is the epitome of what I believe all law enforcement should aspire to. The FBI is fortunate to have an agent of his caliber. I feel fortunate as a victim of a crime, to have met him. 001

Sincerely,



Karen Mathews
Stanislaus County
Clerk-Recorder

WE MUST BE WHAT WE CAN TO PROTECT
FED'L OFFICIALS

BC

we meet his way what ever

THE NEW YORK TIMES OP-ED THURSDAY, JULY 20, 1995

↓ can to protect federal officials RZ

THE PRESIDENT HAS SEEN
7-24-95

Terror in Montana

By Martha A. Bethel

I serve as a municipal judge in the towns of Hamilton and Darby in western Montana. Hate groups like the Militia of Montana, one of the most extreme self-styled paramilitary organizations, have been active in our area for several years.

My experience with them began in January, when a man who said he was part of the "Freemen" movement, which has ties to the militia, appeared in court in response to three routine traffic tickets. He described his appearance as a "special visitation" and refused to cooperate

Judges do their jobs — and risk their lives.

with the initial proceedings. He said he was not in any way bound by the laws of Montana.

On March 3, he served me with documents demanding dismissal of the charges against him and asserting I had violated my oath of office. These documents recounted a hear-

Martha A. Bethel has been a municipal judge in Montana for nine years. This article is adapted from a statement she made last week at a Congressional forum on the militia movement.

ing held before "justices" of a "common law" court, one of a number of tribunals created in Montana recently by the fringe groups that claim they have jurisdiction over our district and local courts.

The "Ravalli County Court, Common Law Venue, Supreme Court, Country of Montana" demanded that I dismiss the charges within 10 days or a warrant would be issued for my arrest. On the same day, the documents were filed in several other courts as well.

Later, I received threats that I would be kidnapped and tried before the common-law court and sentenced for my "treasonous" acts. I also received a call one day warning me, "Don't come to Darby tonight for court tonight, or you won't be leaving."

In addition, someone threatened to shoot a justice of the peace in the head. A deputy county attorney was warned that his home would be burned and that he would be shot in the back. Our district judge heard threats, to his face, that he would be hanged in the city park.

In February, I was followed home, roughly 40 miles away, after a night court session. Several days later, an unidentified caller informed me that I had been followed home and gave me the location of my home to prove it. I have received dozens of phone calls, both from anonymous callers and from concerned citizens warning me of what they heard would happen to me or my home.

Most of us who have been threatened are concerned that these people might carry out these threats. Though we have enjoyed support from local citizens and businesses, we share a sinking feeling of helplessness.



Milner Higgins
Ickes

Krawczyk

I used to enjoy hearing the bears and other animals move about at night without a second thought, other than expressing thanks for the beautiful place in which I live. Now, when I hear deer giving their warning calls, or when I hear animals moving through the brush in the woods, I worry if an intruder is frightening them.

Montana Legislature on a bill making it a felony to impersonate or intimidate a public official. The threats against me worsened, and hate mail arrived from across the country. Twice, I sent my three children, ages 10, 11 and 13, to live with their father for a week.

After someone threatened to "rid-dle my home with gunfire," the police came to map my house and land. They told me which room to hide in if the house were attacked. They suggested I pack a duffel bag with a police radio, flashlight and other emergency gear. They mapped out where in the woods I would hide with the children if we had to run.

Over Easter weekend, the police suggested we leave the county after they received information that an attack would be made on me or my house. Most recently, a Federal law enforcement agency told me a contract had been issued for my murder.

This has been a living nightmare. As judges, we all expect to deal with disgruntled people who refuse to take responsibility for their actions. But who in their right mind would choose to serve their community when the community becomes defenseless in the face of such terrorism? □

Sneak Attack on AIDS Research

By David Baltimore and David Ho

In his effort to cut spending on AIDS, Senator Jesse Helms caused a furor this month by attributing the epidemic not to a virus but to "disgusting, revolting conduct." But a more subtle and menacing Congressional attack on Federal financing for AIDS research has gone largely unnoticed.

Today the House Appro...

and no common strategic plan; now the office coordinates the effort, eliminating overlaps in research and evaluating every program.

Before the office took charge, the \$1.4 billion annual AIDS research enterprise was like a house being built with plumbers, roofers, carpenters and painters working away, but with no architect or general contractor to direct them.

This year the coordinated effort was initiated. A task force of 100

homosexuality and drug abuse. They pretend not to see the huge economic and emotional toll of AIDS.

The public has invested more than \$100 billion in general biomedical research over the last decade. Scientists have a responsibility to show that we have made the most of this money, and we will be judged in large part by our success against AIDS. It would be cataclysmic to be turned away and sacrifice the gains we have made.

Some critics of AIDS research claim it receives a disproportionate amount of money compared to other diseases that

② We need to really
 review whether we're doing
 enough to protect federal
 workers → some of them
 ① We have to ~~check this~~
 check this ^{Don't think}
 out. _{so}
 THE PRESIDENT HAS SEEN
 7/16/85
Legislation

① We have to check this out.

② We need to really review whether
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Olena

↑ check this
 (19)

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By Serge F. Kovaleski
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But on the night of Jan. 30, 1994, Mathews pulled into her garage and was attacked by two men. She was kicked and punched repeatedly and her neck was slashed. Finally, a gun was placed to her head and the trigger pulled several times. But the chamber was empty. "My assailants said I was a messenger to all recorders. That if we did not begin to do our jobs and record their documents, this would happen to them too," Mathews recalled yesterday. One of the attackers "reminded me I would be easy to kill."

She lamented: "The beating has changed my normal existence dramatically. . . . I carry a gun at all times. . . . I never imagined I'd ever carry a gun."

Led by Rep. Charles E. Schumer (N.Y.), the ad hoc hearing was organized by seven House Democrats after majority Republicans refused their request for a formal hearing into militia activities. Democrats used the hearing to criticize Republicans for not taking



Waiting to testify are Darby, Mont., City Court Judge Martha A. Bethel, left; Montana state Rep. Deborah Kottel; Washington state Assistant Attorney General Cynthia Sybolt; and Stanislaus County (Calif.) Recorder Karen Mathews.

an interest in holding official hearings on the militia movement despite a letter signed by 61 House Democrats that was sent to Speaker Newt Gingrich (R-Ga.) requesting GOP participation. "Many in the Republican Party have become mealy mouthed mollifiers of militias," Schumer said.

In declining Schumer's invitation in a letter Monday, Gingrich said that the House Judiciary subcommittee on crime held a hearing on domestic terrorism on May 3 and that comprehensive testimony was submitted by the Anti-Defamation League, "which, as you know, has undertaken to monitor very closely the activities of many of these groups."

Schumer also criticized last month's Senate hearing in which militia leaders appeared before Congress for the first time, contending that "it quickly disintegrated into a soapbox for the wacky right." "This is just the first shot across the bow," Schumer said of yesterday's forum.

Several Democrats said they were particularly eager to probe reports that many militias receive a large chunk of funding from major U.S. corporations. They were also told by witnesses that some federal lawmakers have been intervening on behalf of militia members in disputes with government agencies,

as well as intimidating federal employees trying to enforce land use statutes.

Martha A. Bethel, a city judge in western Montana, said yesterday that she has been terrorized by the right-wing "Freemen" because of court cases involving its members, who claim she has no legal jurisdiction over them. She was told that she would be kidnapped and tried before the Freeman's "common law" court and sentenced for her acts, which were described as "treasonous."

The threats worsened after she testified before the state legislature on behalf of a bill that made intimidating a public official a felony. "I have since that time received hate mail from across the country. On two occasions I had my children live with their dad for a week at a time; I would like to spare them the terror of seeing mom kidnapped," Bethel said. "After threats of 'riddling my home with gunfire,' law enforcement officials visited my residence and showed me which room they would expect me and my children to hide in if the house came under attack."

The situation got so grave that they recommended Bethel keep a packed duffel bag at the back door, along with a police radio, and mapped out where in the woods she and her family should hide if they fled the house.

Last Easter weekend, she said, police urged her to leave the county after finding out that an attack on her house was in the works. Bethel said she has been told by a federal law enforcement agency that a contract was out for her murder.

Witnesses also talked about "paper terrorism," referring to the mounds of documents filed against county officials by extremists whose intent is to smear and bog down the system.

The director of a Washington state environmental group said that after testifying at a county council hearing last November she was confronted by a member of the Snohomish County Property Rights Alliance who pulled out a hangman's noose and said, "This is a message for you." Another man then said, "We have a militia of 10,000 and if we can't beat you at the ballot box, we'll beat you with a bullet."

Jeff DeBonis, executive director of Public Employees for Environmental Responsibility, gave a litany of violent acts against federal workers, including the bombing of a U.S. Forest Service office in Nevada and the attempted shooting of a biologist for the service in California. "The federal government's anemic response to [such] incidents creates the impression that threats and violence against federal employees are acceptable," he said.



U. S. Department of Justice
Office of the Deputy Attorney General

Washington, D.C. 20530

July 26, 1995

Ms. Elena Kagan
Office of the General Counsel
The White House
Old Executive Office Building
Rm. 125
17th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Ms. Kagan:

As promised, enclosed is a copy of Deputy Attorney General Jamie S. Gorelick's May 24, 1995 memo to the Vice President regarding threats to the federal community. I have also enclosed copies of articles about militias which appeared in the New York Times and the Washington Post.

Please do not hesitate to telephone if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Beth A. Wilkinson".

Beth A. Wilkinson
Counsel to the Deputy Attorney
General

Enclosures

BAW:jrs



U. S. Department of Justice
Office of the Deputy Attorney General

Washington, D.C. 20530

May 24, 1995

MEMORANDUM FOR THE VICE PRESIDENT

FROM: Jamie S. Gorelick
Deputy Attorney General

SUBJECT: Threats to the Federal Community

You have asked for a memorandum summarizing the information that we have on threats to the law enforcement community.

The Justice Department prosecutes individuals who make threats against the President, the Vice President, federal officers, federal judges, Members of Congress, Cabinet appointees, and Supreme Court Justices. In other instances where prosecution may not be feasible or advisable, law enforcement agents will attempt to neutralize the situation by confronting the individual or individuals who made the threat and advising them that their conduct is illegal. In the remaining cases where the source of the threat cannot be identified, targets of the threats are advised of security precautions that should be taken to minimize the likelihood of a controversy.

The FBI is the lead investigative agency in connection with threats to the federal community. There are some exceptions. The Secret Service has jurisdiction over threats against the President and the Vice President. The Bureau of Alcohol, Tobacco and Firearms investigates threats to its employees, as does the Postal Service. Other agencies, like the Drug Enforcement Administration, the Internal Revenue Service, and the Marshals Service, analyze threats to their employees and provide threat assessments to aid the FBI in its investigations.

Set forth below, by agency or component, are brief summaries of the procedures currently in place to investigate threats against federal personnel. Also included are the number of threats received over the past five years, and where possible, a description of any trends identified from an analysis of the threats.

It should be noted that although agencies such as the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service do have centralized

databases for recording threats to their employees, they do not have uniform procedures for the reporting of threats. Thus, the information provided by them may not be as accurate as the information provided by the traditional law enforcement agencies. To remedy this problem, these agencies are in the process of updating their databases, improving their collection and reporting efforts, and enhancing the training of their employees.

Department of Justice Criminal Division and U.S. Attorney's Office

Most cases involving threats on or assaults against federal officers are prosecuted by an attorney in the U.S. Attorney's Office in the district in which the offense occurred. There is no centralized coordination of those cases but, in particularly egregious cases, such as murders of federal officers, Criminal Division prosecutors become involved. For example, the prosecution of Branch Davidian compound members for the murder of ATF agents was supervised by the Criminal Division, and a Criminal Division attorney was on the trial team. ✓

Although the Criminal Division does not maintain statistics concerning threats or assaults, it is the Division's perception that the risk to the safety of federal officers has increased as groups espousing violent opposition to government policies have grown. Persons aligned with the County Supremacy movement, the militia movement, the white supremacist movement, and the tax protestor movement frequently maintain caches of firearms and can pose a deadly risk to law enforcement agents. |

In an effort to develop a better basis for assessing this risk, this winter the Criminal Division initiated meetings with key investigative agencies with the aim of gathering in one place their lawfully-collected information concerning the threat to their agents. The Division has met with representatives of additional agencies toward this same end. The objective is to have approximately 30 investigative agencies cooperate in searching their files and submitting all pertinent information concerning threats and assaults for analysis. The Criminal Division is currently working with the FBI to develop the details of collection and analysis. ✓

The Criminal Division has examined the adequacy of federal statutes in protecting federal employees. As a result of that examination, a provision was included in the Administration's proposed Omnibus Counterterrorism Act of 1995, submitted to Congress on February 9, 1995, that would make it a crime to threaten a former government employee who was protected against such threats while employed by the government. The Administration's Anti-terrorism Amendments Act of 1995, submitted to Congress on May 3, 1995, takes this a step farther, by

*for the
Criminal
Division*

amending existing law, which provides federal jurisdiction over threats, assaults, or murders of certain federal officials, to cover all federal employees who are the subject of such offenses while engaged in or on account of the performance of their official duties.

The Federal Bureau of Investigation

The Attorney General has established that the Federal Bureau of Investigation (FBI) will have investigative jurisdiction over all criminal statutes when no agency is specifically designated by statute to conduct the investigation.

Since passage of the original Assault on a Federal Officer (AFO) and the Killing of a Federal Officer (KFO) statutes, the FBI has investigated and will continue to investigate all threats, attempts, assaults, and killings of federal officers and employees covered under 18 USC § 1114, with the following exceptions. In accordance with a Memorandum from the Attorney General, dated October 2, 1956, the Department of the Treasury has investigative jurisdiction over assaults and killings of and attempts to kill its personnel. The U.S. Postal Inspectors have investigative jurisdiction over assaults and killings of and attempts to kill postal employees under certain designated conditions.

The FBI also investigates all threats, assaults, and killings of federal judges, Members of Congress, Cabinet appointees, and Supreme Court Justices.

The FBI receives notification of threats against federal officers from the intended victim, other agencies, or informants. When investigating a threat, a requisite element in proving these crimes is "intent." In those instances where the intent is clearly present and the threat appears credible, the FBI, in coordination with the United States Attorney's Office (USAO), will immediately and aggressively initiate a full investigation. In those cases where the threat appears less than credible, the FBI will discuss the matter with the USAO, interview the subject, admonish him when appropriate, furnish the USAO with the results of the interview, and in most cases, receive a prosecutive declination.

In all circumstances, the FBI promptly notifies the U.S. Marshal's Service (USMS) at both the field and headquarters level whenever a threat to assault or kill a federal judge is received, or when such individuals are actually assaulted or killed. In addition, the FBI notifies the intended victim judge, and the chief judge within the district.

✓
Just as threats/
intentional

When threats are received against Members of Congress, the FBI immediately notifies the United States Capitol Police. Both the local and Washington D.C. offices of the intended victim are advised of the nature of the threat. The local law enforcement agencies covering the victim's home district are also notified. The United States Secret Service is notified of all threats or actual violations at both the local and headquarters level.

Statistics for FBI threat and assault investigations are attached at Tab 1.

U.S. Marshals Service

One of the most important functions of the United States Marshals is to support the federal judiciary. As officers of the federal courts, United States Marshals and their deputies have traditionally served as "first line" protectors of federal jurists, prosecutors, and, in general, safeguarding the integrity of the federal court system. Within the last five years, several deputy marshals have been targeted by individuals and/or groups.

The Marshals Service defines a threat as any expression of an act with the actual or implied intent to harm, endanger, or intimidate a Marshals Service protectee or employee. Responsibility for investigating threats against federal officials falls under the FBI's purview, however the Marshals Service Threat Analysis Division is tasked with analyzing threats against Marshals Service protectees and personnel.

The Threat Analysis Division's method of analysis entails six basic processes that are germane to threat investigations:

- Determine the scope of threat by first identifying the victim; the source of the threat, either an individual or group; and determining the proximity of the threat source to the victim.
- Identify the method of conveyance of the threat, e.g., face-to-face, informant, mail, via telephone or other modes of conveyance.
- Description of the threat--whether actual or implied--and possible reasons for the threat.
- Contact FBI case agent and Marshals Service personnel involved in investigating and collecting data about the threat to corroborate and update information; determine source reliability; and examine threat source motivation in the case, i.e., vengeance or ideological reasons.

- Perform database check of all indices to determine if threatener has a prior history of threats or criminal activity.
- The investigator often uses all of the aforementioned procedures to evaluate the threat and provide Marshals Service managers with an objective threat assessment, which will assist in alleviating the threat or render the threat source benign.

Since 1990, four Marshals Service employees (including court security officers) have been killed in the line of duty. With the number of violence prone groups increasing and the responsibilities of the Marshals Service expanding, the frequency of threats against or physical assault on Marshals Service personnel has increased.

A statistical breakdown of threats to U.S. Marshals Service personnel is attached at Tab 2.

The Drug Enforcement Administration

Procedures for handling threats against Drug Enforcement Administration (DEA) employees are codified in the DEA Agent's Manual and require the following actions:

- Immediate notification of supervisor
- Immediate notification of Headquarters, Office of Security Programs
- Notification of FBI: FBI is responsible for investigation of threats against federal agents
- If overseas, notification of appropriate embassy personnel
- Review of situation by Office of Security Programs staff
- Threat Assessment Team (TAT) review of situation and make recommendations
- Recommendation by TAT of security measures to be taken if not already activated
- Recommendation by TAT of transfers, when appropriate
- If appropriate, TAT is composed of personnel from Security Programs, Enforcement, Intelligence and International Operations

- Follow-up is as needed or maximum of 30 days; no closure without approval of Security Programs
- If responsible individual identified, prosecution is coordinated with U.S. Attorney's Office

Responses from DEA range from no action to a Permanent Change of Station for the employee and his or her family. Intermediate steps may be to provide additional lighting to a residence, installation of a burglar alarm, training in spotting surveillance or temporary relocation. DEA works closely with the employee and family to tailor the response to the type of threat, the family situation and personal preferences. Sometimes safety concerns override the desires of the family. DEA further ensures that the family is offered the services of the Employee Assistance Program.

Statistics covering the period from January 1, 1991 to the present are attached at Tab 3. DEA does not maintain a geographical breakdown. DEA does not note any trends, except that the number of threats has been on a slow rise over the past several years.

The Bureau of Alcohol, Tobacco and Firearms

There are two reporting systems for threats and assaults on the Bureau of Alcohol, Tobacco, and Firearms (ATF) employees, one for ATF special agents and a second for ATF employees who are not special agents.

The directives require that ATF special agents report any threats or assaults as soon as possible. The special agent in charge (SAC) of the affected field division is required to immediately notify the Chief, Intelligence Division by telephone. The SAC will forward a Significant/Sensitive Activity Report providing details of the incident as soon as possible. The Chief, Intelligence Division reviews the report to decide if the incident meets the criteria for reporting to the Protective Programs Officer. He or she also reports the incident to the Associate Director, Enforcement.

The Intelligence Division monitors active incidents and maintains files on each incident. Generally, the incident is not closed until the Chief, Intelligence Division decides that no realistic potential for prosecution exists, or that no continuing risk exists.

The special agent submits a detailed follow-up review to the Chief, Intelligence Division, who then decides if it is necessary to refer the incident to the Assistant Director, Internal

Affairs. There are additional reporting requirements regarding shooting incidents involving ATF special agents.

Employees who are not special agents relate the incident to their immediate supervisors, followed by a written report. The immediate supervisor will report the incident to the SAC having jurisdiction over the area in which the incident occurred. The SAC will report it to the Chief, Intelligence Division, who will handle the situation in the same manner as with an incident involving a special agent.

The employee will notify the local law enforcement agency in whose jurisdiction an assault occurs. Usually, the local law enforcement agency will handle the investigation. ATF law enforcement personnel assigned to investigate the incident will offer assistance to the local authorities.

Tab 4 to this memorandum is a list of all threats and assaults from 1991 through 1995. Each year is broken down by state. These numbers reflect only specific threats and do not include hate mail addressed to the agency, although it should be noted that hate mail and non-specific threats are increasing. The numbers shown are for government personnel only. The numbers shown for 1995 are for the months of January through March. The number of prosecutions initiated for each year can be found at the bottom of the first page of Tab 4. These numbers reflect only those prosecutions initiated for the specific threat.

Tab 5 is a briefing paper which contains information related to some trends identified from analysis of the various threats.

The Internal Revenue Service

Internal Revenue Service (IRS) Internal Security is responsible for investigating attempts to interfere with the administration of the Internal Revenue laws through threats and assaults. In addition to threats and assaults, IRS employees have been subjected to harassment and other intimidation tactics, such as the filing of liens against IRS employees, which Internal Security also investigates.

IRS employees are directed to immediately report a threat or assault to Internal Security, which investigates the incident and coordinates with the local United States Attorney concerning possible prosecution. Most incidents involve a threat as opposed to a physical assault; most cases are not prosecuted unless there are aggravating circumstances or injury. When explosive devices or letter bombs are directed against the Service, Internal Security coordinates with the FBI, ATF, and the Postal Inspection Service. In cases that are not prosecuted, with the approval of

the U.S. Attorney, Internal Security will interview the taxpayer and advise that his or her actions may have constituted a crime and that a repetition may result in future prosecution. Repeat offenders are rare.

In 1984 the Service enhanced its employee protection program with the implementation of the Potentially Dangerous Taxpayer System. Taxpayers who have demonstrated a propensity for violence are so designated in the IRS computer system so that IRS employees have advance notice when they are assigned a case involving such an individual. In such situations, the employee is advised to contact Internal Security which will evaluate the particular circumstances and assist in formulating a plan to resolve the current tax matter safely. Another employee protection measure is that IRS criminal investigators may conduct armed escorts of IRS employees who have been threatened with bodily harm or under other circumstances indicating the need for such protection. IRS also issues a brochure to its employees, "Assaults and Threats: A Guide for Your Personal Safety," which provides guidance on how to prevent, and react to, dangerous situations.

Although Internal Security has analyzed threats and assaults for internal use, such as identifying the most frequently cited motives for physical assault and in what circumstances these incidents most frequently occur, this analysis does not indicate any useful trends.

The Internal Revenue Service has a significant concern about the violent threat presented by militia groups and others that espouse the use of force or violence against lawful authority. IRS employees have extensive contact with the public, and non-compliance with the tax laws has been a common theme among some of the these groups.)

Charts representing assault or threat cases handled by the Internal Security Division of the IRS are attached at Tab 6.

The Forest Service, The Bureau of Land Management, Fish and Wildlife Service, and the National Park Service

Until recently Forest Service, Bureau of Land Management, Fish and Wildlife Service, and National Park Service employees have rarely received threats. Recently, however, they are increasingly the targets of harassment and threats from some extreme members of the county supremacy movement.)

Over the past three years, there has emerged an increasingly vocal and active "county supremacy" movement, whose proponents)

are generally opposed to federal ownership and management of public lands, though they have not openly advocated violence. Instead, they challenge federal management through the promulgation of county land use ordinances purporting to displace or usurp the federal government's control over federal public lands. In conjunction with these ordinances, certain county officials have threatened to bring criminal charges or other legal action against federal employees who implement valid land management decisions, alleging that the federal employee violate one of the ordinances or are "acting outside the scope of their authority."

In some counties, proponents also organize acts of "civil disobedience," holding rallies where roads are bulldozed open on national forests without authorization or fences are illegally erected. In addition, proponents encourage individuals to ignore or violate federal regulations, such as those that require the payment of grazing or mining fees.

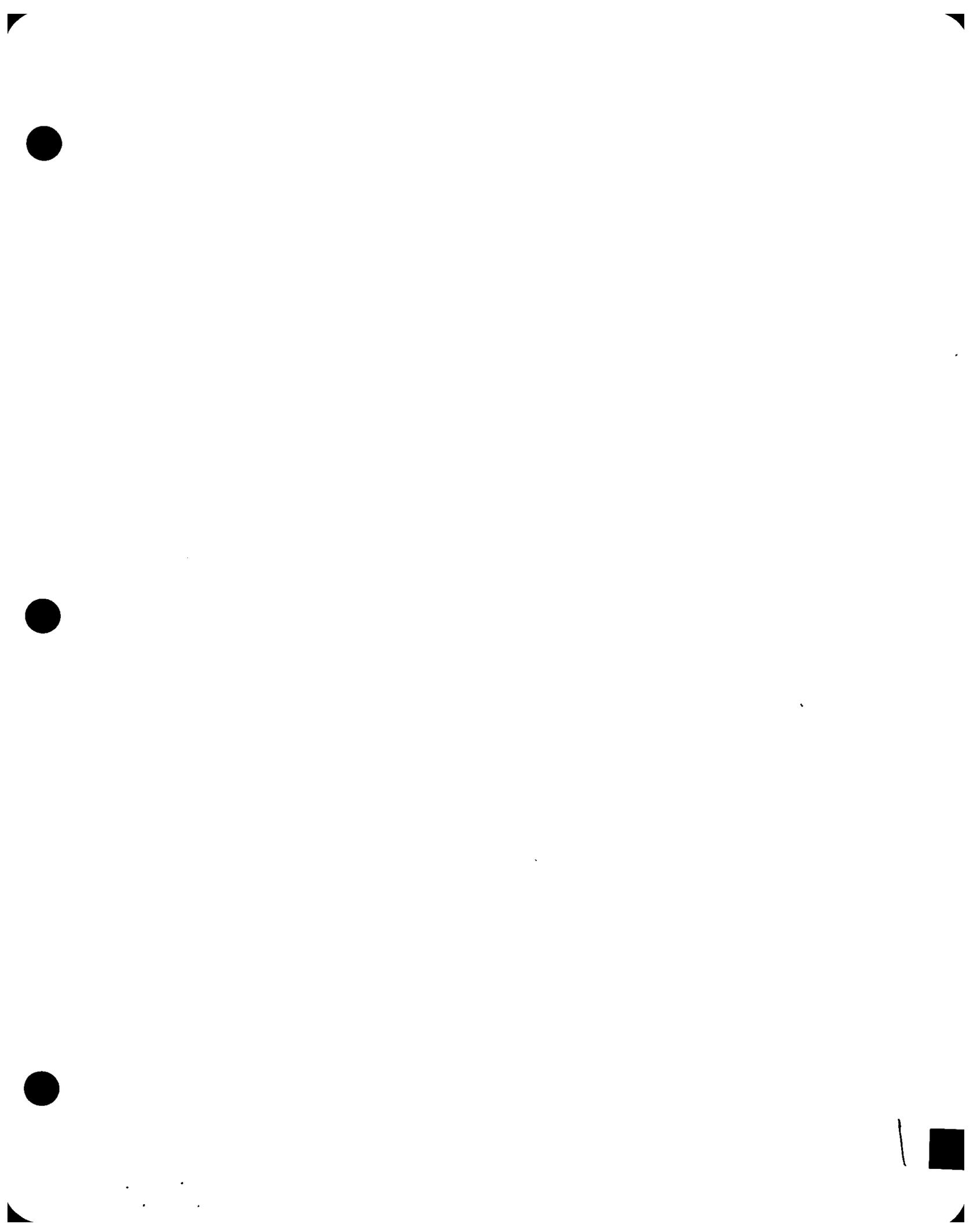
Many of the counties justify their actions by claiming that federal control of public lands is unconstitutional and that title to these lands is properly held by the state. This position is based on a misguided interpretation of the Property Clause of the Constitution and the Equal Footing Doctrine, which the counties interpret as requiring the federal government to transfer all lands to the state upon entry into the Union. Supreme Court case law indicates that these arguments are without foundation.

The Environment and Natural Resources Division of the Department of Justice has the following procedures in place to assure coordination on county supremacy issues and activities that threaten federal land management personnel:

- There is an e-mail network consisting of all the United States Attorneys in states affected by county supremacy issues and all those working on the issue at Main Justice
- Each United States Attorney in the network has designated an Assistant United States Attorney to serve as a local coordinator of information received concerning county supremacy issues and as a liaison to the Division in Washington.
- The Bureau of Land Management and the Forest Service have designated county supremacy coordinators in Washington, D.C. who monitor the events within their agencies and inform attorneys in the Environment Division when incidents occur or are likely to occur.

The Environment and Natural Resources Division of the Department of Justice contacted the Bureau of Land Management, Forest Service, Fish and Wildlife Service, and the National Park Service and asked them to provide lists of threats received by land management and enforcement personnel within their respective agencies. At this time, the agencies are unable to identify, separately, those threats to their employees from persons who believe that the federal government does not own the federal land or have the right to manage the land. At Tab 7 is a list of all reported incidents, even those not directly related to county supremacy.

There appears to be a recent trend toward more violations of valid land management decisions and toward open disrespect and hostility to federal land managers. The Forest Service has noted that cases of harassment have significantly increased since last year.



FBI STATISTICS

The following statistics are provided which represent the number of cases opened, by region, since Fiscal Year 1991:

REGION	1991	1992	1993	1994	1995
Northeastern	93	80	96	80	53
Mid-Atlantic	210	195	189	191	98
Central	254	269	210	239	133
West	115	110	144	155	77
Total	672	654	639	665	361

* Fiscal Year 1995 statistics are as of 3/31/95.

The above statistics include cases involving both threats and actual violations against federal officers, Members of Congress, judges, family members of protected federal employees, and Conspiracy to Injure the above parties. The current case database does not allow for determining the number of cases concerning only threats. There are no identifiable trends regarding AFO cases investigated by the FBI over the past five years. Although the FBI cannot determine the number of prosecutions initiated, the following number of indictments and convictions are furnished for your review:

FISCAL YEAR	INDICTMENTS	CONVICTIONS
1991	112	71
1992	97	110
1993	82	84
1994	121	86
1995	55	56
TOTAL	467	407

* The figures for Fiscal Year 1995 are as of 3/31/95.

2



U.S. MARSHAL'S STATISTICS

Geographic breakdown of threats against Marshals Service personnel since 1990 is as follows:

Southeast	6
Northeast	6
Central	1
Southwest	3
Northwest	3
HI, PR, VI, Guam, Alaska	1

3



Memorandum



Subject

Threats Against DEA Personnel
and Facilities Since January 1, 1991

Date

May 15, 1995

To

Peter MacVean
Security Programs Manager

From

John Vaccaro
John Vaccaro
Office of Security Programs

The Drug Enforcement Administration (DEA) has recorded 958 threats against its personnel, informants, non-DEA law enforcement Task Force Officers working under DEA supervision, and its facilities since January 1, 1991.

The tables below provide a summary.

Total	1991	1992	1993	1994	1995
958	180	276	245	196	61

Totals (January 1, 1991 - May 1, 1995)

Special Agents	Confidential Informants	Task Force Officers	Other
287	568	31	72

Totals for 1991 (180)

Special Agents	Confidential Informants	Task Force Officers	Other
64	95	5	16

- 2 -

Totals for 1992 (276)

Special Agents	Confidential Informants	Task Force Officers	Other
72	166	10	28

Totals for 1993 (245)

Special Agents	Confidential Informants	Task Force Officers	Other
77	148	10	10

Totals for 1994 (196)

Special Agents	Confidential Informants	Task Force Officers	Other
59	128	5	4

Totals for 1995 (61 as of May 1)

Special Agents	Confidential Informants	Task Force Officers	Other
15	31	1	14

Attachment

	1991	1992	1993	1994	1995	TOTAL
Alabama	0	0	0	0	0	0
Alaska	0	0	0	0	0	0
Arizona	0	0	2	2	0	4
Arkansas	0	0	0	0	0	0
California	1	4	5	3	0	13
Colorado	0	0	0	3	0	3
Connecticut	0	0	0	0	0	0
Delaware	0	0	0	0	0	0
Florida	1	3	1	2	3	10
Georgia	1	0	2	2	0	5
Hawaii	0	0	0	0	0	0
Idaho	0	0	0	0	0	0
Illinois	5	3	1	2	0	11
Indiana	1	1	0	0	0	2
Iowa	0	0	0	0	0	0
Kansas	0	0	0	1	0	1
Kentucky	0	0	1	0	0	1
Louisiana	0	2	2	0	0	4
Maine	0	0	0	0	0	0
Maryland	0	0	0	1	0	1
Massachuset	0	2	3	0	0	5
Michigan	3	3	0	0	2	8
Minnesota	2	1	0	0	0	3
Mississippi	0	0	0	0	0	0
Missouri	1	1	1	1	0	4
Montana	0	0	0	0	0	0
Nebraska	0	0	0	0	0	0
Nevada	0	0	0	1	0	1
New Hampshi	0	0	0	0	0	0
New Jersey	0	0	0	0	0	0
New Mexico	0	0	0	0	0	0
New York	2	3	10	7	0	22
North Carol	1	0	0	1	0	2
North Dakot	0	0	0	0	0	0
Ohio	0	1	2	0	1	4
Oklahoma	1	0	0	0	0	1
Oregon	0	0	0	0	0	0
Pennsylvani	0	2	3	3	0	8
Rhode Islan	0	1	0	0	0	1
South Carol	2	0	0	0	0	2
South Dakot	0	0	0	0	0	0
Tennessee	3	0	1	2	0	6
Texas	2	2	31	6	2	43
Utah	0	2	0	0	0	2
Vermont	0	0	0	1	0	1
Virginia	0	1	2	1	0	4
Washington	0	1	2	0	0	3
West Virgin	1	1	0	0	0	2
Wisconsin	0	0	0	1	0	1
Wyoming	0	0	0	0	0	0
DC	1	0	0	3	0	4
Other	3	2	0	0	0	5
TOTALS	31	36	69	43	8	187

Prosecutions

Initiated	19	29	20	5	1	74
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4



Attachment

	1991	1992	1993	1994	1995	TOTAL
Alabama	0	0	0	0	0	0
Alaska	0	0	0	0	0	0
Arizona	0	0	2	2	0	4
Arkansas	0	0	0	0	0	0
California	1	4	5	3	0	13
Colorado	0	0	0	3	0	3
Connecticut	0	0	0	0	0	0
Delaware	0	0	0	0	0	0
Florida	1	3	1	2	3	10
Georgia	1	0	2	2	0	5
Hawaii	0	0	0	0	0	0
Idaho	0	0	0	0	0	0
Illinois	5	3	1	2	0	11
Indiana	1	1	0	0	0	2
Iowa	0	0	0	0	0	0
Kansas	0	0	0	1	0	1
Kentucky	0	0	1	0	0	1
Louisiana	0	2	2	0	0	4
Maine	0	0	0	0	0	0
Maryland	0	0	0	1	0	1
Massachuset	0	2	3	0	0	5
Michigan	3	3	0	0	2	8
Minnesota	2	1	0	0	0	3
Mississippi	0	0	0	0	0	0
Missouri	1	1	1	1	0	4
Montana	0	0	0	0	0	0
Nebraska	0	0	0	0	0	0
Nevada	0	0	0	1	0	1
New Hampshi	0	0	0	0	0	0
New Jersey	0	0	0	0	0	0
New Mexico	0	0	0	0	0	0
New York	2	3	10	7	0	22
North Carol	1	0	0	1	0	2
North Dakot	0	0	0	0	0	0
Ohio	0	1	2	0	1	4
Oklahoma	1	0	0	0	0	1
Oregon	0	0	0	0	0	0
Pennsylvani	0	2	3	3	0	8
Rhode Islan	0	1	0	0	0	1
South Carol	2	0	0	0	0	2
South Dakot	0	0	0	0	0	0
Tennessee	3	0	1	2	0	6
Texas	2	2	31	6	2	43
Utah	0	2	0	0	0	2
Vermont	0	0	0	1	0	1
Virginia	0	1	2	1	0	4
Washington	0	1	2	0	0	3
West Virqin	1	1	0	0	0	2
Wisconsin	0	0	0	1	0	1
Wyoming	0	0	0	0	0	0
DC	1	0	0	3	0	4
Other	3	2	0	0	0	5
TOTALS	31	36	69	43	8	187

Prosecutions

Initiated	19	29	20	5	1	74
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5



**BRIEFING PAPER
INTELLIGENCE DIVISION**

SUBJECT: Threats and Assaults against ATF employees.

This is a summary of the threats and assaults against Bureau of Alcohol, Tobacco and Firearms (ATF) employees that have been reported to the Tactical Intelligence Branch from 1991 through 1994. The information is a summarized analysis of the victims, and their injuries, assailants and the weapons they used.

Shown in **figure 1** is a breakdown of victims of assaults and threats from 1991 through 1994. The statistic for 1993 comprises 39.4 percent of the total victims for the 4 year period. This high number is due primarily to the events that transpired in Waco, Texas. In looking at an overall trend, there is a steady increase of 2 percent or more each year in the number of victims of threats and assaults.

VICTIMS

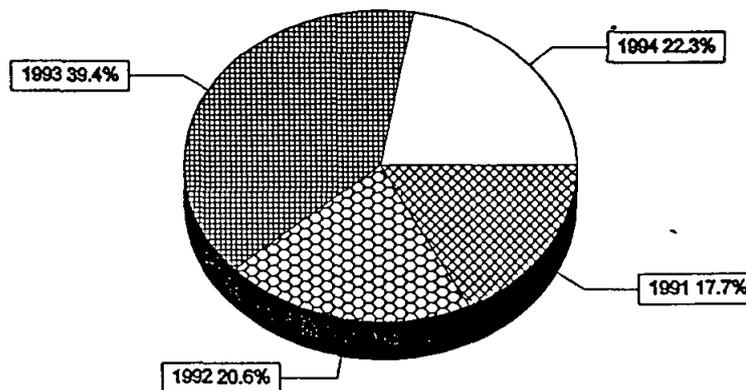


Figure 1

With this increase in the number of assault victims there is a corresponding increase in the number of assailants. In general, there was approximately a 2 percent increase in the number of assailants, which is consistent with the increase in victims. Again, because of Waco, there was nearly an 18 percent increase for 1993. In 1994, the number declined to a level slightly greater than the levels for 1991 and 1992.

The types of injuries sustained by the victims during a given assault have been broken down into three general categories: killed, injured, or no injury. The injuries sustained by the victims are shown in figure 2.

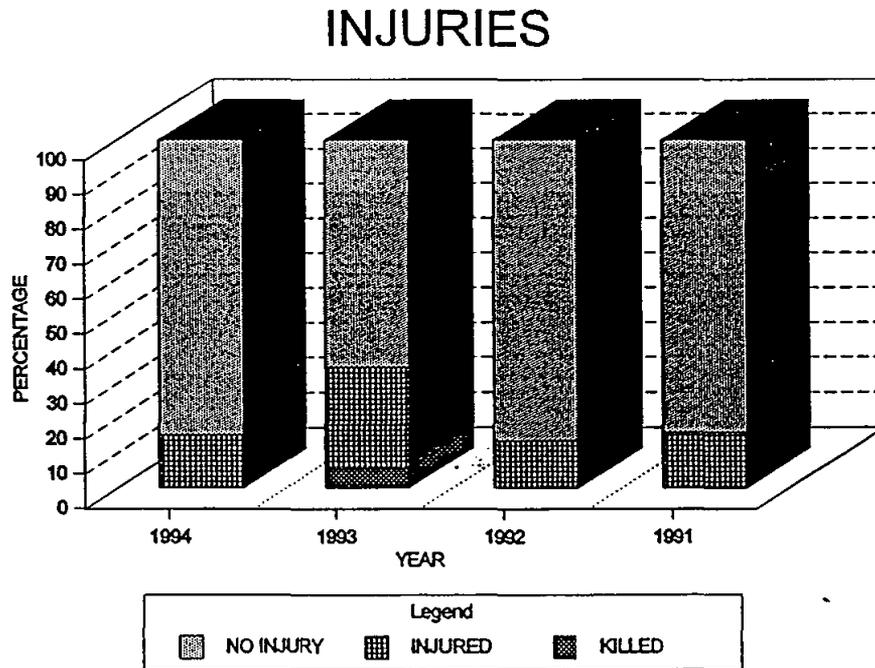


Figure 2

Note that four persons were killed in Waco, Texas, in 1993. For the total threats and assaults that occurred in 1991, there was no injury in 83.37 percent of the incidents, in 1992, there was no injury in 86.11 percent of the incidents, in 1993, there was no injury in only 65.22 percent of the incidents, and in 1994, the number was 84.62 percent.

The weapons used in the assaults are broken down into eight categories as follows, firearms, knives, blunt objects, bombs, vehicles, personal weapons, i.e., fists, threat only, and other. The threat only category indicates only those threats to a specific

person. Therefore, hate mail addressed to the Agency as a whole are not included in this number.

The types of weapons used by assailants in assaults on ATF employees for the years 1991 through 1994 are shown in figure 3. From 1991 through 1994 there was an increase in the use of firearms in assaults on ATF employees. In 1991, firearms were used in 19.35 percent of the assaults; in 1992, 22.22 percent; in 1993, 31.88 percent, and in 1994, 23.08 percent. Each of the other categories of weapons used in assaults fluctuated with no obvious trends readily apparent.

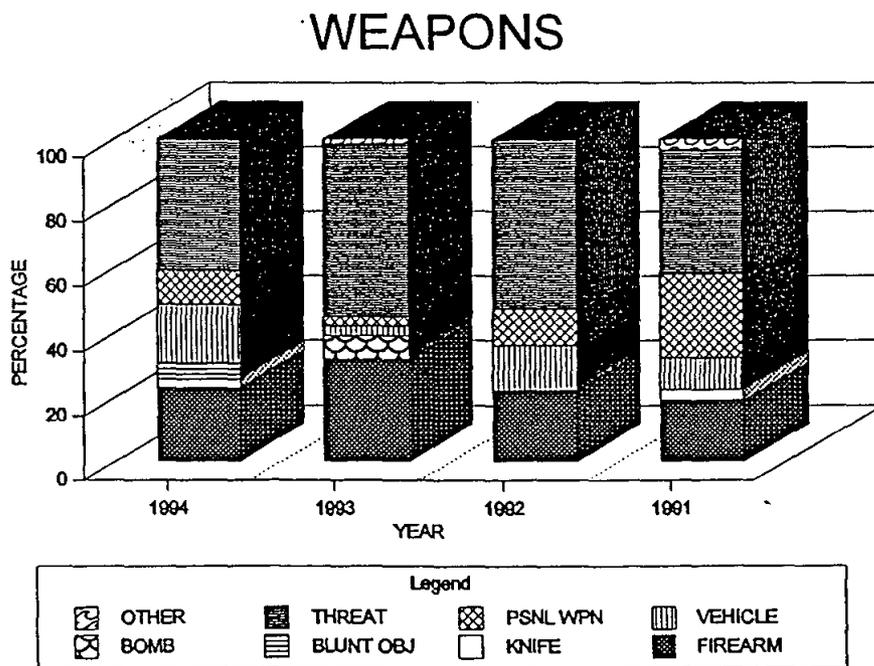


Figure 3

6



SOUTH DAKOTA	1	3	0	0	1	1
TENNESSEE	3	5	4	7	10	3
TEXAS	65	65	61	53	55	20
UTAH	9	10	20	13	6	3
VERMONT	0	0	3	0	3	0
VIRGIN ISLAND			1	0	0	0
VIRGINIA	6	11	20	18	6	12
WASHINGTON	25	22	29	20	16	4
WEST VIRGINIA	4	4	3	3	2	3
WISCONSIN	20	12	11	16	8	3
WYOMING	1	3	0	6	1	1
UNCODED	0	0	0	3	5	3
TOTAL	800	712	874	752	659	319

The following chart represents assault/threat cases that were referred for criminal prosecution and/or final closed by Internal Security between the period October 1, 1989 and March 31, 1995 by geographical location.

	FY-1990	FY-1991	FY-1992	FY-1993	FY-1994	FY-1995 ¹
ALABAMA	4	6	5	11	9	3
ALASKA	9	3	10	7	5	2
ARIZONA	40	12	17	18	11	8
ARKANSAS	6	9	8	10	2	0
CALIFORNIA	150	91	130	118	90	47
COLORADO	10	11	18	13	14	4
CONNECTICUT	9	7	6	11	16	7
DELAWARE	1	1	2	2	0	3
DIST. OF COL.	3	7	5	6	2	2
FLORIDA	43	50	84	61	45	28
GEORGIA	9	13	5	13	14	5
HAWAII	3	2	1	2	4	2
IDAHO	4	3	1	8	4	1
ILLINOIS	27	19	28	22	24	14
INDIANA	19	19	22	22	13	7
IOWA	2	3	2	3	4	1
KANSAS	2	5	12	4	7	0
KENTUCKY	13	14	14	5	7	8
LOUISIANA	10	14	10	10	11	7
MAINE	6	2	5	5	1	2
MARYLAND	7	16	14	12	14	6
MASSACHUSETTS	28	23	31	18	24	9
MICHIGAN	15	19	14	13	10	4
MINNESOTA	10	13	16	5	9	3
MISSISSIPPI	6	6	13	14	7	4
MISSOURI	6	17	12	4	9	4
MONTANA	6	2	4	1	2	0
NEBRASKA	2	0	3	1	1	1
NEVADA	12	9	17	7	19	2
NEW HAMPSHIRE	2	5	7	2	4	3
NEW JERSEY	15	20	18	24	9	9
NEW MEXICO	10	8	10	4	4	3
NEW YORK	45	54	68	58	67	27
NORTH CAROLINA	8	8	12	11	4	2
NORTH DAKOTA	1	2	5	4	2	0
OHIO	72	35	32	27	21	15
OKLAHOMA	5	6	9	15	9	1
OREGON	17	14	16	8	8	7
PENNSYLVANIA	22	23	26	29	36	10
PUERTO RICO	0	0	1	0	0	0
RHODE ISLAND	3	3	6	3	1	3
SOUTH CAROLINA	4	3	3	2	3	2

¹ Statistics are for the period 10/01/94 - 3/31/95.

7 ■

THE FOREST SERVICE, THE BUREAU OF LAND MANAGEMENT,
FISH AND WILDLIFE SERVICE, AND THE NATIONAL PARK SERVICE

- The Bureau of Land Management reported thirty-six intimidations, one interference, seven threats, and two acts of violence against BLM employees.
- The Forest Service reported cases of harassment, threats and violence against their employees in seven of their ten regions.
- The Fish and Wildlife Service reported two cases of interference.
- The National Park Service reported three telephone threats, one interference, and two threats of violence.

TRANSCRIPT OF PROCEEDINGS

UNITED STATES SENATE

Subcommittee on Information Technology and

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Hon. Max Baucus, A United States Senator from the State of Montana	8
Hon. Carl Levin, A United States Senator from the State of Michigan	15
A Panel Consisting of:	
Robert M. Bryant, Assistant Director, National Security Division, Federal Bureau of Investigation, Washington, D.C.;	25
James L. Brown, Deputy Associate Director for Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C.;	30
Fred M. Mills, Superintendent, Missouri State Highway Patrol, Jefferson, Missouri;	35
Richard M. Romley, Maricopa County Attorney, Phoenix, Arizona; and	43
John Bohlman, Musselshell County Attorney, Roundup, Montana	49
A Panel Consisting of:	
John Trochmann, Noxon, Montana; accompanied by John DeCamp, Counsel;	76
Robert Fletcher, Noxon, Montana;	81
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James Johnson, Columbus, Ohio; and	88

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Senator Specter

vr

VR 1

THE MILITIA MOVEMENT IN THE UNITED STATES

2

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3

THURSDAY, JUNE 15, 1995

4

United States Senate,

5

Subcommittee on Terrorism, Technology,

6

and Government Information,

7

of the Committee on the Judiciary,

8

Washington, D.C.

9

The subcommittee met, pursuant to notice, at 9:38 a.m.,

10

in Room SH-216, Hart Senate Office Building, Hon. Arlen

11

Specter, chairman of the subcommittee, presiding.

12

Present: Senators Specter, Thompson, Abraham, Kohl,

13

Leahy, Feinstein, and Kyl [ex officio].

14

Senator Specter. The hearings of the Subcommittee on

15

Terrorism of the Judiciary Committee will now come to order.

16

These hearings have been convened to inquire into a

17

number of questions. First, to what extent, if at all, do

18

the militia pose a threat to public safety and the Federal

19

Government, and the other side of that coin is to what

20

extent are Americans joining the militia because they feel,

21

rightly or wrongly, that the Federal Government poses a

22

threat to their constitutional rights.

23

There has been substantial evidence of growing power

24

with the militia, and we have seen substantial numbers of

25

men and women in uniform, under arms, organizing, all of

25

men and women in uniform, under arms, organizing, all of

1 which is within their constitutional rights. But with the
2 growth of the militia in many States, there is at least some
3 reason to raise an inquiry as to whether there is a threat
4 to public safety. I am not saying that there is, but I
5 think it is a question which ought to be answered.

6 There are indications that there are some 224 militias
7 operating in this country; that the militias are active in
8 39 States and are rumored to be present in other States.
9 These militias exist notwithstanding laws in some States
10 which prohibit the formation of militias, and not to say
11 that these militias as they are constituted do or do not
12 violate any State laws, but those are questions which
13 require some inquiry.

14 I think it is no coincidence that Waco occurred on
15 April 19, 1993, and the Oklahoma City bombing occurred
16 precisely 2 years to the day after the Waco incident.
17 Whatever happened at Waco, there is absolutely no
18 justification for the bombing in Oklahoma City. But I do
19 believe, and have said so publicly before, including on the
20 floor of the Senate, that the Judiciary Committee should
21 have had hearings on Waco, and I had asked for them some 2
22 years ago.

23 I further believe, and have said on the Senate floor,
24 that there ought to be hearings on Ruby Ridge, Idaho, as
25 well, and even took the step to bring that issue to a vote

1 in the Senate, realizing full well that there would not be a
2 successful resolution of that on the Senate floor. But I
3 believe that there is a great deal of dissatisfaction in
4 America today on many lines, rightly or wrongly, and that
5 these questions ought to be aired and ought to be
6 ventilated.

7 There is a concern about Second Amendment rights. I
8 think it ought to be articulated at this juncture that the
9 Supreme Court of the United States, in United States v.
10 Miller, has ruled with regard to the Second Amendment that
11 it must be interpreted and applied only in the context of
12 safeguarding the continuation and effectiveness of the State
13 militia, and the Supreme Court has also limited the right to
14 raise a militia to States in the case of Presser v.
15 Illinois, albeit a case of long standing, an old case, in
16 1886.

17 The Southern Poverty Law Center has successfully fought
18 violent, racist militia groups by invoking infrequently used
19 State prohibitions against militias and paramilitary
20 training in the United States District Court for the
21 Southern District of Texas in 1982.

22 There has been some report that the suspects in the
23 Oklahoma City bombing did attend a meeting of the Michigan
24 Militia and we will be inquiring into that subject today.

25 I have an open mind on all of the questions involved

1 here in terms of trying to see if these militias do pose a
2 clear and present danger. The decisions of the Supreme
3 Court of the United States have made it plain that there is
4 a broad ambit of freedom of speech, and that has protected
5 our country and led to the greatest country in the history
6 of the world, but there is an ending point if there is
7 violence or the imminent threat of violence. Justice Oliver
8 Wendell Holmes articulated it that freedom of speech ends
9 when you falsely cry "fire" in a crowded theater.

10 There is also an awareness and a recognition that here
11 in Washington we derive the power of the Government from the
12 consent of the governed, and it is no coincidence that we
13 have had the most stable government in the history of the
14 world because of our constitutional rights, and they have to
15 be protected, as well as the public safety.

16 I am now delighted to yield to our distinguished
17 ranking member, Senator Kohl.

18 Senator Kohl. Thank you very much, Mr. Chairman. Mr.
19 Chairman, many Americans are concerned by the extreme
20 positions that some militia members have taken and by the
21 few militia members who have taken the step from hateful
22 speech to actual violence. So we are looking forward today
23 to learning more about these militias that have received so
24 much attention recently.

25 The hatred that some members of these groups harbor for

1 African Americans, foreigners, and Government is
2 particularly disturbing in light of the escalating political
3 violence in our country. Let me give you a few examples of
4 what militia members have done and said.

5 When 3 members of the Michigan Militia were stopped
6 last year by police, their car contained 6 loaded semi-
7 automatic weapons, 3 revolvers, 700 rounds of ammunition,
8 night vision goggles, gas masks, knives, bayonets, two-way
9 radios, and notes indicating that the men were conducting
10 night surveillance of law enforcement officials. Although
11 the men were arrested on weapons charges, they failed to
12 appear at their arraignment. Instead, 50 militia members
13 went to the courthouse, calling the police "punks in badges"
14 and threatening to shoot any law enforcement official who
15 might pull them over.

16 Last fall, 4 members of a militia group in Virginia
17 called the Blue Ridge Hunt Club were charged with
18 stockpiling machine guns, and had planned to raid a nearby
19 National Guard armory. A computer disk seized by Federal
20 investigators read, and I quote, "We will destroy targets
21 such as telephone relay centers, bridges, fuel storage
22 tanks, communications towers, radio stations, airports, et
23 cetera . . . human targets will be engaged when it is
24 beneficial to the cause to eliminate particular individuals
25 who oppose us, like troops, police, political figures,

1 snitches, et cetera."

2 Just 3 months ago, 2 members of the Minnesota Patriots
3 Council were convicted of conspiracy charges for planning to
4 use a lethal biological poison to kill Federal employees and
5 law enforcement agents.

6 In addition to violent acts, some militias have been
7 spreading a gospel of hate. For example, a Militia of
8 Montana newsletter entitled "Taking Aim" advertised a video
9 for sale entitled "Big Sister is Watching You." The ad went
10 on to say, and I quote, "Hillary's Hell Cats, or if you
11 like, Gore's Whores. Hillary's regiment of hardened,
12 militant feminists includes lesbians, sex perverts, child
13 molester advocates, Christian haters and the most
14 doctrinaire of communists. One heads the FBI, another the
15 IRS."

16 A recent press release by the Michigan Militia railed
17 against numerous Federal judges, motion picture executives,
18 and law enforcement officials for being part of a conspiracy
19 to control the American people.

20 A flyer distributed at Montana Militia meetings depicts
21 Adolph Hitler saluting, with a caption saying "All in favor
22 of gun control, raise your right hand." The caption
23 continues, "To save America from these Nazi lovers, we must
24 destroy gun control." This language is unacceptable, as
25 well as sophomoric.

1 Words that incite violence, regardless of political
2 motivation, cannot be tolerated. After all, the
3 Constitution does not require that a government stand by
4 helplessly when extremist ideas, combined with an arsenal of
5 weaponry, are used to intimidate American citizens. As
6 Justice Jackson wrote, "The Constitution is not a suicide
7 pact."

8 Mr. Chairman, individuals and organizations that oppose
9 Government policies should feel free to do so, but they must
10 fight for their ideas in the non-violent democratic ways
11 envisioned by the Founding Fathers that they purport to
12 admire. From the presidency of Thomas Jefferson to the 1994
13 election, American history is filled with dramatic, but
14 peaceful changes in power. Elections, not guns, are the
15 tools of change crafted by the Framers and embedded in our
16 Constitution. These are the instruments of democracy, which
17 is, to paraphrase Winston Churchill, the worst system of
18 government except for all the rest.

19 Thank you.

20 Senator Specter. Thank you very much, Senator Kohl.

21 We now turn to two distinguished United States
22 Senators. The order of appearance, both having come here in
23 the 1978 elections, is alphabetical. We turn to the
24 distinguished Senator from Montana, Senator Baucus.

25 Welcome.

1 STATEMENT OF THE HON. MAX BAUCUS, A UNITED STATES
2 SENATOR FROM THE STATE OF MONTANA

3 Senator Baucus. Thank you very much, Mr. Chairman, and
4 I very much thank you for calling this hearing and inviting
5 to come and testify.

6 I will address three questions: one, what are the
7 Montana militia groups like; two, what problems, if any, do
8 they cause in Montana; and, three, what solutions to these
9 problems exist.

10 First, however, I would like to say this. I understand
11 anger with Government. The Government is not perfect, and
12 often people are right to be angry, but those who express
13 their anger through hate rhetoric and violence are few. The
14 vast, vast majority of Montanans reject hate, obey the law,
15 treat each other with courtesy, and cherish our peaceful
16 democratic values. That is true for conservatives,
17 liberals, Democrats, Republicans, property owners,
18 environmentalists, gun controllers, NRA members, everybody.
19 Militia groups are the exception, and they are a small
20 exception.

21 Let me begin by describing the militias and their
22 leaders. The movement has three groups, formally separate,
23 but informally linked by philosophy and personal ties: the
24 Militia of Montana in the northwestern town of Noxon, the
25 North American Volunteer Militia to the south in Darby, and

1 A document filed at the Sanders County courthouse in
2 1992 by the Militia of Montana founder illustrates that
3 agenda quite well. In it, he uses the Dred Scott decision
4 to claim that only the white race has rights, and explicitly
5 repudiates the United States of America declaring, quote, "I
6 am not now, nor have I ever been a citizen of the United
7 States," end quote.

8 With these groups has come an atmosphere of terror.
9 Since the militias formed, we have had anti-Semitic
10 incidents all over our State. A constituent from Ravalli
11 County wrote me in April referring to North American
12 Volunteer Militia members as follows. "You see Freemen with
13 guns in the post office, grocery store and gas stations. If
14 it gets to any one of them that a person doesn't like the
15 Freemen, they will call or confront a person face to face.
16 They tell people that we are all going to 'die like the
17 Jews,'" end quote.

18 Threats against law enforcement are routine. Police
19 chief Larry Rose in Darby, Montana, had organized private
20 citizens to protect his house from bomb threats. Freemen
21 told my friend, Nick Murnion, the Garfield County Attorney,
22 that they would hang him from a bridge. And this is
23 spreading outside our State. The militias' mail order
24 catalog, as referred to by Senator Kohl, is full of videos
25 and booklets telling people how to make improvised munitions

1 and booby traps, offering sniper training, and so on,
2 accompanied by other videos that hint at imminent disaster
3 if Americans don't resist.

4 Last November, Mr. Trochmann told a journalist that the
5 Government might be planning a large destructive event for
6 April 19, 1995. That was last November. This was, of
7 course, the day of the Oklahoma City bombing. There may be
8 no connection, but it is quite certain that people are
9 reading what he puts out. Many of them are disturbed and
10 some of them may well act upon it.

11 So what is the solution? Let me first say what is not.
12 We need not compromise our basic rights to free speech, to
13 bear arms, free association, and privacy in any way. The
14 real solution comes in three parts. First, enforce our
15 laws. Montana has a law against paramilitary training. Tax
16 evasion and threatening police officers are against the law
17 everywhere as far as I know. We know who is violating these
18 laws and we need no new wiretapping authority to find them.
19 In some cases, a small rural police department might just
20 need an extra officer and a little bit more new equipment.
21 That is about all that is needed.

22 Second, address the concerns that lead ordinary people
23 to be angry and suspicious of Government. One reason is
24 economic pressure. We all know that economic problems are
25 complex. They are difficult, but some of it is just making

1 sure our Government uses more common sense. I will give you
2 an example.

3 In February, some loggers in Montana from Flathead
4 Valley called me up. The Occupational Safety and Health
5 Administration, they said, had ordered them to be steel-
6 toed, chain saw-resistant boots for work. They had two
7 weeks' grace period, and after that it was no boots, no
8 work.

9 Well, steel-toed boots may sound good to someone in
10 Washington, D.C., but in Montana they can make the job more
11 dangerous. On a cold day, they make your feet go numb and
12 that makes it easier to slip on a steep hill, and that is no
13 joke when you are holding a live chain saw. These loggers
14 acted fast so I could get to the Secretary of Labor and stop
15 the regulations, but nobody at a desk in Washington, D.C.,
16 should be telling people in the Flathead what kind of shoes
17 to wear. You can expect people rightfully to be mad about
18 that.

19 Third, we as a country must set clear standards of
20 right and wrong. Everyone, even people with good reason to
21 be angry, must live by those standards. We all have a
22 responsibility to respect our neighbors, respect law
23 enforcement, and obey the law, and we all must understand
24 that hate and anti-Semitism are wrong. They have no place
25 in Montana and no place in America.

1 Montanans know about right and wrong. The few dozen
2 militia leaders get a lot of attention, but the thousands of
3 Montanans who stand up for what is right are far more
4 important. They deserve the attention. They may not get
5 the headlines, but they are the real story.

6 It is the people in law enforcement who put themselves
7 on the line to keep their friends and neighbors safe, the
8 community human rights groups who expose the militias for
9 what they are, teachers making sure students know the truth,
10 parents telling their children that hate is wrong; that is
11 what is really important and that is why I am so proud to be
12 here representing Montanans today.

13 Thank you, Mr. Chairman. I ask consent that my written
14 statement be in the record, and I also have some supporting
15 documents that I would like to get in as well.

16 Senator Specter. Thank you very much, Senator Baucus.
17 They will all be made a part of the record.

18 [The prepared statement and supporting documents of
19 Senator Baucus follow:]

1 Senator Specter. We now turn to the distinguished

2 Senator from Michigan, Senator Levin.

1 STATEMENT OF THE HON. CARL LEVIN, A UNITED STATES
2 SENATOR FROM THE STATE OF MICHIGAN

3 Senator Levin. Mr. Chairman, thank you, and Senator
4 Kohl, Senator Feinstein. Thank you, first of all, for
5 holding the hearings and giving me an opportunity to testify
6 today. It is a very important hearing that you are holding
7 here today because of the activities of the militias.

8 I have met with law enforcement officials in my State.
9 I have listened to my constituents who are concerned with
10 the militia movement. One of their concerns is the extreme
11 rhetoric coming from some of the militias and their leaders.
12 Norm Olson, who is scheduled to testify here later, said on
13 national television just after the Oklahoma City bombing
14 that the Federal Government itself may have participated in
15 the bombing, quote, "as a way of inciting public outrage and
16 anger toward other patriotic movements in America," close
17 quote. How is that for a suggestion, that we may have
18 killed our own employees and children?

19 The militias were growing and active long before
20 Oklahoma City. Their internal publications and
21 instructional videos are filled with the language of hate
22 and with paranoid conspiracy theories. This publication,
23 distributed by the Wolverine Brigade of the Southern
24 Michigan Regional Militia, says that, quote, "There are four
25 massive crematoriums in the USA now complete with gas

1 chambers and guillotines . . . more than 130 concentration
2 camps already set up from Florida to Alaska . . . more than
3 two million of us are already on computer lists for
4 'detention' and 'liquidation.'" The manual of the Southern
5 Michigan Regional Militia says that the "militia exists in
6 order to keep government in check."

7 People have the right to say hateful things and believe
8 hateful things about their Government, but that doesn't make
9 it right to say them. Extreme hate rhetoric contributes to
10 an incendiary atmosphere in which an unstable individual
11 will take the rhetoric seriously and light a match or a
12 fuse.

13 Now, as Senator Kohl pointed out, the activities of
14 militia members go beyond mere speech, and many of these
15 activities are disturbing, especially the stockpiling of
16 firearms and explosives, paramilitary training, and
17 conducting surveillance of, and even stalking law
18 enforcement personnel.

19 Last September, in Fowlerville, Michigan, police
20 stopped three men for a traffic violation and because of
21 reports that they were stalking a woman. The three men wore
22 camouflage and said they were members of the Michigan
23 Militia on night maneuvers. According to police chief Gary
24 Krause, inspection of the car revealed notes indicating that
25 the men had engaged in surveillance operations against

1 police departments, communication towers, and New World
2 Order people.

3 The car contained a large number of loaded weapons,
4 including an AK-47, plus armor-piercing ammo, tracer rounds,
5 night vision goggles, gas masks, two-way radios, bayonets,
6 and knives. The police also found rules of engagement which
7 said that the men were an equal opportunity hit squad that
8 should treat potential targets without prejudice for race,
9 color, or religion.

10 The three men that were arrested skipped bail, but at
11 their appointed hearing time more than 30 camouflage-clad
12 members of the Michigan Militia showed up at the Livingston
13 County courthouse saying things like the following, "The
14 next time you take our guns, we will shoot you." Two of the
15 three fugitives were later apprehended, one with another car
16 full of weapons, and one is still at large.

17 Another incident: Soon after starting his job a few
18 months ago, the new chief of the Bureau of Alcohol, Tobacco
19 and Firearms in Detroit found a "Support the Militia" bumper
20 sticker had been placed on his car, and he and other ATF
21 agents have now been receiving phone calls from self-
22 identified militia members threatening, quote, "we're coming
23 after you and your children."

24 In the course of an ATF investigation in a Detroit
25 suburb, a former militia member told agents that another

1 militia member had told him in September of 1994, quote, "I
2 found out where the ATF office is and I'm going to find a
3 way to take them all out," close quote. In Grand Rapids,
4 Michigan, State police investigating a crime found a Grand
5 Rapids ATF agent's name, address, and child's school
6 location in the possession of a suspect who was identified
7 as a militia member.

8 In April, 2 weeks before the Oklahoma City bombing, at
9 an airport near Detroit, U.S. marshals and Bureau of Prisons
10 officials were waiting for the weekly flight of the NPTS,
11 the National Prisoner Transportation System. They found a
12 man on the perimeter of the area that they had secured
13 recording vehicle descriptions and license numbers. He
14 identified himself as a patriot who claimed he was on hand
15 to make sure everything was conducted properly. He was
16 subsequently identified from newspaper photographs as a
17 brigade commander in the Michigan Militia.

18 This particular flight had been rescheduled to an
19 unusual time, and yet he was aware of that and had
20 surveillance in place. Now, we don't know why he was
21 studying the movements of prisoner transportation vehicles,
22 but the officers on hand were concerned about the security
23 of prisoners that the plane would be delivering and about
24 their own safety in light of this militia surveillance.

25 Now, these instances are troubling, in part, because

1 they involve surveillance or stalking of law enforcement
2 officials and activities which are threatening to officers
3 and their families. These instances indicate an organized
4 effort against law enforcement officials by militia members.
5 Our police and Federal law enforcement officials already lay
6 their lives on the line to protect public safety and any
7 effort to threaten them should be of great, and is of great
8 concern to all of us.

9 We don't need private armies, Mr. Chairman, to protect
10 us from our Government. We have the ballot box to change
11 our Government, and if elected officials at the local,
12 State, or Federal level violate the constitutional rights of
13 individual citizens, we have an independent judiciary to
14 protect those rights. Courts have protected our rights as
15 individuals against Presidents, against the Congress,
16 against governors, and against legislatures. So we don't
17 need these private armies to protect us from our Government.
18 We are blessed with having a free ballot and an independent
19 judiciary.

20 Mr. Chairman, there have been a number of proposals
21 that have been considered by this committee over the years
22 and over the decades relative to the paramilitary activities
23 of these private armies and private militias, and I would
24 hope and know that this committee will be reviewing these
25 efforts in the past and bringing them up to date by looking

1 at the current activities of many of these militias because
2 the paramilitary activities of these private armies raise
3 serious public safety concerns.

4 So your work is very important. I commend you on it
5 and I thank you again for the opportunity to testify today.

6 [The prepared statement of Senator Levin follows:]

1 Senator Specter. Thank you very much, Senator Levin.

2 The practice is not to question Senators who appear,
3 really, on statements of public policy and we have a very
4 long list of witnesses, but I would like to ask you, Senator
5 Levin, about two of your statements. You are one of the
6 great protectors of constitutional rights in the Senate and
7 in the country.

8 Your statement, as best I wrote it down, is incendiary
9 speech is not right. Would you suggest any limitation
10 beyond what we now see, or any effort to further restrict
11 incendiary speech? Let me ask it in the context of your
12 testimony that you quoted one of the alleged militia men as
13 saying, I found out where the ATF office is and I am going
14 to find a way to take them out. Does that speech go beyond
15 the range of constitutionally protected speech, in your
16 legal opinion?

17 Senator Levin. I would have to know more about the
18 context and the present capability of carrying that out and
19 the present intention to carry that out as to whether or not
20 it constitutes an attempt and whether or not it is part of
21 an actual pattern of conduct which reflects both an intent
22 to injure or kill and a present ability to carry out that
23 intent and some step toward carrying out that intent. I
24 think they would all have to be present before a crime would
25 be committed.

1 Senator Specter. Well, that is customarily a very
2 thoughtful answer, and from what I understand you to say on
3 the face it doesn't go so far as to be outside the ambit of
4 free speech. You would have to know.

5 Well, we thank you very much for your testimony,
6 Senator Baucus and Senator Levin. Thank you very much.

7 I would like to now turn to our first panel of law
8 enforcement officers. We have three panels today. We have
9 just heard panel one. Panel number two will be the law
10 enforcement side and panel number three will be members of
11 the militia.

12 I would like to call at this time Mr. Bryant, Mr.
13 Brown, Colonel Mills, Mr. Romley, and Mr. Bohlman. Welcome,
14 gentlemen. We will begin with Mr. Robert M. Bryant,
15 Assistance Director, National Security Division, Federal
16 Bureau of Investigation, Washington, D.C.

17 Mr. Bryant, we welcome you here. The full statements
18 will all be placed in the record. We have a 5-minute light,
19 which we regret, but time is always limited. We have a
20 special constraint today that the Majority Leader has set
21 votes at 12:15 and there are as many as 9 votes, which will
22 put us out of commission for a very long period of time.

23 I might say that when these hearings were scheduled
24 originally, they had to be postponed because we voted 30
25 times on the specific date that they were scheduled, votes

1 every 9 minutes. But it is our custom to limit opening
2 statements to 5 minutes and there will be more time for
3 elaboration during the question-and-answer session.

4 Mr. Bryant, before you begin, Senator Feinstein arrived
5 after the opening statements. Senator Feinstein, would you
6 care to make an opening statement at this time?

7 Senator Feinstein. Thank you, Mr. Chairman. I will
8 place it in the record, with your permission.

9 Senator Specter. Fine. It will be admitted into the
10 record.

11 [The prepared statement of Senator Feinstein follows:]

12 / SUBCOMMITTEE INSERT

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Senator Specter. You may proceed, Mr. Bryant.

1 STATEMENTS OF A PANEL CONSISTING OF ROBERT M.
2 BRYANT, ASSISTANT DIRECTOR, NATIONAL SECURITY
3 DIVISION, FEDERAL BUREAU OF INVESTIGATION,
4 WASHINGTON, D.C.; JAMES L. BROWN, DEPUTY ASSOCIATE
5 DIRECTOR FOR CRIMINAL ENFORCEMENT, BUREAU OF
6 ALCOHOL, TOBACCO AND FIREARMS, WASHINGTON, D.C.;
7 FRED M. MILLS, SUPERINTENDENT, MISSOURI STATE
8 HIGHWAY PATROL, JEFFERSON, MISSOURI; RICHARD M.
9 ROMLEY, MARICOPA COUNTY ATTORNEY, PHOENIX,
10 ARIZONA; AND JOHN BOHLMAN, MUSSELSHELL COUNTY
11 ATTORNEY, ROUNDUP, MONTANA

12 Mr. Bryant. Thank you. Good morning, Mr. Chairman and
13 members of the subcommittee. I appreciate your invitation
14 to appear before the subcommittee today as you discuss the
15 militia movement in the United States.

16 Let me assure you that the FBI is doing everything
17 within its mandate to prevent acts of terrorism from
18 occurring. If an incident does occur, the FBI will mount
19 whatever lawful effort it takes to solve the crimes and
20 apprehend the individual terrorist or terrorist group. The
21 swift and effective investigation of terrorist acts,
22 culminating in arrests, convictions, and incarcerations,
23 sends a powerful message to terrorists and helps deter
24 future acts of terrorism.

— 25 The FBI does investigate specific individuals or groups

1 where there is a reasonable indication of criminal activity,
2 but because these are pending investigations, I cannot
3 discuss them at this time. These investigations are
4 governed by the Attorney General guidelines regarding
5 general crimes and domestic terrorism investigations.

6 FBI domestic counter-terrorism investigations under the
7 guidelines are limited to occasions when there is a
8 reasonable indication "that two or more persons are engaged
9 in an enterprise for the purpose of furthering political or
10 social goals wholly or in part through activities that
11 involve force or violence and in violation of the criminal
12 laws of the United States." A consideration the guidelines
13 prescribe in determining whether an investigation is
14 warranted is the danger to privacy and free expression posed
15 by an investigation.

16 In addition, we investigation individuals under the
17 general crimes portion of the guidelines. Full
18 investigations under these provisions may be initiated when
19 "facts or circumstances reasonably indicate that a Federal
20 crime has been, is being, or will be committed." For
21 investigations of groups under the domestic security
22 provisions and of individuals under the general crimes
23 provisions, there must be an objective, factual basis
24 regarding criminal activity. More limited inquiries may be
25 conducted when information is received which, although short

1 of a reasonable indication of criminal activities, requires
2 some further scrutiny.

3 One recent example of the type of investigation we do
4 led to the arrests and convictions of two men from
5 Minnesota, Duane Baker and Leroy Wheeler, who claimed to be
6 members of a tax protest group called the Patriots Council.
7 Baker and Wheeler manufactured a quantity of ricin, a highly
8 toxic derivative of the castor bean. They planned to use
9 ricin to kill a police officer who had served eviction
10 papers on one of the group's members. Following their
11 arrest on August 4, 1994, they were convicted of violations
12 of the Biological Weapons Anti-Terrorist Act of 1989.

13 A second example involved individuals linked to a
14 militia group who learned that Russian-made tanks were
15 located at a local military base. Apparently fearing that
16 these tanks were the prelude to a Russian-led invasion of
17 the U.S. by the United Nations, some individuals took it
18 upon themselves to plan to destroy these tanks. In fact,
19 the tanks were captured by the United States Army from the
20 Iraqi during Desert Storm and are being used for training
21 our own soldiers, as well as for research and development to
22 improve United States tanks and combat tactics. These
23 misguided individuals were foiled before any damage could be
24 done.

25 Combatting terrorism is a difficult and complex

1 endeavor. Through many years of experience and many
2 different aspects of our responsibility, the FBI has learned
3 that cooperation with other members of the law enforcement
4 community and the support of the American public are
5 absolutely essential for the FBI to be effective in
6 countering terrorism.

7 Thank you for this opportunity, Senator.

8 Senator Specter. Thank you, Mr. Bryant, for concluding
9 even before the red light.

10 [The prepared statement of Mr. Bryant follows:]

1 Senator Specter. We now turn to Mr. James Brown,
2 Deputy Associate Director for Criminal Enforcement, Bureau
3 of Alcohol, Tobacco and Firearms. You may proceed, Mr.
4 Brown.

1 STATEMENT OF MR. BROWN

2 Mr. Brown. Mr. Chairman and distinguished members of
3 the subcommittee, I appreciate the opportunity, also, to
4 discuss with you what ATF has learned about some of the
5 militia groups in the United States.

6 Since the tragic bombing in Oklahoma City on April 19,
7 much of the American public has learned for the first time
8 through the media about the militia movement. Because of
9 ATF's Federal enforcement responsibility, which encompasses
10 violations related to firearms, explosives and arson, we
11 have been involved with individuals associated with similar
12 violent anti-Government groups since the 1970's.

13 Today, I would like to give you some examples of the
14 types of allegations that have been found in some of the
15 militia propaganda throughout this country. These are not
16 necessarily representative of the views of all militia
17 members, however. Certainly, there are members of militia
18 groups who are upstanding, law-abiding citizens.

19 As you are aware, the incident in Oklahoma City has
20 generated a great deal of speculation in the media about
21 militia groups and violent anti-Government views. While we
22 don't investigate groups based on their beliefs, ATF does
23 pursue investigations on individual suspects when there is
24 evidence that they are violating the Federal laws under
25 ATF's jurisdiction. Through these investigations, we have

1 been able to gain considerable insight into some militias
2 and their ideologies.

3 As a result of criminal investigations conducted by
4 ATF, along with information received from other law
5 enforcement agencies, and open-source documents and
6 publications distributed by militias, ATF estimates that
7 militias exist in approximately 40 States. On May 11, 1995,
8 a Gannett News Service article quoting the Center for
9 Democratic Renewal, a private Atlanta group that monitors
10 militias, reported that there are up to 100,000 militia
11 members in at least 30 States. Other news sources quoting
12 militia leaders report their actual membership to be in the
13 millions.

14 Accurate estimates reflecting the total number of
15 militias, the number of specific States involved, and the
16 total militia membership nationwide are not available,
17 since ATF and other Federal law enforcement agencies do not
18 collect such intelligence, per se, on militia groups.

19 During the past decade, several national and global
20 events have provided the environment for the formation of
21 militias. Militias include members with a wide spectrum of
22 views ranging from active opposition to the firearms laws to
23 ideas that are extreme, violent, and paranoid. Most are
24 primarily concerned with the firearms laws. However, some
25 militias believe they are the people's response to a wide

1 range of issues that include the supposed takeover of the
2 United States by the United Nations.

3 One theory promoted by some of today's militia members
4 is that the democratic United States will be replaced by the
5 New World Order. A national militia speaker promotes the
6 notion that the illuminati, a group of national and
7 international government and military officials, will round
8 up all Christian patriots, confiscate their guns, and haul
9 them off in black helicopters to concentration camps. A
10 1994 news article quotes this spokesman as saying that urban
11 street gangs would be part of the home invasion of the
12 patriots. Also included in this invasion force would be
13 foreign mercenaries. The operation would supposedly be
14 controlled by the Federal Emergency Management Agency, along
15 with ATF and other Federal enforcement agencies.

16 Federal authorities are likened to Nazis or are called
17 baby killers by some militias. Hateful descriptions of the
18 President and the Attorney General of the United States
19 found in some militia-related letters and literature are so
20 vial they can't be repeated here today. The most recent
21 propaganda circulating among some militia supporters is that
22 the President ordered the Oklahoma City bombing.

23 ATF has successfully investigated and charged several
24 members of the present-day militia movement with violations
25 of the Federal firearms and explosives laws. I want to

1 emphasize again that ATF does not initiate investigations on
2 militias based on their beliefs, but we do pursue
3 investigation on individual suspects based on violations or
4 intended violations of the law.

5 In conclusion, the men and women of ATF investigate and
6 apprehend some of the most violent criminals in America on a
7 daily basis. During our extensive planning for the
8 execution of search and arrest warrants, we anticipate and
9 expect violators to be armed with firearms or have in their
10 possession a bomb as the primary element of proof of the
11 violations that we enforce.

12 Senator Specter. Mr. Brown, would you summarize the
13 balance of your statement because the red light is on?

14 Mr. Brown. I am about through, sir.

15 Unfortunately and sadly, responsibility of apprehending
16 the Nation's most violent criminals has taken its toll on
17 our agency, resulting in the death of 183 special agents in
18 the line of duty. I will assure you, Mr. Chairman, that it
19 is ATF's goal to promote our goal in providing a safe and
20 more secure America.

21 I would be happy to answer any questions you have
22 concerning our involvement in these investigations.

23 Senator Specter. Thank you very much, Mr. Brown.

24 [The prepared statement of Mr. Brown follows:]

1 Senator Specter. We now turn to Colonel Fred Mills,
2 Superintendent of the Missouri State Highway Patrol.
3 Welcome, Colonel Mills, and the floor is yours.

1 STATEMENT OF MR. MILLS

2 Mr. Mills. Thank you, sir. I would like to tell you
3 how my morning began this morning. I got into a cab--and I
4 am country boy from the Midwest and got into the cab and I
5 told the cab driver where I wanted to go and he looked at me
6 rather nervously and said, this is my first day on the job,
7 you will have to tell me how to get there.

8 [Laughter.]

9 Mr. Mills. So, between the two of us, we got the map
10 out and we found the way here. So, again, as a country boy
11 from the Midwest, I appreciate the opportunity to be here
12 today and I really appreciate this committee's--

13 Senator Specter. Was he at all apprehensive about your
14 impressive uniform?

15 Mr. Mills. He wasn't quite sure what it was all about.

16 Senator Specter. Start the time clock again for
17 Colonel Mills.

18 Mr. Mills. Hate groups and extremist groups have
19 always been a part of Missouri's history as far back as the
20 Civil War, in which Missouri citizens were torn between the
21 slavery issues. Factions of the Ku Klux Klan have existed
22 since that time and, sad to say, they continue to track
23 members even today. Other extremist groups have surfaced in
24 Missouri over the past century, only to disappear and
25 resurface again under a different disguise and different

1 philosophical ideas.

2 The history of extremism in Missouri comes from a
3 discontent within our society, for a variety of reasons.
4 They spawn new groups, and these groups subside, but they
5 seem to always come back. Groups such as the Christian
6 Patriot Defense League, an ultra-right-wing movement, have
7 been visible in the Midwest since the 1950's. The CPDL
8 established a paramilitary training camp on a farm near
9 Licking, Missouri, in 1980 and they began to host what they
10 called freedom festivals. Well, these freedom festivals
11 drew Christian identity organization movement members, the
12 KKK, the CSA, and also the Posse Comitatus. They came there
13 and began training and the guise of their training was to
14 protect their freedom.

15 In 1984, Missouri passed an anti-paramilitary law which
16 prohibited this kind of activity when they expound upon
17 disruption because of the training that they were going to
18 implement. The impact of extremism in Missouri was first
19 felt by the Highway Patrol in 1985 when Trooper Jimmie
20 Linegar was shot and killed by a member of the Aryan Nation,
21 a white supremacy group.

22 This shooting led to the Highway Patrol, in conjunction
23 with Federal law enforcement agencies, to raid a training
24 compound on the Missouri-Arkansas border of the Covenant,
25 Sword, and Arm of the Lord, a paramilitary survivalist group

1 who said they were Christian patriots. The violence
2 associated with this shooting and the fire power that was
3 confiscated from that camp surprised many in law
4 enforcement, including law enforcement agencies. This
5 seemingly singular event, however, merely highlighted an
6 evolving trend toward extremism not only in Missouri, but
7 across this Nation as well.

8 The 1987 shooting of Trooper Russell Harper again
9 demonstrated the power of hate espoused by extremist groups.
10 While the man who shot Trooper Harper was not directly tied
11 to any particular hate group, he did espouse extremist and
12 hate group philosophies and was a collector of Aryan Nation
13 literature and paraphernalia. When we raised his home in
14 Arkansas, we also found a wide variety of weapons, most of
15 which were illegal.

16 Again, in July of 1992, we formed an organized crime
17 unit within the Highway Patrol's Division of Drug and Crime
18 Control. One of the unit's tasks was to gather information
19 about extremist and hate groups in Missouri, as well as
20 street gangs, outlaw motorcycle gangs, and organized crime.
21 Sadly, the focus of this group has been on three extremist
22 groups here lately that we have seen a real resurgence in,
23 and that is, again, the KKK, the Christian identity
24 religious movement, and militias.

25 In 1994, the Missouri State Highway Patrol was struck

1 again by an extremist group. Corporal Bobbie Harper was
2 shot and seriously wounded by a so-called patriot from the
3 Citizens of the Kingdom of Christ, a Christian identity
4 group, in retaliation for the arrest of one of its leaders.
5 Harper was forced to retire and still suffers for those
6 injuries. Meanwhile, this patriot, from what we are able to
7 tell from intelligence information, is being protected by a
8 network of extremist groups that run across this country.

9 The escalating level of violence in 1994 in Missouri,
10 as well as across this Nation, was personally felt by the
11 members of the Highway Patrol when we had 6 officer-involved
12 shootings just in 1994. Luckily, none of our officers were
13 fatally wounded. Missouri, however, did have 6 law
14 enforcement officers killed in 1994, and it ranked us sixth
15 in the Nation for the number of officers killed in the line
16 of duty. While none of these incidents may be directly
17 related to extremist movements in Missouri, they do
18 represent a growing tendency toward violence in this
19 country.

20 Each day, Missouri State Highway Patrol road officers
21 come in contact with a variety of people traveling on
22 Missouri highways. While the officers are trained to
23 conduct courteous and friendly service to all citizens, they
24 are taught that each traffic stop, whether for a traffic
25 violation or services rendered, must be treated as if it

1 could develop into a critical incident.

2 Senator Specter. Colonel Mills, will you summarize as
3 promptly as you can?

4 Mr. Mills. I sure will.

5 Senator Specter. Your full statement will be in the
6 record.

7 Mr. Mills. In closing, just let me say this country
8 obviously has some changes, and some areas of the community
9 have really lost that sense of pride and caring. Well, I
10 can tell you that all is not lost. We have a majority of
11 citizens throughout this country who support law
12 enforcement. They care about what we do. They care about
13 the officers, Bobbie Harper and Jimmie Linegar. We saw the
14 community pull together when Bobbie Harper was killed. We
15 saw the Nation pull together in mourning on the tragedy that
16 occurred in Oklahoma City, and I can tell you we in Missouri
17 are blessed to have community support.

18 We have a governor like Governor Carnahan who has
19 joined us on the front lines in the battle to remove the
20 cancer of crime that plagues our communities. We need
21 Congress to demonstrate ongoing courage and commitment to
22 support the officers that are out there. This country is
23 still a great place to live, work, and raise a family, and
24 we want to make sure it stays that way.

25 Senator Specter. Thank you very much, Colonel Mills.

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[The prepared statement of Mr. Mills follows:]

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