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**Militias [3]**

# Arlen Specter

## U.S. SENATOR PENNSYLVANIA

FOR IMMEDIATE RELEASE

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### SENATOR SPECTER HOLDS HEARING ON MILITIA GROUPS

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Washington, D.C., June 15-----To investigate the citizen militia movement in America, the Judiciary Subcommittee on Terrorism, Technology and Government Information will hold a hearing today, chaired by U.S. Senator Arlen Specter (R-PA).

"In the wake of April's tragic bombing in Oklahoma City, the militia movement has received increased public attention," Senator Specter said. "My concern is not about the simple existence of these groups, but about the connection between these groups and acts of violence against the government and law enforcement officials."

The focus of today's hearing is to examine the magnitude of these organizations, the nature of their activities, the reasons for their existence, and the extent to which they pose a threat to American citizens. This the fourth in a series of hearings held by Senator Specter to examine terrorism.

"The right of free association is protected. However, when those words or associations are combined with acts or threats of imminent violence, the protections of the Constitution are lost. The rights of the American people to be safe and the government to perform its duties must take precedence. There is a clear distinction between political dissent and discourse and violence based on a political belief," the Pennsylvania Senator said.

In its most recent report, the private watchdog group Klanwatch stated that at least 224 militia groups operate in the United States, and 45 have ties to neo-Nazi and other white supremacist organizations. ]

"The Constitution provides expressly for the freedom of speech and association through the First Amendment and the right to bear arms through the Second Amendment. However, inherent in the Constitution's protection of "ordered liberty" is the right of government to restrict the exercise of those freedoms if they are found to pose a 'clear and present danger' to the public," Senator Specter said.

Witness List

Senate Committee on the Judiciary,  
Subcommittee on Terrorism, Technology,  
and Government Information  
"The Militia Movement in the United States"  
Thursday, June 15, 1995  
9:30 a.m., Senate Hart 216

Panel I

Senator Max Baucus (D-MT)

Senator Carl Levin (D-MI)

Panel II

Mr. Robert M. Bryant  
Assistant Director  
National Security Division  
Federal Bureau of Investigation  
Washington, D.C.

Mr. James L. Brown  
Deputy Associate Director (Criminal Enforcement)  
Bureau of Alcohol, Tobacco and Firearms  
Washington, D.C.

Colonel Fred M. Mills  
Superintendent of the Missouri State Highway Patrol  
Jefferson, MO

Mr. Richard Romley  
Maricopa County Attorney  
Phoenix, AZ

Mr. John Bohlman  
Musselshell County Attorney  
Roundup, MT

Panel III

Mr. John Trochmann  
Noxon, MT

Mr. Robert Fletcher  
Noxon, MT

Mr. Ken Adams  
Harbor Springs, MI

Mr. James Johnson  
Columbus, OH

Mr. Norman Olson  
Alanson, MI

OPENING STATEMENT OF SENATOR ARLEN SPECTER  
CHAIRMAN, SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND  
GOVERNMENT INFORMATION  
HEARING ON THE MILITIA MOVEMENT IN THE U.S.  
June 15, 1995

Today's hearing has been called to examine the militia movement in the United States. I am glad, seemingly at long last, to be able to convene this hearing. Immediately following the tragic bombing in Oklahoma City, I stated publicly that I would convene a series of hearings in this Subcommittee on, among other topics, the nature and extent of the terrorist threat in this country, the counterterrorism legislation, which has since been passed by the Senate, the militia movement, and the role of the federal government in the Waco, Texas, and Ruby Ridge, Idaho incidents.

To date, we have held hearings on the first two subjects, as well as an additional hearing on bomb-making manuals available over the Internet. Today's hearing was originally scheduled for May 25, but because of continuous votes on the Budget Resolution, which would have precluded an effective hearing, it was postponed and rescheduled for today. It is my hope that in the near future we will conduct hearings on Waco and Ruby Ridge.

In the wake of April's tragic bombing in Oklahoma City, the militia movement has received increased public attention. The objective of this hearing is to examine the magnitude of these organizations, the nature of their activities, the reasons for their existence and the extent to which they pose a threat to this country.

In its most recent report, the private watchdog group Klanwatch stated that at least 224 militias operate in this country, and that 45 have ties to neo-Nazi and other white supremacist organizations. According to information gathered by watchdog organizations, from which the Subcommittee has received large amounts of information and with whom we have been in extensive contact, militias are active in 39 states and are rumored to be present in all 50 states. These militias flourish despite the fact that 17 states prohibit the formation of militias, 17 others, including Pennsylvania, prohibit paramilitary training, and 7 additional states prohibit both anti-militia and anti-paramilitary training. Obviously, some militias have been formed in states where their very existence is illegal.

It is not, however, the simple existence of these groups that gives rise to concern; rather, it is the connection between these groups and acts of violence against the government and law enforcement officials. Certain militia members are on public record as advocating the "trial" and hanging of public officials for "treason" and have condoned the terrible bombing in Oklahoma City.

Words alone, no matter how odious or ludicrous, are protected by the First Amendment. The right to associate with whomever one chooses is similarly protected. However, when those words or associations are combined with acts or threats of imminent violence, the protections of the Constitution are lost,

and the rights of the American people to be safe and the government to perform its duties must take precedent. There is a clear distinction between political dissent or discourse and violence based on a political belief.

Americans became all too aware of the volatile nature of the beliefs of some who associate themselves with the militia movement soon after the bombing in Oklahoma City. Media portrayals of militia groups and their relationship with federal, state, and local law enforcement, however, have consisted primarily of conjecture and sound bites.

It is apparent that not all who associate themselves with militias are violent, or racist, or hate the government. These people express legitimate concerns for the abridgement of certain rights by the government, and the lack of accountability for government decisions and actions. There are militia groups in my home state of Pennsylvania. The May 17, 1995 edition of The Washington Post included an extensive piece on the effect of the militia movement on the small town of Meadville, Pennsylvania. From the article it was obvious that not all those who belonged to the militia or sympathized with their positions advocated violence. Yet, many were clearly concerned about the infringement of the government on their rights.

The Constitution provides expressly for the freedom of speech and association through the First Amendment and the right to bear arms through the Second Amendment. The Constitution, however, is not a "suicide pact." Inherent in the Constitution's

protection of "ordered liberty" is the right of government to restrict the exercise of those freedoms if they are conducted in such a manner as to pose a "clear and present danger" to the public.

The other party to this issue is law enforcement, whether state, local or federal. Our law enforcement officials must be able to carry out their duties without the threat of violent acts against them by any American. Disagreement with law enforcement officials' legitimate and legal performance of their duties is never justification for violent acts or resistance by any American. The Constitution provides safeguards that prevent the abuse of Americans by law enforcement. Congress also has an oversight role, especially the Judiciary Committee, to oversee federal law enforcement. These safeguards against the abuse of police power must be balanced against both public safety interests and the rights of the accused or targeted group.

The duty of Congress to oversee federal law enforcement agencies must not be taken lightly. Unfortunately, there is some argument that Congress' failure to conduct hearings inquiring into the facts of Waco, Texas and the Randy Weaver case in Ruby Ridge, Idaho, was perhaps a contributing cause of the tragic situation in Oklahoma City. For this reason, I believe it is important for the Judiciary Committee to hold oversight hearings on the Waco and Ruby Ridge incidents as soon as possible. No matter what happened at Waco there can be no possible justification for the bombing of the Federal Building in Oklahoma City.

I do not believe there is any justification whatsoever for the slaughter of innocent men, women, and children as occurred on April 19. The bomb not only blew away a building, but devastated the lives of millions of Americans. I cannot understand how anyone, aware of the devastation caused by that act, can say he "understands" what led someone to commit such a deed, as Norman Olson of the Michigan Militia, one of our witnesses today, stated on the "60 Minutes" television program the Sunday after the bombing.

Federal, State and local law enforcement and the militia movement are equally represented with witnesses at this hearing. It is my hope that we will have a full discussion, and come away with a better understanding of all sides. We will also hear from members of both Houses of Congress who take decidedly different views of the militia movement. This is the type of full, open discourse encouraged and facilitated by the Constitution, and it is the foundation of our democracy.

We have a large number of witnesses to shed light on the militia movement. We are honored to have on our first panel two distinguished Senators, Max Baucus of Montana and Carl Levin of Michigan. Our second panel consists of law enforcement officials who are knowledgeable about the militia movement: Assistant Director Bob Bryant of the FBI; Deputy Associate Director Jim Brown of the Bureau of Alcohol, Tobacco and Firearms; Colonel Fred Mills, Superintendent of the Missouri State Highway Patrol; Richard Romley, the county prosecutor from Maricopa County,

Arizona; and John Bohlman, the county prosecutor of Musselshell County, Montana. Our third panel today consists of several militia founders and members: Ken Adams from Michigan; Norman Olson, also from Michigan; James Johnson from Ohio; and two witnesses from Montana, John Trochmann and Robert Fletcher, who are joined by their legal counsel, John DeCamp, of Omaha, Nebraska. We welcome all of our witnesses and look forward to their testimony.

# United States Senate

WASHINGTON, DC 20510-2602

## "The Militias and Freemen in Montana"

Senator Max Baucus  
Subcommittee on Terrorism, Technology and Government Information  
Hearing on "Militia" Organizations  
Washington, D.C.

June 15, 1995

Mr. Chairman:

Thank you for calling this hearing and inviting me to testify.

Since the Oklahoma City bombing, we have learned a great deal about the so-called "militia" movement in this country. I do not claim any special expertise on the national phenomenon. But I have watched it develop in my own state, and I am very pleased to relay what I know to the Subcommittee.

In essence, I would like to address three questions. First, what are the Montana militia groups like, and who leads them? Second, what problems, if any, have they caused in Montana? And third, what solutions to these problems exist?

First, however, I would say this. I understand anger with government. Often people are right to be angry at government. But those who express their anger through hate rhetoric and violence are few. The vast, vast majority of Montanans reject hate, obey the law and cherish our peaceful, democratic values. That is true for conservatives, liberals, Democrats, Republicans, property owners, environmentalists, gun controllers, NRA members, everybody. Militia groups are the exception; and they are a small exception.

### MILITIA AND FREEMEN

Now let me begin by describing the groups and their leaders.

The groups have a fairly small following. Law enforcement officers who have studied the militia and freemen closely believe there are about 25-30 hard-core leaders, while about 500 people have casually attended militia meetings at one time or another.

The movement as a whole is made up of three loosely connected groups. One is the so-called "Militia of Montana," based in the northwestern town of Noxon, and led by Mr. John Trochmann and Mr. Bob Fletcher. A second is the "North American Volunteer Militia," several hundred miles to the south in Darby. And the third is the so-called "freemen," active in large, thinly-populated Eastern Montana counties like Musselshell and Garfield.

The Militia of Montana is the largest and best known. The Darby group and the freemen are much smaller. However, the three have very evident links. The Militia of Montana newsletter, "Taking Aim," ran an article this year praising the freemen philosophy and offering to bring militia members to meet them for training. Mr. Trochmann himself showed up heavily armed in the Musselshell County seat of Roundup after two freemen leaders were arrested last March.

## BELIEFS OF MILITIA AND FREEMEN LEADERS

The leaders tend to share two fundamental beliefs.

One is their fear of government. This ranges all the way from "world government" and international conspiracies to common obligations of citizenship. An example is Musselshell County Freeman leader Rodney Skurdal -- now ducking a warrant for tax evasion -- who offered the following "proof" of government tyranny in a document he filed at the County Courthouse last year:

"A Social Security card/number, marriage licenses, drivers licenses, insurance, vehicle registration, welfare from the corporations, electrical inspections, permits to build your private home, income taxes, property taxes..."

The second is a deep strain of racism and anti-Semitism. Mr. Skurdal, who says marriage licenses are tyranny, also believes people who are not white are "beasts;" only whites go to heaven; and Jews are children of Satan.

The Militia of Montana is a bit more cautious. Its public literature uses anti-Semitic code words like "shadow government" and "banking elites," rather than open attacks. When challenged, Militia leaders issue unconvincing quasi-denials of the type offered by Director Bob Fletcher:

"If the bulk of the banking elite are Jewish, is that anti-Semitic? The people who are doing this are the international banking elite, and if they are all Jews, so be it, but that's not the case. I don't care if they're Arabs or monkeys."

## JOHN TROCHMANN AS EXAMPLE

Later today you will hear from Mr. John Trochmann, the founder of the "Militia of Montana." He is an interesting example of the movement's leadership.

Mr. Trochmann is a native of Minnesota. He moved to the small town of Noxon, Montana -- population 350 -- in 1987. Here he can take advantage of his long association with the neo-Nazi "Aryan Nations," based about an hour's drive away in Hayden Lake, Idaho. Mr. Trochmann has denied this association. But Aryan Nations "President" Richard Butler stated in a letter on April 5th, and reaffirmed to the *Missoulian*, that Trochmann has visited the compound

many times and helped write the group's "code of conduct."

During his first years in Noxon, Mr. Trochmann promoted the views of the Aryan Nations and the freemen. A document he filed in the Sanders County Courthouse in January 26, 1992, is an example. In it, he claims citizenship in the "Republic of the State of Montana," and uses the Dred Scott Decision to show that only "the white race" has Constitutional rights. He also explicitly repudiates the U.S.A., saying:

"I am not now, nor have I ever been, a citizen of the United States, or a resident of its subordinate territories... I am not, nor have I ever been a member of the armed forces of the State of Montana or the United States ... I have no Social Security account or taxpayer/employer account numbers, driver's license, or any other nexus with any City, County, State or Federal governments."

He found a more marketable agenda when he founded the "Militia of Montana" in February, 1994. He no longer talks about denying his country; instead he adopts a "patriot" agenda. He plays down his racial views -- although he occasionally slips, as he did a few weeks ago when a constituent heard him railing against the "Jews Media." But most of the time he claims to be an ordinary American worried about an overly powerful federal government.

Mr. Trochmann's direction of the Militia, though, is just as alarming as his previous efforts. Militia mail-order catalogs are full of videos and booklets which train people to use "improvised munitions," "booby traps," "sniper training," "espionage and sabotage," and so on.

In a country as big as ours, some disturbed people in our country are sure to use it. Last November, Mr. Trochmann told a journalist that the government might be planning a large and destructive event would take place on April 19, 1995.

This was, of course, the date of the terrible Oklahoma City bombing. There may be no connection -- but it is quite certain that people are reading what he puts out, many of them are disturbed, and some of them may well act on it.

### THE ECONOMIC PRICE

The next question is what the "militia" movement has meant to Montana. Unfortunately, it has meant a lot.

Since the Oklahoma City bombing, Montana militia and freemen leaders have been all over the media. They have appeared on ABC, NBC, CNN, C-SPAN and CBS; in USA Today, the New York Times and the Washington Post; on Japanese TV, Australian radio, the BBC, German newspapers and probably more. They are doing a very good job of giving our quiet, beautiful state the image of a nest of violent kooks and radicals.

They hurt the Montana economy. In Ravalli County, where police and judges get regular

threats from local militia leaders, the Stevensville Chamber of Commerce had to cancel its annual Balloon Festival this year. Tourism is in danger -- I have already gotten letters from outsiders saying they intend to boycott Montana because of the militia presence. And economic development professionals say it is already getting harder to attract business.

### THREATS TO LAW ENFORCEMENT AND ORDINARY CITIZENS

But the economic price is less than the price we pay in loss of our sense of public safety and security.

Since the militias formed, terrorist acts and anti-Semitic incidents have become noticeably more frequent. We have had two women's clinics bombed and burned. We have had a Jewish cemetery desecrated in Butte; an anti-Semitic daubing on a school wall in Big Timber; and a Jewish child taunted in Helena.

A constituent from Ravalli County wrote me in early April, referring to North American Volunteer Militia members:

"You see Freeman with guns in the post office, grocery store and gas stations. If it gets to any one of them that a person doesn't like the "Freemen," they will call or confront a person face to face. They tell people that we are all going to "die like the Jews."

Threats against law enforcement have become routine in some areas. Garfield County Attorney Nick Murnion recalls threats the "Freemen" made against him last year.

"They told me they weren't going to bother building a gallows. They were just going to let me swing from the bridge."

And Marshal Larry Rose in Darby had this experience when he pulled over a car with 1992 license plates last April 5th:

"They had weapons and they were shaking them at us and yelling that they were going to kill us. We backed off a little bit and then left because we could see that it could turn into a bloodbath."

### NO COMPROMISE ON RIGHTS

Now let us look at the solution to these problems. I believe it comes in three parts.

First, we must enforce the law. Paramilitary training is illegal in Montana. Tax evasion and threats against law enforcement are illegal everywhere, as far as I know. And Montana law enforcement knows very well who is violating these laws -- whether it is the fellow in Darby threatening to shoot down helicopters, or the man in Musselshell with a four-year-old warrant out on him for tax evasion.

At least in Montana, we do not need new wire-tapping authority to deal with these crimes. We need not compromise our basic rights to free speech, to bear arms, to free association and to privacy in any way. We need to arrest the criminals. In some cases, they are so well-armed and so unstable that a small rural police department needs help in dealing with them. But our Perhaps some extra manpower, or a new squad car. But that's about it.

#### ADDRESS FUNDAMENTAL CONCERNS

Second, we must address the concerns and frustration that lead some ordinary people -- people who are not criminals or neo-Nazis -- to consider joining militia groups.

When President Clinton visited Montana last week, he spoke out strongly against the militias. But he also took the time to ask one of our ranchers, Tom Breitbach, why an ordinary person might listen to the conspiracy theories offered by people like the militia and freemen leaders. Tom said it is pretty simple:

"As [people] feel more pressured economically, they feel more desperate, and become willing to resort to desperate measures."

There is a lot of truth to that. Most casual militia members are not Nazis or criminals. But they are angry. Angry about slow income growth, economic pressure on working families, and some of Washington's decisions on bread-and-butter issues.

I'll give you an example. Back in February, some loggers in the Flathead Valley in northwestern Montana called me up. They said that OSHA, the Occupational Safety and Health Administration, had ordered them to buy steel-toed, chainsaw-resistant boots to protect their feet. They had two weeks grace, and after that it was no boots, no work.

Well, steel-toed boots may sound good in Washington. But in Montana they can make the job more dangerous, not less. On a cold day they make your feet go numb. When your feet go numb out on a steep hill, you can slip and fall. And that's no joke when you're holding a live chainsaw.

Because these loggers acted so fast, I was able to get to the Secretary of Labor and stop the regulations. But the fact is, nobody at a desk in Washington should be telling people in the Flathead what kind of shoes to wear. And to threaten someone's job over it is an outrage. You can expect people to be mad about it.

#### COMMUNITY MUST SPEAK OUT

And third, the community must speak out. We must set clear standards of what is right and what is wrong.

Most casual militia members are angry. They are angry about slow income growth,

economic pressure on working families, and some of the federal government's decisions on bread-and-butter issues like forest management, regulation and the like. Those are legitimate complaints, and we should try to fix them.

But there is a right way and a wrong way to deal with anger. Unlike the Flathead Valley loggers, militia members choose an unacceptable way to deal with that frustration. Intimidating your neighbors and spreading hate rhetoric are not going to solve anybody's problems.

More important, to do any of that is wrong. And we should not hesitate to say that they are wrong. Hate rhetoric, anti-Semitism, and calls for violence are wrong. They have no place in our community. And as the community asserts that basic American value, the hate groups will be defeated.

I know, because I have seen it happen before.

### THE BILLINGS MENORAH MOVEMENT

In November 1993, a group of "Skinheads" came to a Jewish house in Billings, and threw a bottle through the glass door. A few days later they put a brick through the window of another Jewish house, with a five-year-old boy in the room. Then they smashed the windows of Catholic High School, which had a "Happy Hanukah" sign on its marquee.

Events like these can isolate their victims. They can silence people of good will and open broader campaigns of hate and violence. But that did not happen. Instead, people all over Billings rallied with their Jewish neighbors.

As our Billings Police Chief at the time, Wayne Inman, said, "hate crimes and hate groups are a community responsibility." And the Billings community met that responsibility.

The *Billings Gazette* printed, as a full-page advertisement, thousands of paper menorahs. People all over town clipped them out of the paper and pasted them in their windows as a sign of solidarity. Billings held the largest Martin Luther King Day march ever in our state. And the skinheads left town. I believe the same will happen with the "militia" and "freemen" too.

### CONCLUSION

Mr. Chairman, one final word. I first thought it was sad and ironic that these groups, with their anti-Semitic agenda, had emerged as we prepared to mark the fiftieth anniversary of the victory over Nazi Germany. But my opinion has changed.

The militia leaders get a lot of attention. But far more important are the thousands of Montanans who have stood up in this past year for the values that make America special. They may not be getting the headlines. But they are the real story.

People in law enforcement. Sheriffs and prosecutors like John Bohlman, Chuck Maxwell, Nick Murnion, George Corn and Bob Slomski. Police and judges in small mill towns, like Larry Rose, Marty Bethel and Jeff Langton. Men and women who put themselves on the line to preserve the democratic process. To maintain the rule of law. To guarantee the safety of their friends and neighbors.

Community groups. People like Ken Toole and Christine Kaufman in the Montana Human Rights Network, Cheye Ann Butler in the Northwest Montana Human Rights Alliance and Tim McWilliams in the Sanders County Coalition for Human Dignity, who are willing to stand up, tell the truth and expose these groups for what they are.

And ordinary citizens all over Montana. Parents telling their children hate is wrong. Teachers giving their time to make sure their students know the truth. People coming together to protect Larry Rose's house in Darby, pasting menorahs in their windows in Billings, writing letters to local papers and telling hate groups to stay out of town.

Mr. Chairman, as we recalled the end of the war in Europe last Memorial Day, I heard people saying the heroism of World War II is gone. But I guarantee you, it is here today -- if we take the time to look.

Thank you. I ask unanimous consent that following my testimony in the Record, the Committee include the following supporting documents:

- A report by the Montana Human Rights Network entitled "A Season of Discontent: Militias, Constitutionals and the Far Right in Montana."
- Written essay by Noxon Town Historian Mona Vanek, detailing Trochmann activities before formation of the "Militia of Montana."
- Two documents filed by John Trochmann at Sanders County Courthouse on January 26, 1992, and witnessed by Randy Trochmann and Michael Richter, entitled "Declaration of John Ernest Trochmann" and "Affidavit of Facts Opposing Venue."
- A press release from Aryan Nations detailing previous contacts with Mr. John Trochmann.
- Two pages from the "Militia of Montana Catalog" offering for sale training manuals on "improvised munitions Handbook," "Sniper Training and Employment," "Unconventional Warfare Devices and Techniques," "Guerrilla Warfare and Special Forces Ops," etc.
- Excerpts from a "brief" filed in October, 1994, by Musselshell County Freeman leader Rodney Skurdal, published in the *Helena Independent Record* on April 2nd, 1995.
- An article endorsing "freeman" philosophy published in the Militia of Montana newsletter "Taking Aim" in January 1995.

**STATEMENT OF ROBERT M. BRYANT**

**ASSISTANT DIRECTOR,  
NATIONAL SECURITY DIVISION  
FEDERAL BUREAU OF INVESTIGATION**

**JUNE 15, 1995**

**SUBCOMMITTEE ON TERRORISM, TECHNOLOGY,  
AND GOVERNMENT INFORMATION**

**JUDICIARY COMMITTEE  
UNITED STATES SENATE**

**GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE. I APPRECIATE YOUR INVITATION TO APPEAR BEFORE THE SUBCOMMITTEE TODAY AS YOU DISCUSS THE MILITIA MOVEMENT IN THE UNITED STATES. THIS OFFERS ME, ON BEHALF OF THE FBI, THE OPPORTUNITY TO CLARIFY MISUNDERSTANDINGS ABOUT THE NATURE OF THE FBI'S INVESTIGATIVE JURISDICTION AS IT MAY RELATE TO MILITIAS OR MILITIA MEMBERS.**

**LET ME ASSURE YOU THAT THE FBI IS DOING EVERYTHING WITHIN ITS MANDATE TO PREVENT ACTS OF TERRORISM FROM OCCURRING. IF AN INCIDENT DOES OCCUR, THE FBI WILL MOUNT WHATEVER LAWFUL EFFORT IT TAKES TO SOLVE THE CRIME AND APPREHEND THE INDIVIDUAL TERRORISTS OR TERRORIST GROUP. THE SWIFT AND EFFECTIVE INVESTIGATION OF TERRORIST ACTS, CULMINATING IN ARRESTS, CONVICTIONS, AND INCARCERATIONS, SENDS A POWERFUL MESSAGE TO TERRORISTS AND HELPS DETER FUTURE ACTS OF TERRORISM.**

**THE FBI DOES INVESTIGATE SPECIFIC INDIVIDUALS OR**

**GROUPS WHERE THERE IS A REASONABLE INDICATION OF CRIMINAL ACTIVITY, BUT BECAUSE THESE ARE PENDING INVESTIGATIONS I CANNOT DISCUSS THEM. THESE INVESTIGATIONS ARE GOVERNED BY THE ATTORNEY GENERAL GUIDELINES REGARDING GENERAL CRIMES, RACKETEERING ENTERPRISES, AND DOMESTIC SECURITY/TERRORISM INVESTIGATIONS.**

**FBI DOMESTIC COUNTERTERRORISM INVESTIGATIONS UNDER THE GUIDELINES ARE LIMITED TO OCCASIONS WHEN THERE IS A REASONABLE INDICATION "THAT TWO OR MORE PERSONS ARE ENGAGED IN AN ENTERPRISE FOR THE PURPOSE OF FURTHERING POLITICAL OR SOCIAL GOALS WHOLLY OR IN PART THROUGH ACTIVITIES THAT INVOLVE FORCE OR VIOLENCE AND A VIOLATION OF THE CRIMINAL LAWS OF THE UNITED STATES." A CONSIDERATION THE GUIDELINES PRESCRIBE IN DETERMINING WHETHER AN INVESTIGATION IS WARRANTED IS THE DANGER TO PRIVACY AND FREE EXPRESSION POSED BY AN INVESTIGATION.**

**IN ADDITION, WE MAY INVESTIGATE INDIVIDUALS UNDER THE GENERAL CRIMES PORTION OF THE GUIDELINES. FULL**

**INVESTIGATIONS UNDER THESE PROVISIONS MAY BE INITIATED WHEN "FACTS OR CIRCUMSTANCES REASONABLY INDICATE THAT A FEDERAL CRIME HAS BEEN, IS BEING, OR WILL BE COMMITTED." FOR INVESTIGATIONS OF GROUPS UNDER THE DOMESTIC SECURITY PROVISIONS AND OF INDIVIDUALS UNDER THE GENERAL CRIMES PROVISIONS, THERE MUST BE AN OBJECTIVE, FACTUAL BASIS REGARDING CRIMINAL ACTIVITY. MORE LIMITED INQUIRIES MAY BE CONDUCTED WHEN INFORMATION IS RECEIVED WHICH, ALTHOUGH SHORT OF A REASONABLE INDICATION OF CRIMINAL ACTIVITIES, RESPONSIBLE HANDLING REQUIRES SOME FURTHER SCRUTINY BEYOND THE PROMPT AND EXTREMELY LIMITED CHECKING OUT OF INITIAL LEADS.**

**ONE RECENT EXAMPLE OF THE TYPE OF INVESTIGATION WE DO CONDUCT LED TO THE ARRESTS AND CONVICTIONS OF TWO MEN FROM MINNESOTA: DUANE BAKER AND LEROY WHEELER, WHO CLAIMED TO BE MEMBERS OF A TAX PROTEST GROUP CALLED THE PATRIOTS COUNCIL. BAKER AND WHEELER MANUFACTURED A QUANTITY OF RICIN, A HIGHLY TOXIC DERIVATIVE OF THE CASTOR BEAN. THEY PLANNED TO USE THE RICIN TO KILL A POLICE**

**OFFICER WHO HAD SERVED EVICTION PAPERS ON ONE OF THE GROUP'S MEMBERS. FOLLOWING THEIR ARRESTS ON AUGUST 4, 1994, THEY WERE CONVICTED OF VIOLATIONS OF THE BIOLOGICAL WEAPONS ANTI-TERRORIST ACT OF 1989.**

**A SECOND EXAMPLE INVOLVED INDIVIDUALS LINKED TO A MILITIA GROUP WHO LEARNED THAT RUSSIAN-MADE TANKS WERE LOCATED AT A LOCAL MILITARY BASE. APPARENTLY FEARING THAT THESE TANKS WERE THE PRELUDE TO A RUSSIAN-LED INVASION OF THE U.S. BY THE UNITED NATIONS, SOME INDIVIDUALS TOOK IT UPON THEMSELVES TO PLAN TO DESTROY THESE TANKS. IN FACT, THE TANKS WERE CAPTURED BY THE U.S. ARMY FROM THE IRAQIS DURING DESERT STORM AND ARE BEING USED FOR TRAINING OUR OWN SOLDIERS, AS WELL AS FOR RESEARCH AND DEVELOPMENT TO IMPROVE U.S. TANKS AND COMBAT TACTICS. THESE MISGUIDED INDIVIDUALS WERE FOILED BEFORE ANY DAMAGE COULD BE DONE.**

**FINALLY, IN THE MID 1980'S, SOME GROUPS, WHICH COULD NOW BE VIEWED AS PARAMILITARY IN NATURE, ENGAGED IN A WIDE RANGE OF CRIMINAL ACTIVITY, INCLUDING BANK ROBBERIES,**

**COUNTERFEITING, SEDITIOUS CONSPIRACY, HOMICIDE, BOMBINGS, THREATS TO FEDERAL AUTHORITIES INCLUDING JUDGES, AND ILLEGAL POSSESSION AND USE OF WEAPONS AND EXPLOSIVES. THESE ARE THE TYPES OF ACTIVITIES THAT WILL RECEIVE THE FULL INVESTIGATIVE ATTENTION OF THE FBI. ORGANIZATIONS THAT ARE PEACEFUL AND DO NOT PLAN TO VIOLATE THE LAWS OF THE UNITED STATES ARE OF NO INVESTIGATIVE INTEREST TO THE FBI.**

**AS A RESULT OF A 1982 PRESIDENTIAL DIRECTIVE, THE DEPARTMENT OF JUSTICE DELEGATED LEAD AGENCY RESPONSIBILITY FOR COMBATTING TERRORISM WITHIN THE UNITED STATES TO THE FBI. IN THIS ROLE, WHEN A TERRORIST INCIDENT HAS OCCURRED, THE FBI FUNCTIONS AS THE ON-SCENE CRISIS MANAGER FOR THE U.S. GOVERNMENT AND IS RESPONSIBLE FOR THE DIRECTION AND COORDINATION OF ALL LAW ENFORCEMENT EFFORTS TO RESOLVE THE SITUATION. ADDITIONALLY, THE FBI IS RESPONSIBLE FOR THE COLLECTION OF INTELLIGENCE TO IDENTIFY AND PREVENT TERRORIST ACTS BEFORE THEY OCCUR, BUT ONLY WITHIN THE PARAMETERS OF THE ATTORNEY GENERAL GUIDELINES.**

**COMBATTING TERRORISM IS A DIFFICULT AND COMPLEX ENDEAVOR. THROUGH MANY YEARS OF EXPERIENCE IN MANY DIFFERENT ASPECTS OF OUR RESPONSIBILITIES, THE FBI HAS LEARNED THAT COOPERATION WITH OTHER MEMBERS OF THE LAW ENFORCEMENT COMMUNITY AND THE SUPPORT OF THE AMERICAN PUBLIC ARE ESSENTIAL FOR THE FBI TO BE EFFECTIVE IN COUNTERING TERRORISM.**

**THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU THIS MORNING.**

**DEPARTMENT OF THE TREASURY**  
**BUREAU OF ALCOHOL, TOBACCO AND FIREARMS**  
**Statement of James L. Brown**  
**Deputy Associate Director for**  
**Criminal Enforcement**  
**Before the Subcommittee on**  
**Terrorism, Technology, and Government Information**  
**June 15, 1995**

MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE COMMITTEE, I APPRECIATE THIS OPPORTUNITY TO DISCUSS WITH YOU WHAT ATF HAS LEARNED ABOUT SOME OF THE MILITIA GROUPS IN THE UNITED STATES. SINCE THE TRAGIC BOMBING OF THE ALFRED P. MURRAH BUILDING IN OKLAHOMA CITY ON APRIL 19, MUCH OF THE AMERICAN PUBLIC HAS LEARNED FOR THE FIRST TIME THROUGH THE MEDIA ABOUT THE MILITIA MOVEMENT.

ATF HAS A LONG HISTORY OF WORKING TO PREVENT VIOLENCE ASSOCIATED WITH FIREARMS AND EXPLOSIVES VIOLATIONS. ATF'S UNIQUE JURISDICTION OVER THE FEDERAL FIREARMS LAWS ALLOWS US TO FOCUS ON ARMED CAREER CRIMINALS AND DRUG TRAFFICKERS, AND INTERNATIONAL FIREARMS TRAFFICKERS. OUR EXPERTISE IN EXPLOSIVES LED TO THE DISCOVERY OF A KEY PIECE OF EVIDENCE IN THE WORLD TRADE CENTER BOMBING, ULTIMATELY BRINGING THE PERPETRATORS TO JUSTICE.

PARAMILITARY TERRORIST ACTIVITY WITHIN THE UNITED STATES IS NOT A NEW PHENOMENON. ITS ORIGINS IN THE SECOND HALF OF THIS CENTURY DATE BACK TO 1960, WITH THE ESTABLISHMENT OF THE MINUTEMEN ORGANIZATION. THE ORGANIZATION, FOUNDED AND COORDINATED BY ROBERT DEPUGH, WAS REPORTEDLY INTENDED TO RESIST THE SPREAD OF COMMUNISM IN THE UNITED STATES BY THE USE OF GUERRILLA TACTICS. ATF CONDUCTED OVER 60 INVESTIGATIONS NATIONWIDE OF MEMBERS OF THE MINUTEMEN FROM THE LATE 1960'S TO THE EARLY 1980'S.

FROM 1976 TO THE MID-1980'S, ATF CONDUCTED 43 INVESTIGATIONS OF MEMBERS AND ASSOCIATES OF THE POSSE COMITATUS, A GROUP OPPOSED TO

GOVERNMENT "INTRUSION." ON FEBRUARY 13, 1983, GORDON KAHL, A MEMBER OF THE POSSE COMITATUS IN MEDINA, NORTH DAKOTA, SUCCEEDED IN BRINGING THE GROUP TO NATIONAL NOTORIETY. ON THAT DATE, KAHL AND OTHERS ENGAGED IN AN ARMED CONFRONTATION WITH FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS, RESULTING IN THE DEATH OF TWO U.S. MARSHALS AND THE WOUNDING OF THREE OTHER FEDERAL, COUNTY AND LOCAL ENFORCEMENT OFFICERS. BEFORE HE WAS FINALLY APPREHENDED, KAHL SHOT AND KILLED THE SHERIFF OF LAWRENCE COUNTY, ARKANSAS. THE IDEOLOGY OF THE POSSE COMITATUS IS VERY SIMILAR TO THAT OF MANY OF TODAY'S MILITIAS.

AT THIS POINT, I'D LIKE TO GIVE YOU SOME EXAMPLES OF THE TYPES OF ALLEGATIONS THAT HAVE BEEN FOUND IN SOME OF THE MILITIA PROPAGANDA IN THIS COUNTRY. THESE ARE NOT NECESSARILY REPRESENTATIVE OF THE VIEWS OF ALL MILITIA MEMBERS, HOWEVER. CERTAINLY THERE ARE MEMBERS OF MILITIA GROUPS WHO ARE UPSTANDING, LAW-ABIDING CITIZENS.

AS A RESULT OF CRIMINAL INVESTIGATIONS CONDUCTED BY ATF, ALONG WITH INFORMATION RECEIVED FROM OTHER LAW ENFORCEMENT AGENCIES, OPEN SOURCE DOCUMENTS, AND PUBLICATIONS DISTRIBUTED BY MILITIAS, ATF ESTIMATES MILITIAS EXIST IN APPROXIMATELY 40 STATES.

A MAY 11, 1995 GANNETT NEWS SERVICE ARTICLE QUOTING THE CENTER

FOR DEMOCRATIC RENEWAL, A PRIVATE ATLANTA GROUP THAT MONITORS MILITIAS, REPORTS THAT THERE ARE UP TO 100,000 MILITIA MEMBERS IN AT LEAST 30 STATES.

ACCURATE ESTIMATES REFLECTING THE TOTAL NUMBER OF MILITIAS, THE NUMBER AND SPECIFIC STATES INVOLVED, AND THE TOTAL MILITIA MEMBERSHIP NATIONWIDE ARE NOT AVAILABLE.

AS YOU ARE AWARE, THE INCIDENT IN OKLAHOMA CITY HAS GENERATED MUCH SPECULATION IN THE MEDIA ABOUT MILITIA GROUPS AND ANTIGOVERNMENT VIEWS. WHILE WE DO NOT INVESTIGATE GROUPS BASED ON THEIR BELIEFS, WE DO PURSUE INVESTIGATIONS ON INDIVIDUAL SUSPECTS BASED ON EVIDENCE OF VIOLATIONS OF THE LAW. THROUGH THESE INVESTIGATIONS WE HAVE GAINED SOME INSIGHT INTO MILITIAS.

DURING THE PAST DECADE, SEVERAL NATIONAL AND GLOBAL EVENTS PROVIDED THE ENVIRONMENT FOR THE FORMATION OF MILITIAS. MILITIAS INCLUDE MEMBERS WITH A SPECTRUM OF VIEWS. THEY RANGE FROM IDEAS WHICH ARE EXTREME, VIOLENT AND PARANOID TO ACTIVE OPPOSITION TO THE FIREARMS LAWS. SOME MILITIAS BELIEVE THAT THEY ARE THE "PEOPLE'S RESPONSE" TO A WIDE RANGE OF ISSUES THAT INCLUDE THE SUPPOSED TAKEOVER OF THE UNITED STATES BY THE UNITED NATIONS. MOST ARE PRIMARILY CONCERNED ABOUT FIREARMS LAWS.

IN APRIL 1994, A MILITIA PROMOTER CALLED FOR AN ARMED MARCH ON WASHINGTON, DC, TO ARREST MEMBERS OF CONGRESS UNLESS THEY

COMPLIED WITH A LIST OF DEMANDS INCLUDING THE REPEAL OF GUN CONTROL LEGISLATION. ALTHOUGH THE MARCH WAS LATER CANCELED, THIS PROPOSED MARCH FOSTERED THE CONCEPT OF MILITIAS NATIONWIDE.

ONE THEORY PROMOTED BY SOME OF TODAY'S MILITIA MEMBERS IS THAT THE DEMOCRATIC UNITED STATES WILL BE REPLACED BY THE "NEW WORLD ORDER." A NATIONAL MILITIA SPEAKER FURTHERS THE NOTION THAT THE "ILLUMINATI" (A GROUP OF NATIONAL AND INTERNATIONAL GOVERNMENT AND MILITARY OFFICIALS) WILL ROUND UP ALL "CHRISTIAN PATRIOTS," CONFISCATE THEIR GUNS, AND HAUL THEM OFF IN BLACK HELICOPTERS TO CONCENTRATION CAMPS. A 1994 NEWS ARTICLE QUOTES THIS SPOKESPERSON AS SAYING THAT URBAN STREET GANGS WOULD BE PART OF THE HOME INVASION OF THE "PATRIOTS." ALSO INCLUDED IN THIS INVASION FORCE WOULD BE FOREIGN MERCENARIES, INCLUDING NEPALESE GURKHAS AND ROYAL HONG KONG POLICE. THE OPERATION WOULD SUPPOSEDLY BE CONTROLLED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; A MULTIJURISDICTIONAL TASK FORCE COMPRISED OF THE "FINCEN POLICE," ATF, AND THE FBI; AND OTHER FEDERAL ENFORCEMENT AGENCIES.

MILITIAS, APPARENTLY FORMING INDEPENDENTLY ACROSS THE UNITED STATES, ARE ABLE TO SHARE MANY OF THE SAME PHILOSOPHIES AND AGENDAS, DUE TO AN EFFICIENT NETWORKING SYSTEM. THIS SYSTEM UTILIZES MILITIA-ORIENTED PUBLICATIONS, COMPUTER BULLETIN BOARD SERVICES, COMMERCIAL RADIO STATIONS, VIDEOS, PUBLIC FORUMS, AND SHORT-WAVE RADIO TO SPREAD THEIR RHETORIC.

FEDERAL AUTHORITIES ARE LIKENED TO NAZIS AND ARE CALLED "BABY KILLERS" BY SOME MILITIA ADVOCATES. HATEFUL DESCRIPTIONS OF THE PRESIDENT AND THE ATTORNEY GENERAL OF THE UNITED STATES, FOUND IN SOME MILITIA-RELATED LETTERS AND LITERATURE, ARE SO VILE THAT THEY CANNOT BE REPEATED HERE. THE MOST RECENT PROPAGANDA CIRCULATING AMONG SOME MILITIA SUPPORTERS IS THAT THE PRESIDENT ORDERED THE OKLAHOMA CITY BOMBING.

FEDERAL AND LOCAL ENFORCEMENT PERSONNEL HAVE BEEN THREATENED, HARASSED, ASSAULTED, AND SHOT. A WHITE SUPREMACIST WITH MILITIA LEANINGS SHOT AND WOUNDED A MISSOURI STATE TROOPER IN SEPTEMBER 1994. IN NOVEMBER 1994, AN ADHERENT OF A MILITIA PHILOSOPHY SHOT NASHVILLE METRO POLICE OFFICERS WHEN THEY STOPPED HIM ON SUSPICION OF DRUNKEN DRIVING.

ATF HAS SUCCESSFULLY INVESTIGATED AND CHARGED SEVERAL MEMBERS OF THE PRESENT-DAY MILITIA MOVEMENT WITH VIOLATIONS OF FEDERAL FIREARMS AND EXPLOSIVES LAWS. I WANT TO EMPHASIZE THAT WE DO NOT INVESTIGATE THESE PEOPLE BASED ON THEIR BELIEFS; WE PURSUE INVESTIGATIONS ON INDIVIDUAL SUSPECTS BASED ON VIOLATIONS OR INTENDED VIOLATIONS OF THE LAW. I WOULD LIKE TO HIGHLIGHT A COUPLE OF THOSE INVESTIGATIONS:

AMERICAN PATRIOTS. ON MARCH 24, 1994, THE LAS VEGAS METRO POLICE RESPONDED TO A REPORT OF SHOTS BEING FIRED ON A LAS VEGAS STREET. THE OFFICERS THEN ENCOUNTERED TWO ARMED SUSPECTS WITH A MAK 90

SEMIAUTOMATIC RIFLE AND NUMEROUS HANDGRENADES. ATF'S ASSISTANCE WAS REQUESTED, AND A FEDERAL SEARCH WARRANT WAS EXECUTED AT THE SUSPECTS' RESIDENCES, YIELDING NUMEROUS HANDGRENADES, PIPE BOMBS, AND OTHER EXPLOSIVES, ALONG WITH DRUGS, ILLEGAL FIREARMS, AND THOUSANDS OF ROUNDS OF AMMUNITION. UPON QUESTIONING, THE SUSPECTS CLAIMED MEMBERSHIP WITH THE AMERICAN PATRIOTS AND AFFILIATION WITH THE ARM (PRESUMABLY ARYAN RESISTANCE MOVEMENT). THE SUSPECTS STATED THAT WAR HAD BEEN DECLARED AGAINST THE POLICE. THEY WERE HOSTILE TOWARD THE ATF AGENTS AND MADE SEVERAL REFERENCES TO WACO. BOTH HAVE BEEN CONVICTED OF POSSESSION OF UNREGISTERED MACHINEGUNS.

AMERICAN CITIZEN ALLIANCE AND THE LIBERTY GROUP. WHILE PURCHASING 50 AMMUNITION MAGAZINES FROM A FIREARMS DEALER IN MAITLAND, FLORIDA, A SUSPECT MADE REFERENCES TO MILITIA ACTIVITY WHILE IN THE PRESENCE OF A POLICE DETECTIVE. HE SPOKE ABOUT A PLAN IN PLACE TO KILL FEDERAL JUDGES, MEMBERS OF CONGRESS, AND SPECIAL AGENTS. HE ALSO ADVISED THAT HE HAD 60 RUGER RIFLES. AN INQUIRY INTO THE SUSPECT'S BACKGROUND REVEALED HIS STATUS AS A CONVICTED FELON, AND HE WAS ARRESTED BY ATF ON OCTOBER 15, 1994. AT THE TIME OF HIS ARREST, HE HAD A RUGER RIFLE WITH A SILENCER. THE SUSPECT HAS FIVE ASSOCIATES, ALSO MEMBERS OF THE AMERICAN CITIZEN ALLIANCE, WHO ARE DEFENDANTS IN FEDERAL CASES AS THE RESULT OF THEIR ROLE IN PLACING UNLAWFUL LIENS AGAINST THE

PROPERTIES OF FEDERAL DISTRICT COURT JUDGES. THE ORIGINAL SUSPECT PLED GUILTY TO POSSESSION OF AN UNREGISTERED MACHINEGUN AND WAS SENTENCED ON APRIL 19, 1995.

ATF HAS JOINED WITH DEPARTMENT OF JUSTICE AGENCIES (FBI AND DEA) AND OTHER TREASURY AGENCIES IN THE FIGHT AGAINST VIOLENT CRIME. ATF HAS BEEN AT THE FOREFRONT OF THAT BATTLE DUE TO OUR UNIQUE POSITION OF BEING VESTED WITH THE ENFORCEMENT OF THE FEDERAL FIREARMS AND EXPLOSIVES LAWS AND THE REGULATION OF THOSE INDUSTRIES.

ATF'S EXPERTISE IN EXPLOSIVES ENFORCEMENT HAS BEEN WELL TESTED THROUGHOUT THE LAST 25 YEARS. ATF PERSONNEL, THROUGH YEARS OF EXPERIENCE AND ADVANCED TRAINING, HAVE DEVELOPED UNPARALLELED PROFICIENCY IN POSTBLAST ANALYSIS AND THE LOGISTICS INVOLVED WITH INVESTIGATING POSTBLAST CRIME SCENES OF ANY SIZE. THIS EXPERIENCE IS RECOGNIZED AND HIGHLY REGARDED BY INVESTIGATORS WITHIN THE ENFORCEMENT COMMUNITY.

TO STRENGTHEN ITS INVESTIGATIVE CAPACITY, ATF IS RESEARCHING THE EFFECTS OF LARGE-SCALE VEHICLE BOMBS. THROUGH THIS RESEARCH, ENFORCEMENT WILL DERIVE MUCH-NEEDED INFORMATION RELATIVE TO THE EXPLOSIVES SIGNATURE, BLAST EFFECT, DEBRIS DISTANCE, AND RESIDUE RETRIEVAL. THE ANALYSIS OF SUCH CHARACTERISTICS AND THE DEVELOPMENT OF COMPUTER MODELING OF SUCH EXPLOSIONS WILL HAVE A

SIGNIFICANT IMPACT ON THE DEVELOPMENT OF INVESTIGATIVE LEADS IN CONNECTION WITH LARGE AND COMPLEX BOMBINGS SUCH AS THE WORLD TRADE CENTER AND OKLAHOMA CITY.

IN CONCLUSION, THE MEN AND WOMEN OF ATF INVESTIGATE AND APPREHEND SOME OF THE MOST VIOLENT CRIMINALS IN AMERICA ON A DAILY BASIS. DURING OUR EXTENSIVE PLANNING FOR THE EXECUTION OF SEARCH AND ARREST WARRANTS, WE ANTICIPATE--AND EXPECT--VIOLATORS TO BE ARMED WITH FIREARMS OR TO HAVE IN THEIR POSSESSION DESTRUCTIVE DEVICES. IN FACT, THE POSSESSION OR USE OF A FIREARM OR BOMB IS THE PRIMARY ELEMENT OF PROOF FOR MANY OF THE STATUTES WE ENFORCE. UNFORTUNATELY, AND SADLY, THE RESPONSIBILITY OF APPREHENDING THE NATION'S MOST VIOLENT CRIMINALS HAS TAKEN ITS TOLL ON OUR AGENCY, RESULTING IN THE DEATHS OF 183 SPECIAL AGENTS IN THE LINE OF DUTY.

MR. CHAIRMAN, I WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK YOU FOR ALLOWING ME TO SPEAK HERE TODAY ON BEHALF OF ATF. WE COMMEND YOUR LEADERSHIP AND EFFORTS TO PURSUE INITIATIVES THAT WILL MAKE THE AMERICAN SOCIETY SAFER AND MORE SECURE. I WOULD ALSO LIKE TO ASSURE YOU THAT ATF WILL CONTINUE TO ACTIVELY INVESTIGATE ALL CRIMES, SUCH AS THOSE THAT I HAVE MENTIONED, THAT INVOLVE VIOLATIONS OF THE FEDERAL FIREARMS, EXPLOSIVES, AND ARSON LAWS. ATF IS COMMITTED TO ASSISTING STATE AND LOCAL LAW ENFORCEMENT IN ITS CONTINUING FIGHT AGAINST CRIME AND VIOLENCE. THANK YOU FOR YOUR TIME. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

**Missouri State Highway Patrol  
Testimony for Senate Committee on the Judiciary  
Subcommittee on Terrorism, Technology, and Government Information**

Hate groups and extremism always have been a part of Missouri's history as far back as before the Civil War, in which Missouri's citizens were torn by the slavery issue. Factions of the Klu Klux Klan have existed in Missouri since that time, and continue to attract members even today. Other extremist groups have surfaced in Missouri over the past century only to disappear and then resurface again, or reemerge under a different name with a slightly different philosophy. This has been the history of extremism in Missouri. Discontent within society over a variety of issues has spawned new groups, only to see those groups subside as the issues were resolved.

Groups, such as the Christian Patriot Defense League, an ultra right-wing movement, have been visible in the Midwest since the 1950s. The CPDL settled into a paramilitary training camp on a farm near Licking, MO, in 1980 and began hosting "Freedom Festivals," which drew members of various Christian Identity organizations, the KKK, CSA, and Posse Comitatus to train to defend themselves and their freedoms. In 1984 Missouri passed an antiparamilitary law, which prohibited this kind of activity, resulting in the CPDL being limited only to martial art-type training (574.070 RSMo.).

The impact of extremism in Missouri was first felt by the Missouri State Highway Patrol in 1985, when Tpr. Jimmie Linegar was shot and killed by a member of the Aryan Nations, a white supremacist group. This incident

lead the Highway Patrol, in conjunction with federal and local law enforcement agencies, to raid a training compound on the Missouri-Arkansas border for the Covenant, Sword, and Arm of the Lord, a paramilitary survivalist group of "Christian Patriots." The violence associated with the shooting, and firepower confiscated from the camp, surprised many Missourians and some law enforcement agencies. This seemingly singular event, however, merely highlighted an evolving trend toward extremism, not only in Missouri but across the nation, as well.

The 1987 shooting of Tpr. Russell Harper, again, demonstrated the power of hate espoused by extremist groups. While the man who shot Tpr. Harper was not directly tied to any particular hate group, he did espouse white supremacist and hate group philosophies, as well as collect Aryan Nation literature and paraphernalia. When officers raided his farm in Ozark County, located near the former CSA compound, they seized a variety of weapons, many of which were illegal.

In July 1992 the Missouri State Highway Patrol formed its Organized Crime Unit within its Division of Drug and Crime Control. One of the Unit's tasks was to gather information about extremist and hate groups in Missouri, as well as street gangs, outlaw motorcycle gangs, and organized crime. The Unit has focused on three extremist groups: the KKK, Christian Identity religious movements, and militias.

Again, in September 1994, a Missouri State Highway Patrol officer was struck at by an extremist group. Cpl. Bobbie Harper was shot and seriously injured by a "patriot" for the "Citizens of the Kingdom of Christ," a Christian Identity religious movement, in retaliation for the arrest of

one of its principals. Harper was forced to retire from the Highway Patrol due to his injuries and continues to have health problems associated with them. Meanwhile, the "patriot" has disappeared probably protected by the network of extremist groups that stretch across the country.

The escalating level of violence in 1994, in Missouri as well as across the nation, was felt personally by many members of the Missouri State Highway Patrol. The Patrol recorded six officer-involved shootings in 1994. Luckily, none were fatal for the Patrol officers involved. Missouri, however, did have six law enforcement officers killed in 1994, ranking it sixth in the nation for number of officers killed. While none of these incidents were directly related to extremist movements in Missouri, they do represent a growing tendency toward violence.

Each day Missouri State Highway Patrol road officers come into contact with a variety of people traveling on Missouri's highways. While the officers are trained to provide courteous and friendly service to all citizens, they also are taught to treat each traffic stop, whether for a traffic violation or service rendered, as if it could develop into a critical incident. Assaults on officers, such as those that lead to the deaths of Tprs. Jimmie Linegar and Russell Harper, are becoming all too prevalent in today's society.

Extremism has become more evident in Missouri in the past decade, and many of the militias gaining national and local media attention were begun by people with extremist views. To say that all militia members are extremists, however, is overstating today's movement. Many people who attend militia meetings would be considered law-abiding, God-fearing

citizens -- farmers, entrepreneurs, former military personnel, and some who simply are curious as to what these groups are about.

Most of Missouri's "militias or extremist groups" have not evolved much past the stage where they organize into formal groups to discuss their concern and displeasure with the current state of government and society, and to practice skills believed to be needed to protect themselves. Our concern and fear is focused on those whose motives and objectives are to spread the cancer of hatred and criminal conduct, who will utilize these groups as a vehicle for their efforts or as a cover for their activities. We are seeing these seeds of discontent being planted, and the rhetoric is becoming more and more violent and distrusting of all government.

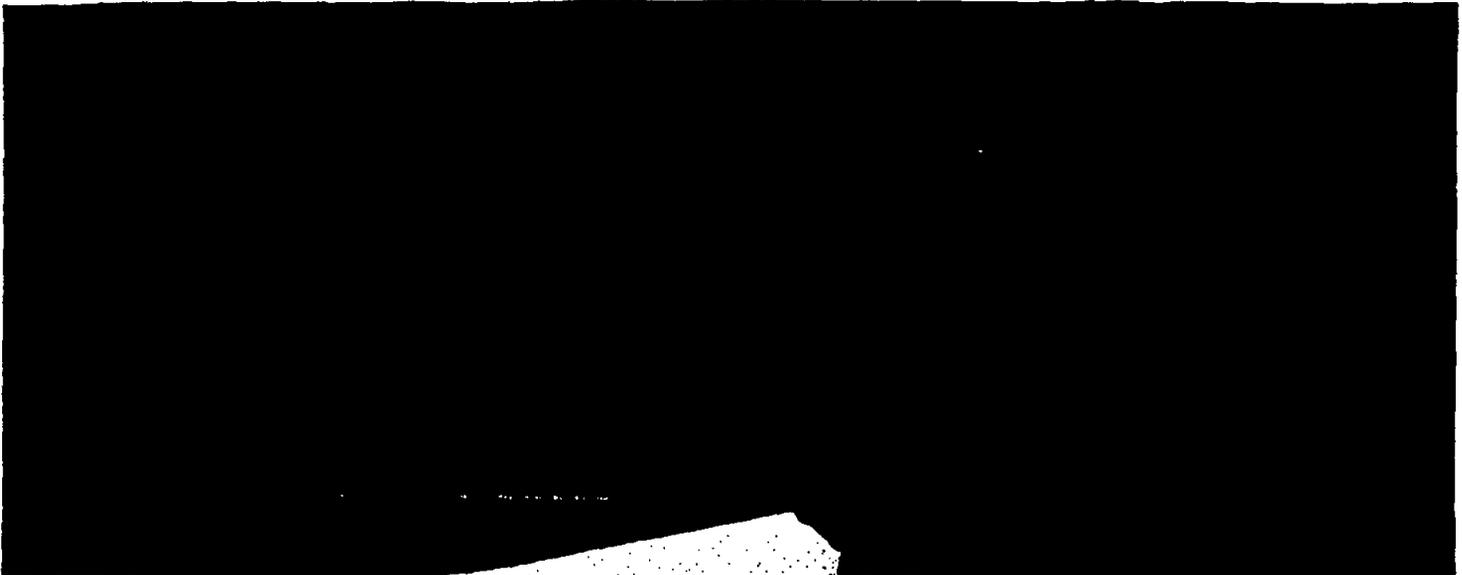
The Highway Patrol continues to collect information about extremist groups in Missouri. Due to a shortage of manpower and money, however, the Patrol's Organized Crime Unit is staffed by only one officer. Law enforcement officers across the country need the support of their legislators and Congress -- through supportive legislation and funds -- to help turn the tide of extremism across the country and ensure the safety of its citizens.

Missouri has long been considered a good place to work, raise a family, and retire. Only recently has its peaceful demeanor been disrupted by the acts of violence of extremist groups. While we take these acts very seriously, the Patrol does not want to infringe on the rights of Missouri citizens to gather to discuss their perceptions of problems within our society and government. When violence does erupt threatening Missouri

citizens and the state, however, the Patrol stands ready to quickly and effectively protect those we are sworn to serve.

In closing, let me say while things in this country have obviously changed and some areas of our communities may have lost that sense of pride and caring, all is not lost. We have a majority of citizens, although sometimes quiet, that truly care about and support law enforcement. We saw it when Cpl. Harper was the victim of a cowardly assault. We also saw our nation pull together in mourning for the tragedy that occurred in Oklahoma City.

We in Missouri are blessed with a Governor, Mel Carnahan, who is an outspoken supporter of law enforcement and who has joined in the battle to remove the cancer of crime from our communities. We need Congress to demonstrate on-going courage and the commitment to support the officers who strive to keep American citizens safe and our country the special place it is to live, work, and raise our families.



## Missouri Extremist Activity

The topography of the state of Missouri used to be a reliable guide to the location of settlements of extremist groups. The rugged Ozark Mountains of southwest Missouri in particular lent themselves to attract and shelter those individuals whose political and social stance was far to the right of mainstream America. This is no longer the case. We have documented in the past three years, a rapid rise in extremist group membership in all areas of our state — from the Glacial Plains of northeast Missouri to our mountains in the southwest, to the major metropolitan areas of St. Louis and Kansas City, and even to the Mississippi lowlands of the boot heel.

We are concerned not with the fact that groups lean to the left or the right, but that extremism itself has become so popular and with it the polarization of segments of society that eventually may lead to more violence. This is a legitimate law enforcement concern.

The focus of our attention is on three groups: The Ku Klux Klan, the Identity movement, and armed civilian Militias.

The KKK is highly factionalized with two major Klans having members in Missouri. They are:

- The White Knights of the KKK
- The Federation of Klans

The White Knights of the KKK are based in Kansas City, MO, with Klaverns (units) in northwest, south central, and mid-Missouri. They also have membership in Kentucky, Colorado, Oklahoma, and Pennsylvania. This is a heavily armed group that openly urges the extermination of Jews, blacks, and "whiggers" (white niggers). It is closely affiliated with the Skinhead movement, and we feel it has possible ties to the IRA through a Northern Ireland Prisoner Relief Organization that has provided speakers and literature for their rallies.

The Federation of Klans has drawn off the most militant members of the Knights of the KKK. This new organization, based in Chicago, IL, has Missouri membership sympathetic to the White Knights of the KKK, Skinheads, Aryan Nations, and major Identity Churches.

Identity religious doctrine is the "tie that binds" most White Supremacist groups. Briefly, Identity doctrine holds that the white man is the true descendant of the lost tribes of Israel; Jews are children of the devil, the product of that illicit union of Eve and Satan; and non-whites are a genetic mistake made by God before perfecting the white man — they are called "mud people." Basic to Identity beliefs are three facts:

- whites are inherently superior,
- whites will inherit the true Israel (Promised Land), which is the continental United States,
- whites must and will survive an inevitable nationwide race war in order to claim their inheritance.

Toward this end, Identity followers train, stock pile food and weapons, and attack the Federal Government at any opportunity.

Militias made their appearance in mid-1994 in four southwest Missouri counties. This movement has spread rapidly to cover 40 of Missouri's 114 counties. I would characterize the Militia as a group of paramilitary constitutionalists who believe that our government is part of a worldwide United Nations conspiracy to disarm the American people. Although a great

majority of current Militia members are hard working, honest Americans, this movement has the real potential to evolve into an organization with a much more violent agenda. We see Militias progressing through the following stages:

**Stage I:** The calling of "Concerned Citizens" meetings.

**Stage II:** Formation of an official militia and the election of an "Interim Commander."

**Stage III:** A training phase consisting of firearms, food storage, wilderness survival, etc...

**Stage IV:** An intelligence gathering stage in which they become more paranoid of law enforcement and the Federal Government.

**Stage V:** Interference in legitimate law enforcement activities such as arrests and search warrant service.

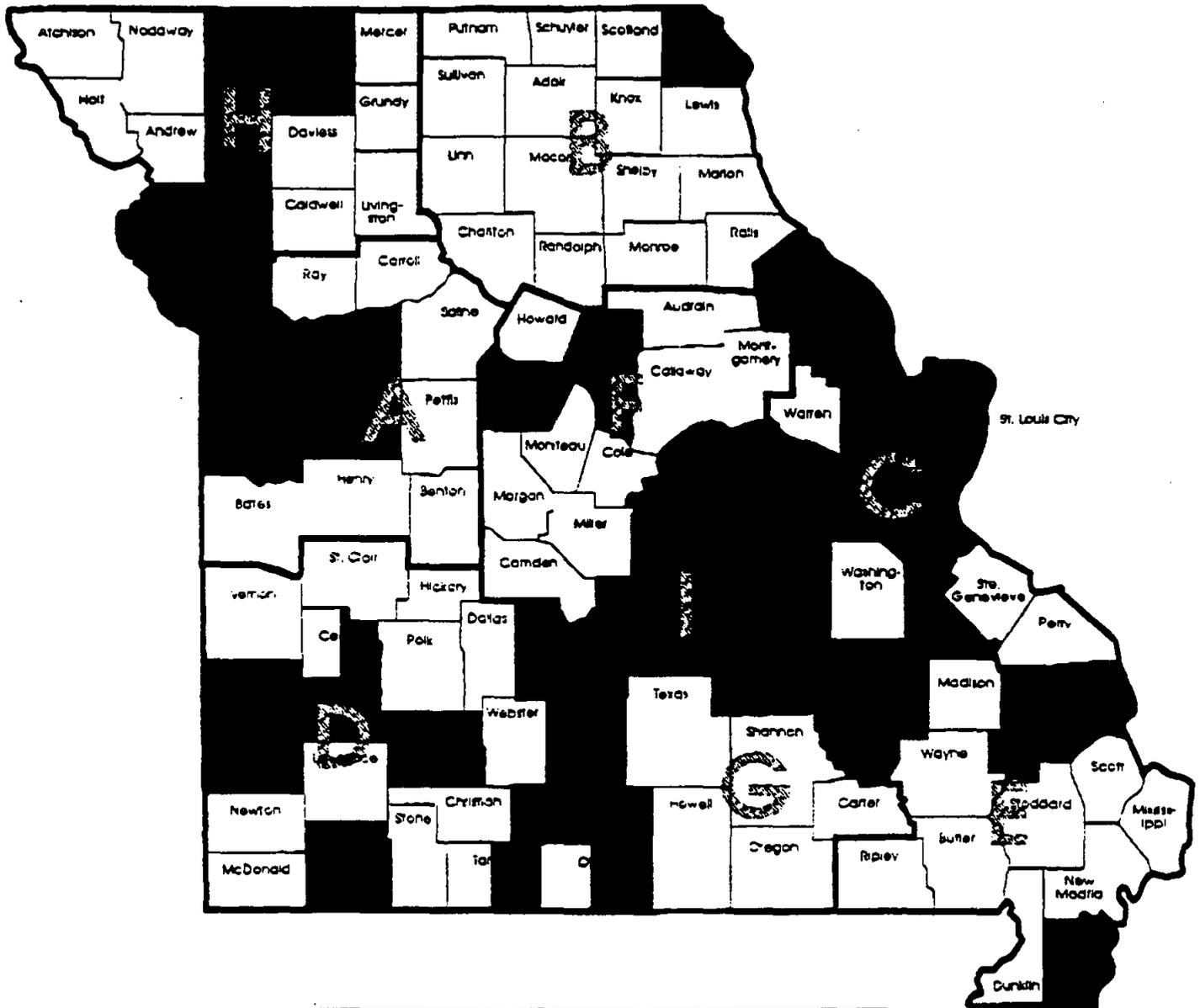
**Stage VI:** Militia moves underground due to law enforcement pressure and/or overreaction.

Missouri currently is in Stage III with one group already performing security/intelligence functions.

The Oklahoma City bombing caused an initial loss of Militia membership of about 10 percent. In the past few weeks, fears of a federal government overreaction has brought more dissatisfied Americans to their ranks. We believe the KKK will stagnate to the point of insignificance due to poor leadership and lack of public support. Most Klansmen and Identity followers, however, see Militias as an ideal vehicle through which they can accomplish their goals, realize more broad public support, and become part of an armed militant brotherhood with the federal government as the common enemy.

# Extremist Activity in Missouri

## 2nd Quarter 1995



■	Militia Activity
■	KKK Activity
□	Identity Activity

\* Militia Activity may change weekly, this map indicates active militias as of 5-24-95.

## Fatal Shooting of Tpr. Jimmie E. Linegar

### Summary

*Tpr. Jimmie E. Linegar, 31, was shot and killed while conducting a spot check near the intersection of U.S. 65 and MO 86 April 15, 1985. He was unaware the man stopped for a license check had just been indicted by a Federal Grand Jury for involvement in a Neo-Nazi group accused of murder.*

Missouri State Highway Patrol Tprs. Jimmie Linegar and Allen D. Hines, both of Troop D, Springfield, set up a routine spot check near the junction of U.S. 65 and MO 86 in Taney County April 15, 1985. After checking several vehicles for equipment and license violations, Tpr. Linegar stopped a van bearing Nevada license. The driver produced an Oregon driver's license issued to Matthew Mark Samuels. The license check revealed an NCIC "hit" on David C. Tate with an alias of Matthew Mark Samuels for a possession of weapons.

As Tpr. Hines walked up the passenger side of the van, Tpr. Linegar approached the driver's side. Suddenly, Tpr. Hines heard a burst of automatic weapon fire. Tate first shot at Tpr. Hines and then exited the van and fired several shots at Tpr. Linegar, striking him a total of 11 times. Five of the bullets were absorbed by Linegar's body armor; the rest penetrated his body. Tpr. Hines also was struck by three rounds, causing superficial wounds. Hines returned fire and struck Tate in the legs, who ran into a heavily wooded area east of U.S. 65.

Both Patrol officers were taken to a local hospital, where Tpr. Linegar was pronounced dead. A five-day manhunt began involving the Missouri State Highway Patrol, local law enforcement agencies, and the National Guard, called out by Gov. John Ashcroft April 17. Tate was apprehended April 20, 1985, after being spotted at the edge of a wooded area near Forsyth, MO, by a citizen.

With FBI assistance, it was determined that David C. Tate, alias Matthew Mark Samuels, was a member of The Aryan Nations, a white-supremacist group headquartered in Hayden Lake, ID. He also was associated with the Covenant, Sword, and Arm of the Lord (CSA), a Neo-Nazi group located near Pontiac, MO. Tate, along with several other subjects had been indicted by a Federal Grand Jury April 12, 1985, in Seattle, WA, for a murder in Idaho in 1984.

At the time of the shooting, Tate's van contained 12 weapons, several of which were fully automatic; 45 hand grenades; dynamite; and other explosives. At the time of Tate's arrest, officers located a Mac-11, .380 caliber, fully automatic weapon with silencer, determined later to be the weapon used during the shooting of the two Patrol officers.

## Fatal Shooting of Tpr. Russell W. Harper

### Summary

*Tpr. Russell W. Harper, 45, was shot and killed Feb. 8, 1987, after he pulled over a pickup truck east of U.S. 65 on U.S. 60 near Springfield, MO, for a traffic violation. Before Harper could stop his Patrol car off the roadway, a man emerged from the truck and fired several rounds from an automatic weapon through the Patrol car's windshield.*

Feb. 8, 1987, Tpr. Russell W. Harper, Troop D, Springfield, was working stationary radar on U.S. 60 east of Springfield, MO, when he was passed at an excessive rate of speed by a pickup truck. Harper began pursuit of the vehicle following it off of U.S. 60 onto a Greene County farm road. Tpr. Harper stopped his Patrol car approximately 25 feet behind the truck. As the Patrol car was coming to a stop, the driver of the pickup stepped out and opened fire at Tpr. Harper's Patrol car with a fully automatic rifle. The Patrol car was hit at least 29 times by the gun fire. Two of the rounds struck Tpr. Harper, one in the forehead, fatally wounding him.

Witnesses provided Patrol officers with a description of the truck and the driver, and Highway Patrol and local law enforcement officers set up roadblocks and began a search of the area. Upon further investigation Glen Paul Sweet was identified as a suspect. Sweet had recently purchased a vehicle matching the truck's description and was wanted on felony drug violations and weapons charges. Officers visited a residence where Sweet was supposed to be staying. While searching the area, officers located an H & K, Model 93, .223 caliber rifle hidden in the trunk of an abandoned vehicle; they also located .223 ammunition in the trunk.

After obtaining a search warrant, Patrol officers found Glen Paul Sweet hiding in the attic of the residence and arrested him without incident. Officers discovered the pickup truck in a garage next door. The truck was being disassembled and painted.

While officers could find no direct affiliation between Sweet and extremist or hate groups, they did consider Sweet a "wannabe." He was a cross between an outlaw motorcyclist and a white supremacist. He wore T-shirts depicting "white power" and had a collection of Aryan Nation T-shirts, hats, and literature. At Sweet's house in Ozark County, officers confiscated 20-25 assault weapons, boxes of ammunition, weapons literature, survivalist books, and targets. One target had the Christian County, MO Sheriff's picture and name on it and had been used for target practice.

## Shooting of Cpl. Bobbie J. Harper

### Summary

*A sniper's bullet struck and nearly killed Cpl. Bobbie J. Harper, 54, as he stood in the kitchen of his home Sept. 16, 1994. It was later determined that the shooting was probably in retaliation for the arrest of Robert Joos, Jr. The suspect believed to have shot Cpl. Harper, Timothy Thomas Coombs, fled the state and is currently wanted on both state and federal charges.*

Sept. 16, 1994, Cpl. Bobbie J. Harper, Troop D, Springfield, was shot with a high-powered rifle while he was standing in the kitchen of his rural home. The bullet struck Harper in the chest and caused extensive internal damage. He was rushed to a local hospital and underwent emergency surgery.

Highway Patrol and local law enforcement officers responded to the scene, set up road-blocks, and began a search of the area. A shell casing (7.62 x 39) was found approximately 250 feet northeast of the kitchen window. Over the next two days, the investigation was plagued by several false leads.

Previously in June 1994, Cpl. Harper and three other Patrol officers had arrested Robert N. Joos, Jr., on a warrant for simulating legal process. Joos resisted arrest and was subsequently charged with resisting arrest and unlawful use of a weapon. At the time of Joos' arrest, his van contained a concealed and loaded .32 revolver; several black ski masks also were found in the vehicle along with .45 caliber magazines and survival gear.

Officers went to Joos' property to interview his girlfriend about a possible connection between the arrest and the shooting. As the officers approached the farm, they were stopped by Timothy T. Coombs, who at the time gave an alias James Wilson, armed with a high-powered rifle with a scope. Coombs told officers he recently had flown from North or South Carolina to help with a legal maneuver for Joos. Coombs claimed he was a member of the Patriots and was an "ambassador" for the "Citizens of the Kingdom of Christ."

Highway Patrol officers requested intelligence information from Arkansas on "James Wilson." A neighbor of "Wilson" reported Wilson had been shooting a high-powered rifle a week prior to the shooting of Cpl. Harper and had shot one of the neighbor's horses. Officers retrieved the bullet from the horse, and upon forensic testing, discovered a strong probability it had been fired from the same weapon used in the Harper shooting. A search warrant lead to the discovery of three 7.62 x 39 spent shell casings from the Wilson farm that matched perfectly with the spent shell discovered behind the Harper residence. A search warrant executed on the Joos property Sept. 22, lead to the seizure of 20 guns, many of which were sawed-off shotguns; an 8 mm machine gun; and 45 sticks of dynamite.

Through various interviews it was discovered that Joos had purchased a Norinco SKS rifle, probably the one used in the Harper shooting, in late June 1994 in Washburn, MO. The whereabouts of Timothy T. Coombs and the SKS rifle are unknown. Coombs is wanted on a McDonald County, MO, warrant for class A felony assault on a law enforcement officer in the first degree and for armed criminal action. He also is wanted by the FBI on a federal fugitive arrest warrant for unlawful flight to avoid prosecution.

Because of continuing health problems resulting from the shooting, Cpl. Harper was forced to retire from the Missouri Highway Patrol in February 1995.

**THE UNITED STATES SENATE**  
**SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND**  
**GOVERNMENT INFORMATION**

**June 15, 1995**

**Richard M. Romley**  
**Maricopa County Attorney**  
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**RICHARD M. ROMLEY**  
**TESTIMONY BEFORE THE UNITED STATES SENATE**  
**SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND**  
**GOVERNMENT INFORMATION**

**June 15, 1995**

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, THANK YOU VERY MUCH FOR GIVING ME THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY, AND TO DISCUSS WITH YOU THE GROWING CONCERN ABOUT MILITIA MOVEMENTS IN THE UNITED STATES; AND MORE SPECIFICALLY, IN MY HOME STATE OF ARIZONA.

AS MARICOPA COUNTY ATTORNEY I AM THE CHIEF PROSECUTOR IN A COUNTY WHOSE POPULATION IS APPROXIMATELY TWO AND ONE-HALF MILLION PEOPLE. IT ENCOMPASSES TWENTY-THREE CITIES AND TOWNS, INCLUDING THE CITY OF PHOENIX. I AM RESPONSIBLE FOR MORE THAN TWO HUNDRED AND FIFTY PROSECUTING ATTORNEYS WHOSE PRIMARY ROLE IS TO INVESTIGATE AND PROSECUTE THE MORE THAN FORTY THOUSAND FELONY OFFENSES REPORTED TO MY OFFICE EACH YEAR.

THE HORROR OF OKLAHOMA CITY HAS UNFORTUNATELY THRUST ARIZONA ONTO THE FRONT PAGES OF OUR NATION'S NEWSPAPERS. AS MOST OF US

KNOW, THE ACCUSED BOMBER--TIMOTHY MCVEIGH--LIVED IN ARIZONA. WE ALSO KNOW THAT NUMEROUS ASSOCIATES OF MR. MCVEIGH ALSO RESIDE IN ARIZONA AND IT HAS BEEN REPORTED THAT THEY HAVE CONNECTIONS WITH VARIOUS MILITIA ORGANIZATIONS.

ARIZONA, LIKE OTHER STATES, IS EXPERIENCING A PROLIFERATION OF MILITIAS. THIRTEEN GROUPS HAVE RECENTLY BEEN IDENTIFIED. SOME LEADERS OF THESE GROUPS SPEW MESSAGES OF HATE AND CONSPIRACY. MESSAGES ROOTED IN ANTI-SEMITISM AND RACISM. MESSAGES WHICH CREATE IMAGES OF "BLACK HELICOPTERS" AND INTERNATIONAL MILITARY TROOPS HIDING IN CAVES WAITING FOR A SIGNAL TO USURP OUR DEMOCRACY. HOWEVER, THESE MESSAGES ARE SO OUTRAGEOUS THAT THEY OFTEN FALL ON DEAF EARS, EVEN AMONG THEIR OWN MEMBERS. THEREFORE, WE MUST BE CAREFUL NOT TO LABEL ALL MEMBERS OF MILITIAS AS SUPPORTERS OF THE RANTINGS OF THESE EXTREMISTS. OUR FOCUS MUST BE ON THE FANATIC FRINGE OF THE MILITIA MOVEMENT WHO MALICIOUSLY SEEK TO SOW THE SEEDS OF VIOLENT DISCONTENT.

IT IS THIS FANATICAL FRINGE--CLAIMING TO BE PATRIOTIC AMERICANS--WHO ATTACK BY INTIMIDATION AND VIOLENCE THE VERY CORE OF OUR DEMOCRACY. IN MY JURISDICTION WE HAVE HAD DIRECT EXPERIENCE WITH SOME OF THESE EXTREMISTS. MY OFFICE HAS PROSECUTED NUMEROUS INDIVIDUALS WHOSE

FANATICISM WAS BASED ON RACIAL OR RELIGIOUS PREJUDICE AND A DESIRE TO VIOLENTLY DESTROY CONFIDENCE IN OUR DEMOCRATICALLY ELECTED GOVERNMENT. LET ME TELL YOU ABOUT ONE CASE. IT INVOLVED A MEMBER OF A WHITE-SUPREMACIST GROUP CALLED THE "ARIZONA WHITE BATTALION" WHO WAS ALSO ASSOCIATED WITH A GROUP CALLED "THE FREEMEN", A TAX-PROTESTING, ANTI-GOVERNMENT ORGANIZATION. THIS PERSON CONSPIRED TO PLACE BOMBS AT MORE THAN THIRTY-SEVEN LOCATIONS. HIS TARGETS INCLUDED SYNAGOGUES, DAY CARE CENTERS AND GOVERNMENT BUILDINGS. HIS PLAN WAS TO DETONATE THE BOMBS DURING PEAK OCCUPATION OF THESE BUILDINGS. FORTUNATELY, HE WAS APPREHENDED BEFORE HE COULD CARRY OUT HIS PLAN, AND IS NOW SERVING A LONG PRISON SENTENCE. AS HORRIBLE AS HIS INTENTIONS WERE, THEY BECOME EVEN MORE TROUBLESOME WHEN WE CONSIDER THAT THIS POTENTIAL MAD BOMBER WAS ONLY SIXTEEN YEARS OLD WHEN HE FIRST LAID DOWN HIS PLAN OF DESTRUCTION. SIXTEEN YEARS OLD WHEN THE SEEDS OF HATE HAD ALREADY TAKEN ROOT.

SO-CALLED "PATRIOTS" REFUSE TO ACKNOWLEDGE THAT IN A REPRESENTATIVE DEMOCRACY YOU DO NOT CHALLENGE LAWS BY INSURRECTION, YOU BRING YOUR GRIEVANCES TO THE BALLOT BOX OR TO THE COURTS. IN THEIR QUEST FOR NOTORIETY, POWER AND FINANCIAL GAIN THESE FANATICAL INDIVIDUALS SHROUD THEIR INSURRECTION IN PATRIOTISM. IT IS DIFFICULT TO EXPLAIN THEIR UNDERLYING MOTIVES. THEY HAVE DECLARED WAR ON THE VERY

SYSTEM THAT GUARANTEES THEM THE FREEDOMS THEY DEMAND. IT IS AS IF, IN THE ABSENCE OF A REAL THREAT OR ENEMY, THEY HAVE TURNED INWARD AGAINST THEIR OWN GOVERNMENT.

IN THE FACE OF SUCH ATTACKS IT MAY BE TEMPTING TO REACT QUICKLY AND HARSHLY. THIS IS WHERE I URGE CAUTION. WE MUST NOT BE STAMPEDED INTO QUICK, BUT ILL-CONCEIVED ACTION BECAUSE OF THE HORROR OF IMMEDIATE EVENTS. WE MUST ENGAGE IN CALM AND THOUGHTFUL DELIBERATION BEFORE WE CHOOSE OUR COURSE OF ACTION. IT MUST BE CONSISTENT WITH OUR CONSTITUTIONALLY GUARANTEED FREEDOMS. FOR WE AS AMERICANS, HAVE THE RIGHT TO QUESTION AND CRITICIZE OUR GOVERNMENT.

IF THERE IS ONE COMMON DENOMINATOR AMONG THE EXTREMISTS IN THESE GROUPS, IT IS THAT THEY ALL STRIVE FOR THE OPPORTUNITY OF MARTYRDOM. WE MUST BE CAREFUL NOT TO GIVE THEM THAT OPPORTUNITY. IF OUR DECISIONS ARE MADE IN HASTE, WE HELP CREATE FALSE MARTYRS AROUND WHOM THEY COULD RALLY THE DISAFFECTED AND MISGUIDED. WE MUST ENSURE THAT GOVERNMENT DOES NOT SELF-FULFILL THE PROPHECY OF THOSE WHO SEEK TO DESTROY.

HOWEVER, WE IN LAW ENFORCEMENT MUST BE VIGILANT. WHEN THESE

EXTREMISTS ENCOURAGE CHANGE THROUGH VIOLENT MEANS RATHER THAN JUST TALK, WE NEED TO STEP UP AND SAY ENOUGH IS ENOUGH. IF AN INDIVIDUAL STEPS OVER THE LINE OF LAWLESSNESS, WE MUST ACT SWIFTLY. AS A PROSECUTOR I HAVE NO PATIENCE WITH THOSE WHO BREAK THE LAW OR WHO ENCOURAGE OTHERS TO DO SO.

AS ONE WHO IS ON THE FRONT LINE IN THE BATTLE AGAINST CRIME AND EXTREMISM, I APPLAUD THE SENATE'S PASSAGE OF THE ANTI-TERRORISM LEGISLATION. YOU HAVE GIVEN LAW ENFORCEMENT TOOLS WITH WHICH TO COMBAT THIS MENACE.

SPECIFICALLY, I SUPPORT THE INCREASED PENALTIES, THE ADDITIONAL INVESTIGATORY TOOLS, THE AUTHORIZATION TO HIRE LAW ENFORCEMENT OFFICERS, AND THE COMMITMENT TO FINANCE A NEW ANTI-TERRORISM CENTER TO FACILITATE THE SHARING OF INFORMATION AMONG LAW ENFORCEMENT AGENCIES.

I ALSO STRONGLY SUPPORT HABEAS CORPUS REFORM. AS A PROSECUTOR I FEEL THE FRUSTRATION OF DELAYED JUSTICE. FOR TOO LONG HABEAS CORPUS HAS BEEN USED BY THE CONVICTED AS A TACTICAL DEVICE OF OBSTRUCTION RATHER THAN AS A SUBSTANTIVE REVIEW OF APPROPRIATE LEGAL ISSUES. YOUR PASSAGE OF THIS REFORM IS LONG OVERDUE.

THIS LEGISLATION WILL HELP ENSURE THAT OUR CITIZENS NEED NOT LIVE IN FEAR THAT HORRORS SUCH AS THE WORLD TRADE CENTER BOMBING OR THE FEDERAL COURTHOUSE BOMBING IN OKLAHOMA WILL OCCUR IN THEIR COMMUNITIES. PROTECTING OUR RIGHT TO BE FREE OF CRIME AND TERRORISM IS NOT A PARTISAN ISSUE. I AGAIN APPLAUD THE SENATE FOR ITS BIPARTISAN SUPPORT OF THESE ANTI-TERRORISM MEASURES. I WOULD ENCOURAGE THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT TO ADOPT THIS SAME BIPARTISAN APPROACH AND SEND A CLEAR MESSAGE TO THOSE WHO WOULD UNDERMINE THE RULE OF LAW THAT WE WILL PROTECT OURSELVES AND OUR DEMOCRACY AGAINST THEIR FANATICISM.

THANK YOU AGAIN FOR GIVING ME THIS OPPORTUNITY. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS THAT THE COMMITTEE MAY WISH TO ASK.

# MARICOPA COUNTY ATTORNEY

## OFFICIAL BIOGRAPHY



## RICHARD M. ROMLEY

Maricopa County Attorney  
1988 to Present

REPUBLICAN

Rick, as he is known to almost everyone, is an Arizona native, born in Tucson in 1949. Rick and his wife Carol have 3 sons: Darin, David, and Aaron. Rick served two years in the U.S. Marine Corps and was injured while on a tour of duty in the Republic of South Vietnam. He is a 1974 graduate of Arizona State University where he majored in Business Management, graduating in the top 5% of the nation. Rick owned and operated a retail clothing store in the Valley for 5 years after graduation. But he knew he wanted something more so he went back to college and in 1981 graduated with a Juris Doctorate from the Law School at Arizona State University.

Mr. Romley began his career as a prosecutor with the City of Phoenix where he worked his way up to Special Prosecutor. He then joined the Maricopa County Attorney's Office as a deputy county attorney. After working in a trial group, Rick became Unit Chief in the Organized Crimes and Narcotics Division. He also served as Special Prosecutor in cases involving child molestation and sexual assault. In addition he served as Law Enforcement Coordinator for burglary undercover sting operations. Rick resigned his position as Deputy County Attorney in 1988 to run for the Office of Maricopa County Attorney.

Richard M. Romley was sworn in as County Attorney in January of 1989. Since then the office has grown in stature, receiving national recognition in many areas. The anti-drug program popularly known as "Do Drugs. Do Time." was recognized as a national model in 1992 by the President's Drug Advisory Committee. In 1990, Mr. Romley formed the "Anti-Drug A.P.P.L.E. Corps". This project, funded by a grant from the Maricopa County Attorney's RICO account, is designed to reach at-risk children in after school programs. The Anti-Drug A.P.P.L.E. Corps recently received national recognition when Mr. Romley was invited to Washington to speak to a congressional subcommittee. In the last five years, the Maricopa County Attorney's Office has received 20 awards for excellence in County Government from the National Association of Counties (NACo). Mr. Romley was Arizona's County Attorney of the Year in 1992. In the same year, he received an award for leadership from the U.S. Department of Justice. He has also received a special commendation from Mothers Against Drug Driving (MADD) for his efforts to toughen drunk driving laws.

Mr. Romley is also known for his involvement in the investigation and prosecution of the largest public corruption case in Arizona's history, known as "AzScam." He has taken the lead role in rewriting Arizona's Criminal Code, including "Truth in Sentencing" and tougher DUI laws. He has helped Arizona by amending the state constitution to secure Victim Rights. He continues to focus attention on reform of the juvenile justice system, victims' rights and domestic violence issues. He has also created specialized prosecution units for gangs, computer crimes, hate/bias crimes, arson and elderly abuse cases.

**MUSSELSHELL COUNTY ATTORNEY**

**P.O. Box 248**

**Roundup, Montana 59072**

**John Bohlman**

**County Attorney**

**(406) 323-2230**

Senate Committee on the Judiciary  
Subcommittee on Terrorism, Technology and Government Information  
United States Senate  
Washington, DC 20510-6275

Re: Written Statement of Witness

In my day to day work activities since becoming county attorney on January 1, 1995, I have little contact with any members of the Militia of Montana or members of any other militia group. Even prior to my taking office as county attorney, I was aware that the militia activity in Montana was primarily taking place in the western part of Montana. As Noxon, Montana, is over 500 miles northwest of my hometown of Roundup, Montana, I was not very attentive to Militia of Montana activities. I was much more concerned with the eastern Montana "Freemen" who were very active in Musselshell and Garfield Counties. I believe that one of the reasons that the "Freemen" made their most violent threats and took their most aggressive actions in Garfield County is the fact that Garfield County has a total population of less than 1500 people and that the total law enforcement presence consists of a sheriff and his undersheriff. Fugitives from state and federal warrants are currently making their base of operation a log home in Musselshell County where the total population is about 4,400 people and the Sheriff's Department consists of five officers.

In spite of the absence of a militia organization in Musselshell County, I have had direct dealings with the Militia of Montana and other militia and "patriot" group members since March 3, 1995. During the week beginning February 27, 1995, the Musselshell County Sheriff's Department was on alert that an organization known as the "Freemen", and/or members of similar organizations, were planning to kidnap a judge and/or county prosecutor in eastern Montana. As the information was related to me by the Sheriff of Musselshell County, the federal agency supplying the warning stated that it was believed that Garfield County Attorney Nick Murnion, the District Court Judge that served Garfield County, and Musselshell County's District Judge Roy C.

Rodeghiero were considered the most likely targets, and that the victim was to be put on trial before the organization members, convicted, executed by hanging, and that the whole event was to be videotaped. Based on that information, the Musselshell County Sheriff placed reserve deputies in the Musselshell County Courthouse to increase security for Judge Rodeghiero. The Judge was also accompanied to work in the mornings and home in the evenings by Sheriff's deputies.

On the afternoon of March 3, 1995, two men were arrested for violation of the state's concealed weapon law, a misdemeanor, after they had been stopped by a deputy for driving a pickup with no license plates. (Earlier, one of the two men had been in the county courthouse and had spent time on each floor, including being just outside the judge's office.) That stop led to the deputy finding that the driver also had no driver's license. When the two men exited the pickup, the deputy learned that both men were carrying concealed weapons without permits, and both men were placed under arrest. Shortly after the arrest, the sheriff's deputies learned that the two men had in their possession a large amount of weapons and ammunition which included bullets that would pierce class II body armor commonly worn by law enforcement officers, approximately 30 plastic "flex-cuffs" and a roll of duct tape, approximately \$26,000 in cash and approximately \$60,000 in gold and silver coins, a video camera and film and a 35 mm. Minolta camera with additional lenses, and sophisticated radio communication equipment. (See copy of newspaper photo attached as Exhibit 1) At the time of this discovery, the deputies concluded that they had disrupted the attempt to kidnap and kill a judge about which we had been warned by a federal agency. A few days after the arrest, a hand drawn map carried in the pocket of one of the men, Frank Ellena, was identified as a map of the town of Jordan, Montana. The map clearly marked for identification the home of the Sheriff and the home of the county prosecutor, Nick Murnion, who had successfully convicted a member of the Freeman group who was sentenced to ten (10) years in prison.

At approximately 6:00 o'clock p.m. on March 3, 1995, and only about 90 minutes after the first two men were jailed, two vehicles containing six men entered the parking area of the Musselshell County Sheriff's Department and parked facing the door in what appeared to the deputies to be an effort to control entrance to the Sheriff's Department. The first deputy to see the vehicles believed that when the vehicles entered the parking area, at least one occupant in each vehicle was speaking into a remote, hand held radio transmitter/receiver. (When the first two men were stopped, they too were talking into a remote, hand held radio transmitter/receiver.) Two men remained in one car, and three men entered the jail and made what the deputies

described as a demand that the evidence recently taken be turned over to them. The jail lacks security due to its age and design so the evidence, guns, etc., was in clear view of the three men. As the demand or request was being made, one of the deputies saw a gun concealed on one of the men when that man's jacket opened. The two deputies immediately placed the three individuals under arrest. It was believed by the deputies that these three men and the two men in the car outside were co-conspirators of the first two men arrested.

After securing the three individuals arrested inside the jail, the two deputies went outside to the white car which contained two men. According to the deputies, one of the two men was speaking into a hand-held radio transmitter/receiver as the deputies approached and both men locked the doors of the two-door car. The officers had their weapons drawn and demanded that the two men exit the car. The two men refused and one continued to talk into a radio. One deputy saw a gun tucked into the front of the passenger's pants and the driver began unzipping his jacket as if reaching for a gun. The driver's side window was broken by one deputy and the passenger then opened his door. Both men were placed under arrest and a check of both men showed that both men were carrying handguns and that the driver did have a hand gun in a shoulder holster under his jacket.

I learned later that night that the passenger in the two-door car was John Trochman, a founder of the Militia of Montana. I did not know anything about him until I read the newspaper the following day and then read an *Esquire* magazine interview with John Trochman. Within an hour after the arrest of John Trochman, telephone calls began coming into the jail from all over Montana, and from other states as well. In the week that followed, the jail received hundreds of telephone calls from all over the United States demanding that the arrested individuals be released and making threats against the Sheriff and his deputies. Attached as Exhibit 2 is a copy of the message sent out by M.O.M. directing people to make those calls. My office telephone was ringing continuously and my secretary and I received approximately 40 threats on our lives and threats that included my secretary's family. One caller identified himself as being with the Militia of Montana and made threatening comments about my secretary's adopted Korean daughter. Because of the racial comments made by some of the callers, my secretary drove to another state during the night to hide her daughter. One of the deputies sent his family out-of-town after he received a call that neither of the two arresting deputies could find a hole deep enough to hide in. Some callers stated that armed men from militia organizations in various states would come to Roundup to see that justice was done to those of us responsible for the arrest of the "fine patriot

John Trochman." Many callers stated that they knew my phones were "bugged" by the F.B.I. and that these 7 men had been arrested on false charges as part of an F.B.I. scheme to get John Trochman into custody. Interestingly, Randy Trochman, a co-founder of M.O.M., gave press releases disavowing any link between John Trochman and M.O.M. and the "Freemen" organization. He stated that the "Freemen" were extremist and that John Trochman was in Musselshell County to attempt to negotiate a settlement of the tensions between the "Freemen" and local law enforcement. However, facts sharply contradict those press releases. In the January 24, 1995, issue of *Taking Aim*, M.O.M.'s newsletter, John Trochman wrote an extensive article explaining how to set up replacement governments at the county level and how to create the so-called assets that are the basis of money crimes being actively committed by at least two of the "Freemen" operating out of Musselshell County. Mr. Trochman even thanked three "Freemen" leaders for teaching these techniques and he encouraged readers to go and study with the "Freemen" so that the techniques could be implemented. The article went so far as to state that M.O.M. would help interested individuals make arrangements to spend the necessary time with the "Freemen".

In concluding my written statement about the militias, I want to state that on a personal level I am opposed to such organizations because I believe they are attempting to impose their political will by force and the threat of force. It is impossible to lump them into a single classification at this time because the different groups have some common ground, but they also have very distinct variations. My opinion is that they are predominately racist and that they are composed of members who do not fundamentally agree with equality of citizens and the principle of one-person, one-vote. However, as a prosecutor for the State of Montana, my only public concern is that laws not be broken and that when the laws are broken, those criminals responsible are apprehended and dealt with fairly by our criminal legal system. I am concerned that militias will spawn lawbreakers who will be immune from prosecution due to actual violent resistance by the lawbreakers' militia associates or due to the threat of violence readily projected by M.O.M. and the North America Militia. I believe my fear has been realized already in the person of John Trochman. Mr. Trochman and an associate recently committed what I consider to have been misdemeanor assaults on Shaun McLaughlin and his camera man, both TV news reporters from Oklahoma City, while the two reporters were on a public road. I believe that no charges resulted from that event. When Mr. Trochman was in the Musselshell County Jail he claimed to have a

concealed weapon permit. However, the permit had no expiration date when state law requires a 4 year expiration on such permits, "none" fills the space where the person is to identify a social security number, and the permit was not recorded as required with the Montana Department of Justice. However, the state attorney general's office declined prosecution. At M.O.M. meetings and in public statements, Mr. Trochman has made it clear that he and the Militia of Montana are protecting Gordon Sellner from arrest. Gordon Sellner is charged with shooting a deputy sheriff. The use of force, deception, or intimidation to purposely prevent or obstruct anyone from performing an act that might aid in the apprehension of Mr. Sellner is a crime in Montana. Similarly, Calvin Greenup was able to avoid arrest for crimes he committed in Rivalli County, Montana, for quite some time because of his violent threats and leadership position with the North America Militia.

### "Freemen"

For the past four years, the activities of Rodney Skurdal have become bolder and bolder and more threatening in regards to violence toward public servants. Mr. Skurdal is a Montana leader of a group which Montanans refer to as "Freemen". The name comes from their use of the term "freeman character" when identifying themselves. The group particularly targets county government officials and judges as traitors who are to be executed. The group members reveal racism in their own writings, and their version of law combines the *Magna Charta*, *The Bible*, old English common-law, and a 19th century state constitution. They also apply different aspects of the United States Constitution to varying classes of citizenship as identified by the group. In Garfield County, Montana, bounties were posted by the "Freemen" for various public officials and those officials were to be executed by hanging. Around the state of Montana, there are a variety of felony warrants for the arrest of Rodney Skurdal and LeRoy Schweitzer stemming from their Freeman related criminal acts. However, they continue to operate out of a log home in Musselshell County that the I.R.S. "seized" for failure to pay taxes, but from which Rodney Skurdal has never been evicted. There is also a federal warrant for the arrest of LeRoy Schwietzer.

The "Freemen" are promoting and selling bogus money orders which they claim must be accepted as payment of debts. Rodney Skurdal recently issued a \$20,000,000 bogus money order which was deposited in a bank by the mayor of the town of Cascade, Montana. "Certified Bank Checks" signed by LeRoy Schweitzer on check blanks printed by Skurdal and Schweitzer and written on a closed account for which they never had signature authorization, are being sent to militiamen, "Freemen",

and other anti-government activists around the country. (See attached photocopies of checks, Exhibit 4) The "Freemen" publish in a local newspaper what they consider to be proper notice to claimed debtors, including the United States Government and agencies of the government, and then make their judgment based on those published notices. They also publish notice of the creation of their courts. I have attached as Exhibit 4a a copy of a page of our local newspaper dated June 7, 1995, in which various notices are given and in which a group in Michigan published notice of their creation of their "One Supreme Court in Common Law venue." Recently, the "Freemen" documents declare that their courts have been recognized by the 10th Circuit Court of Appeals. However, I have read the opinion which they cite, and I don't see any of the claims made by the "Freemen" as being stated in that opinion.

I recently charged six (6) "Freemen" for felony crimes committed in Musselshell County, Montana. Those charges stem from a written demand they made on a Justice of the Peace that he appear in their court located at the address of Rodney Skurdal's log home, and that the Justice of the Peace produce evidence and prove the pending misdemeanor cases against two "Freemen" for carrying concealed weapons. I have attached copies of two of the documents which led to the charges as Exhibit 5. I have also attached a copy of the new Montana law under which I charged the six "Freemen" as Exhibit 6. To this date, only one of the men has been arrested and he is presently released from jail on \$7,500 bail.

I don't believe that the promotion and creation of parallel courts by the "Freemen" can be comprehended by my written explanation. Therefore, I am attaching as Exhibit 7 the most recent documents received by myself and others in Musselshell County. To assist the reader, I have underlined the parts I consider most revealing. The one million dollar check referred to in the documents was not actually among the documents received by our county clerk and recorder. The most astounding thing about these documents is that they appear to have been also sent to the 9th Circuit Court of Appeals for those justices to sign one of the documents above the signatures of our local self-appointed "Freemen" justices.

Finally, because the documents attached as Exhibit 7 claim that Frank Ellena was a prisoner of war and that his arrest was an act of war, I have attached as Exhibit 8 some pages of transcripts from Mr. Ellena's appearance in district court for arraignment and bail reduction. Although Mr. Ellena was very cooperative and stated that the terms and conditions of his bail reduction were agreeable to him, he now claims that he was justifiably lying in order to escape our "evil trap."

The community in which I live is under an unusual strain. Many people are strongly objectionable to the actions of the "Freemen" and they strongly object that many residents who are on public assistance or otherwise take advantage of public services are so vocal with their opposition to taxes, county officials, and government in general. However, there is also a fear that should one speak out against these individuals, that one's property or person will be harmed. The liens filed by the "Freemen" may seem like a joke unless you are the person attempting to sell your property and you learn you can't buy title insurance because a Freeman has a million dollar lien filed against the property. The community is further aggravated because the most militant individuals are able to break laws without punishment. It is particularly frustrating to see some people continue to not pay taxes for many years with what appears to be impunity because those people threaten violence. If this trend continues, more and more people will believe that the Freeman interpretation of law is correct; and even if they don't believe that they will at least see the obvious: that guns are cheaper than taxes!

Dated the \_\_\_\_ day of June, 1995

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John Bohlman, County Attorney for Golden Valley  
and Musselshell Counties, Montana

**Militia Of Montana**

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**APPEARANCE BEFORE THE SENATE SUBCOMMITTEE ON  
ANTI-TERRORISM, JUNE 15, 1995****GREETINGS FROM MONTANA:**

IT IS SADDENING THAT THIS OPPORTUNITY TO ADDRESS THE SENATE HAS ARISEN OUT OF THE OKLAHOMA TRAGEDY. WE WHOLE HEARTEDLY DENOUNCE THIS DEPLORABLE ACT OF VIOLENCE. WE HAVE AND WILL CONTINUE TO ASSIST IN ANY MANNER TO APPREHEND ALL PERSONS THAT MAY HAVE PLANNED AND/OR CARRIED OUT THAT DASTARDLY DEED AT WHAT EVER LEVEL THEY MAY HIDE.

AT THE PRESENT TIME WE VIEW THE MILITIA MOVEMENT AS A GIANT NEIGHBORHOOD WATCH. THE MOVEMENT IS MADE UP OF A CROSS SECTION OF AMERICANS FROM ALL WALKS OF LIFE, WITH ONE SINGULAR MANDATE WHICH IS PUBLIC AND OVERT: THE RETURN TO THE CONSTITUTION OF THE UNITED STATES, AS YOUR OATH IMPLIES.

THE DECLARATION OF INDEPENDENCE GIVES EXCELLENT INSIGHT AS TO WHY PEOPLE FEEL THE NEED TO GROUP TOGETHER AND PARTICIPATE IN MILITIA/PATRIOT ORGANIZATIONS. THIS DOCUMENT SPEAKS FOR ITSELF ONCE AGAIN AS IT DID OVER 200 YEARS AGO WHEN FLAGRANT INJUSTICES CONTINUED "OUT OF CONTROL" BY OPPRESSIVE PUBLIC SERVANTS.

**WE REQUEST THAT THIS DOCUMENT BE ENTERED INTO THE PERMANENT RECORD AS A PARTIAL SUPPORT DOCUMENT TO OUR STATEMENTS.**

**THE FOLLOWING ARE JUST A FEW EXAMPLES AS TO WHY AMERICANS ARE BECOMING MORE & MORE INVOLVED IN MILITIA/PATRIOT ORGANIZATIONS.**

**THE HIGH OFFICE OF THE PRESIDENCY HAS BEEN TURNED INTO A POSITION OF DICTATORIAL OPPRESSION THROUGH THE ABUSIVE USE OF EXECUTIVE ORDERS AND DIRECTIVES THUS LEAVING CONGRESS STRIPPED OF IT'S AUTHORITY. WHEN THE PRESIDENT OVER-RULES CONGRESS BY EXECUTIVE ORDER, REPRESENTATIVE GOVERNMENT FAILS.**

**WHEN GOVERNMENT DEFINES HUMAN BEINGS AS A BIOLOGICAL RESOURCE UNDER THE UNITED NATIONS ECOSYSTEM MANAGEMENT PROGRAM, MAINTAINING THAT STATE AND LOCAL LAWS ARE BARRIERS TO THE GOALS OF FEDERAL GOVERNMENT, WHEN THE AVERAGE CITIZEN MUST WORK FOR HALF OF EACH YEAR JUST TO PAY THEIR TAXES, WHILE BILLIONS OF OUR TAX DOLLARS ARE FORCIBLY SENT TO BAIL OUT THE BANKING ELITE, WHILE OUR FELLOW AMERICANS ARE HOMELESS, STARVING AND WITHOUT JOBS, CONGRESS WONDERS WHY THEIR CONSTITUENTS GET UP SET.**

**WHEN GOVERNMENT ALLOWS OUR MILITARY TO BE ORDERED & CONTROLLED BY FOREIGNERS, UNDER PRESIDENTIAL ORDER, ALLOWING FOREIGN ARMIES TO TRAIN ON OUR SOIL, ALLOWING OUR MILITARY TO LABEL "CARING" PATRIOTS AS THE ENEMY, THEN TURNS THEIR TANKS LOOSE ON U.S. CITIZENS TO MURDER AND DESTROY OR DIRECTS A SNIPER TO SHOOT A MOTHER IN**

**THE FACE WHILE HOLDING HER INFANT IN HER ARMS,  
YOU BET YOUR CONSTITUENTS GET UPSET.**

**WHEN GOVERNMENT REFUSES TO HOLD HEARINGS  
ON GOVERNMENT SANCTIONED ABUSES, AND WHITE  
WASHES THOSE HEARING THAT ARE HELD, WHEN  
GOVERNMENT TAMPERS WITH OR DESTROYS EVIDENCE  
NEEDED TO SOLVE A CRIME AND NOW CONSIDERS THE  
VERY IDEA OF INFRINGING UPON THE PEOPLE'S RIGHTS  
OF FREEDOM OF SPEECH, ASSEMBLY AND THE RIGHT TO  
REDRESS AFTER HAVING DESTROYED THE SECOND AND  
THE FOURTH ARTICLE, HOW CAN SENATORS AND  
REPRESENTATIVES EVEN QUESTION THE LOYALTIES OF  
CONCERNED AMERICANS WITHOUT FIRST CLEANING  
THEIR OWN HOUSE.**

**"THE LAW PERVERTED AND THE POLICE  
POWERS OF THE STATE PERVERTED ALONG WITH IT!!  
THE LAW NOT ONLY TURNS FROM IT'S PROPER-PURPOSE,  
BUT MADE TO FOLLOW A TOTALLY CONTRARY PURPOSE.  
THE LAW BECOMES THE WEAPON OF EVERY KIND OF  
GREED. INSTEAD OF CHECKING CRIME, THE LAW ITSELF  
BECOMES GUILTY OF THE EVILS IT IS SUPPOSED TO  
PURSUE." FRENCHMAN, FREDERICK BASTIAT 1884.**

**WE THE PEOPLE HAVE HAD ABOUT ALL WE CAN  
STAND OF THE TWISTED, SLANTED, BIAS MEDIA IN  
AMERICA WHO TAKE THEIR SIGNALS FROM A FEW  
PRIVATE, COVERT INTEREST GROUPS BENT ON  
DESTROYING WHAT'S LEFT OF THE AMERICAN WAY. WE  
RESPECTFULLY REQUEST THAT YOU RELY UPON YOUR  
OWN INVESTIGATIONS, STEERING CLEAR OF THE MEDIA**

**AND THEIR RUMOR-GOSSIP MILLS OF DIS-INFORMATION.**

**ALTHOUGH MOST EVERYONE IN THE MOVEMENT HAS ASSEMBLED AROUND THE FIRST AMENDMENT "FREEDOM OF SPEECH AND THE RIGHT TO PEACEABLY ASSEMBLE" WE HAVE NOT FORGOTTEN WHAT OUR FOUNDING FATHERS HAVE STATED ABOUT THE SECOND. FORMER PRESIDENT JAMES MADISON - "A WELL REGULATED MILITIA, COMPOSED OF THE BODY OF THE PEOPLE, TRAINED TO ARMS, IS THE BEST AND MOST NATURAL DEFENSE OF A FREE COUNTRY"; FORMER VICE PRESIDENT ELDBRIDGE GARRY - "I ASK WHAT IS THE PURPOSE OF THE MILITIA? TO OFF SET THE NEED OF LARGE STANDING ARMIES - THE BANE OF LIBERTY."**

**WHY WOULD HE CALL THE ARMED FORCES THE BANE OF LIBERTY? WHY IS THE PENTAGON WAGING AN ACTIVE CAMPAIGN TO WIN OVER THE POPULACE? WHY DOES MILITARY FM 41-10 (CIVIL AFFAIRS MANUAL: THE STEPS NECESSARY FOR THE OVER THROW OF A NATION) SEEM TO BE SO APPLICABLE TO AMERICA TODAY.**

**MAY GOD BE WITH AMERICA AS HE WATCHES OVER THE SHOULDERS OF YOU WHO WRITE HER LAWS. A NATION CAN SURVIVE IT'S FOOLS AND EVEN THE AMBITIOUS, BUT IT CAN NOT SURVIVE TREASON FROM WITHIN. AMERICA HAS NOTHING TO FEAR FROM PATRIOTS MAINTAINING "VIGILANCE" SHE SHOULD, HOWEVER, FEAR THOSE THAT WOULD "OUT LAW" VIGILANCE.**

**THANK YOU,**

**JOHN E. TROCHMANN / BOB FLETCHER  
MILITIA OF MONTANA**

# **Presented in Senate June 15, 1995**

**Partially drafted In CONGRESS, July 4, 1776**

## **The unanimous Declaration of the thirteen united States of America**

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitles them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty to throw off such Government, and to provide new Guards for their future security. Such as been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their Former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good. [1995 - By increasing Police Powers, militarizing local Police; never carrying out Honest Inquests on Government Corruption.]

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them. [1995 - Vetos and Presidential Orders.]

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only. [1995 - Federal Mandates and Controls through Financial and Political black main.]

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures. [1995 - Requiring States to alter Laws to conform into the Unconstitutional GATT and Nafta Treaties.]

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasion on the rights of the people. [1995 - Passing laws Infringing on Several of the Peoples' Rights guaranteed to Them under the Constitution; Presidential Executive Orders that side-step Representative Government.]

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the state remaining in the meantime exposed to all dangers of invasion from without, and convulsions within. [1995 - Interrupting final Judgements and Settlements against Government, bankrupting private Litigants.]

He has endeavored to prevent the population of the States; for that purpose obstructing the Laws for Naturalization of Foreigner; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands. [1995 - Pretending acceptance of World cooperation while

**Restricting immigrants; selective acceptance of immigrants to fit the personal needs of Those in Power.]**

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries. [1995 - Congressional and Presidential Acts of Immunity and Obligations of Judges to Power; covertly through selective Appointments.]

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance. [1995 - Establishing Federal Armies of Abuse under dozens of Enforcement Agencies. Such as the ATF, DEA, BLM, IRS, MJTF, FINCEN, USFS to name a few.]

He has kept among us, in times of peace, Standing Armies without the consent of our legislature. [1995 - Expanding United Nations Forces with training bases; Foreign equipment storage; Permanent Foreign military bases; Foreign, including Russian cooperative training.]

He has affected to render the Military independent of and superior to the Civil power. [1995 - Presidential Decision Directive 25; classified.]

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation: [1995 - The GATT trade Agreements. Designed for years to side-step our Sovereignty.]

For Quartering large bodies of armed troops among us: [1995 - Foreign materials and Equipment: Honest Representatives being lied to by the Executive Branch and the U.N. Executives with regard to this equipment.]

For protecting them, by a mock trial, from punishment for any Murders which they should commit on the Inhabitants of these States: [1995 - Iran-Contra cover-up - Drugs, Murders; 1980 October Surprise Cover-up; White Water Coverup; Inslaw theft Cover-up; Noriega Connections to Government Cover-up; Murder of Panamanian Citizens; WACO Cover-up.]

For cutting off our Trade with all parts of the world: [1995 - Aligning with Nations into a World Government. Disalignment from those that would NOT become a "New World Slave State."]

For imposing Taxes on us without our Consent: [1995 - Executive Orders giving Tax Dollars (Billions) away with no representation. Mexican bailout and the war in Iraq.]

For depriving us in many cases of the benefits of Trial by Jury: [1995 - Every Illegal IRS seizure for 20 years.]

For Transporting us beyond Seas to be tried for pretended offenses:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies: [1995 - Arbitrary false Confiscation of Property by IRS and Land Management placing the Confiscated Property into a United Nations Biosphere Park or selling Property for financial expansion of the Enforcing Agency.]

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Government:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever. [1995 - Placing any questionable cases under Federal Mandates and Controlled Jurisdictions.]

He has abdicated Government here, by declaring us out of his Protection and waging War against us. [1995 - WACO, Wenver, New Orleans, Chicago: All areas of Federal Force abuses.]

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people. [1995 - WACO]

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation. [1995 - The out of Control expansion of Police at all levels, while Crime declines three years in a row. The Creation of "Ethnic" forces, hiring Foreign Enforcement, for Prison Guards, the passage of a Bill for 2500 "hit men" for Janet Reno's

**Office.]**

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands. [1995 - Training Gang members or young Law breakers into a "youth marine corps" as "brown shirts" for future Action against Private Citizens.]

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions. [1995 - Covert Instigators and Provocateurs in Los Angeles Riots (Creation of Crisis); Assisting in International chaos.]

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms. Our repeated Petition have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. [1995 - All Requests for Redress are Denied, except at the Whim or Pleasure of the Oppressive State.]

Nor have We been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of Justice and to consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliance, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

**For More Information Contact:****Militia Of Montana****P.O. Box 1486****Noxon, Mt. 59853****406-847-2735 voice only****406-847-2246 voice/fax**

AB The Sacramento Bee Final • Monday, May 20, 1991

# NATION

## Beware the 'warrior class'

### U.S. unprepared for emerging threat, Pentagon aide says

St. Louis Post-Dispatch

An Army major says in an influential military journal that the United States may lack the spine to fight its likeliest enemy.

That enemy: a "warrior class" rising around the world as traditional governments fall in places such as Haiti.

"The soldiers of the United States Army are brilliantly prepared to defeat other soldiers," writes Maj. Ralph Peters, who works in the Pentagon as a threat-assessment officer.

In the new issue of Parameters, the journal of the Army War College, he writes: "Unfortunately, the enemies we are likely to face through the rest of this decade and beyond will not be 'soldiers, with the disciplined modernity that term implies, but 'warriors' - erratic primitives of shifting alliances, habituated to violence, with no stake in civil order."

"U.S. soldiers are unprepared for the absolute mercilessness of which modern warriors are capable," and are discouraged or forbidden from replying in kind. //

Peters finds his new breed of warriors all around the globe, from Haiti through the Balkans and the former Soviet Union to the Middle East, Afghanistan and beyond - even the big-city slums of the United States.

His article says the warriors spring from four pools: -

• The underclass, whose typical member he defines as "a male who has no stake in peace, a loser with little education, no legal earning power, no abiding attractiveness to women and no power."

• Younger males shunted by the disruption of civil institutions into the underclass.

• Genuine patriots, motivated by ideological belief or by personal loss.

• Cashiered military men. They're the most dangerous, Peters writes. "These men bring other warriors the rudiments of the military art - just enough to inspire faith and courage folly."

"The problem gets worse all the time, he writes. "If the current trend toward national dissolution continues," he says, "by the end of the century there may be more of

these warriors than soldiers in armies worthy of the name."

The former Yugoslavia and Soviet Union alone "are vast training grounds for the warriors who will not be content without a conflict somewhere," Peters writes.

To counter such "warriors," Peters writes, the Army must shape up its intelligence gathering. While traditional intelligence came facts into rigid geographic categories, he says, warriors roam.

Second, he says, intelligence officers must set aside their preoccupation with numbers and weaponry. Instead, he says, they must start reading books that explain human behavior and regional history.

Finally, he says, the Army must ask whether it can summon up the level of violence it needs.

He writes, "This type of threat generally requires a two-track approach - an active campaign to win over the populace, coupled with irresistible violence directed against the warlord(s) and the warriors. You cannot bargain or compromise with warriors."

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SEE MILITARY FM-41-10 P 13-2

Testimony of Mr. Norman Olson

Thank you for the opportunity to testify today. The following statement will attempt to answer the question of the legitimacy and the need of the citizen militia.

Not only does the Constitution specifically allow the formation of a Federal army, it also recognizes the inherent right of the people to form militia. Further, it recognizes that the citizen and his personal armaments are the foundation of the militia. The arming of the militia is not left to the state but to the citizen. However, should the state choose to arm its citizen militia, it is free to do (bearing in mind that the Constitution is not a document limiting the citizen, but rather limiting the power of government). But should the state fail to arm its citizen militia, the right of the people to keep and bear arms becomes the source of the guarantee that the state will not be found defenseless in the presence of a threat to its security. It makes no sense whatsoever to look to the Constitution of the United States or that of any state for permission to form a citizen militia since logically, the power to permit is also the power to deny. If brought to its logical conclusion in this case, government may deny the citizen the right to form a militia. If this were to happen, the state would assert itself as the *principle* of the contract making the people the *agents*. Liberty then would depend on the state's grant of liberty. Such a concept is foreign to American thought.

While the Second Amendment to the U.S. Constitution acknowledges the existence of state militia and recognizes their necessity for the security of a free state; and, while it also recognizes that the right of the people to keep and bear arms shall not be infringed, the Second Amendment is not the source of the right to form a militia nor to keep and bear arms. Those rights existed in the states prior to the formation of the federal union. In fact, the right to form

militia and to keep and bear arms existed from antiquity. The enumeration of those rights in the Constitution only underscores their natural occurrence and importance.

According to the Tenth Amendment, ultimate power over the militia is not delegated to the Federal government by the Constitution nor to the states, but resides with the people. Consequently, the power of the militia remains in the hands of the people. Again, the fundamental function of the militia in society remains with the people. Therefore, the Second Amendment recognizes that the militia's existence and the security of the state rests ultimately in the people who volunteer their persons to constitute the militia and their arms to supply its firepower. The primary defense of the state rests with the citizen militia bearing its own arms. Fundamentally, it is not the state that defends the people, but the people who defend the state.

The second line of defense of the state consists in the statutory organization known as the National Guard. Whereas the National Guard is solely the creation of statutory law, the militia derives its existence from the inherent inalienable rights which existed before the Constitution and whose importance are such that they merited specific recognition in that document. While the National Guard came into existence as a result of legislative activity, the militia existed before there was a nation or a constitutional form of government. The militia consisting of people owning and bearing personal weapons is the very authority out of which the United States Constitution grew. This point must be emphasized. Neither the citizen's militia nor the citizen's private arsenal can be an appropriate subject for federal regulation. It was the armed militia of the American colonies whose own efforts ultimately led to the establishment of the United States of

**America!** While some say that the right to keep and bear arms is granted to Americans by the Constitution, just the opposite is true. The Federal government itself is the child of the armed citizen. We the people are the parent of the child we call government. You, Senators, are part of the child that We The People gave life to. The increasing amount of Federal encroachment into our lives indicates the need for parental corrective action. In short, the Federal government needs a good spanking to make it behave.

One other important point needs to be made. Since the Constitution is the limiting document upon the government, the government cannot become greater than the granting power, that is *the servant cannot become greater than his master*. Therefore, should the Chief Executive or other branch of government, or all branches together act to suspend the Constitution under a rule of martial law, all power granted to government would be canceled and defer back to the granting power, the people. Martial law shall not be possible in this country as long as the people recognize the Bill of Rights as Inalienable.

Since the power of self defense and the defense of the state is ultimately vested in the people, there is no possible way that a Governor or the Chief Executive of the United States, or any legislative body can "outlaw" the citizen militia for to do so would rob inherent power from the people. If that were to happen, our entire form of government would cease.

Historically, we have found that the

Governor's militia, that is the National Guard, is intended to reduce the need for the citizen militia. Simply, if the National Guard did it's job in securing the state, the citizen militia would not emerge. That it has emerged so dramatically seems to indicate that the people do not feel secure. Simply stated, the growing threat of centralized Federal government is frightening America, hence the emergence of the citizen militia. When government is given back to the people at the lowest level, the citizen militia will return to its natural place, resident within the body of the people. Civil war and revolution can be avoided by re-investing governing power to the people.

To summarize: Citizen militia are historic lawful entities predating constitutions. Such militia are "grandfathered" into the very system of government they created. The Constitution grants no right to form militia, but merely recognize the existing natural right of all people to defend and protect themselves. The governments created out of well armed and free people are to be constantly obedient to the people. Any attempt to take the means of freedom from the people is an act of rebellion against the people.

In order to resist a rebellious and disobedient government, the citizen militia must not be connected in any way with that government lest the body politic lose its fearful countenance as the only sure threat to a government bent on converting free people into slaves.

Submitted by Norman E. Olson



STATEMENT OF  
JEFF DEBONIS, EXECUTIVE DIRECTOR  
PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY  
Before the Public Forum

*America Under the Gun:  
The Militia Movement and Hate Groups in America*

July 11, 1995

Congressman Schumer, Congressman Miller, members of today's Panel: thank you for the opportunity to testify today on this very crucial issue of the harassment, threats, and intimidation of federal resource management employees. My name is Jeff DeBonis, and I am Executive Director of Public Employees for Environmental Responsibility, or PEER. PEER is an association of resource managers, scientists, biologists, and other government professionals committed to upholding the public trust through responsible management of the nation's environment and natural resources. PEER advocates sustainable and responsible management of public resources, supports professional integrity, and seeks to be a catalyst for promoting environmental ethics in government agencies.

Public discourse on natural resource management issues has sunk to a new low: rather than seek change through public process, extremists opposed to federal land management policy pursue their private agendas against the public servants who enforce the law. This turn of events signals a fundamental breakdown in the democratic process and poses a very real threat to effective land and resource management.

Since Congress took power in January, there has been a constant drumbeat of demonizing diatribe against federal employees and the regulations they enforce—particularly federal environmental laws. Federal agencies and their employees are castigated as unneeded, unwanted, and a drain on our society. Legislation pending before Congress will, if enacted, limit public access to natural resource management decision-making; suspend or relax laws regulating grazing, timber cutting, and mining on federal lands; and sharply curtail protection for clean air, and clean water, and endangered species protection in this country.

Extremist legislators across the West are also aggressively seeking to undermine federal authority. County governments have passed ordinances that openly challenge federal authority on public lands. Representative Helen Chenoweth (R-ID) is contemplating legislation that would require federal law enforcement agents to seek written permission from county sheriffs before taking action within local jurisdictions; Montana's House recently passed a similar provision. The Wyoming Legislature passed legislation offering bounties on wolves (a federally protected species) and creating a legal defense fund to protect those who shoot them. Arizona, Utah, and Idaho have created "Constitutional Defense Councils" to assert control over federal lands and to challenge unwanted federal laws and "mandates." Legislators in Wyoming and Montana have urged citizens to buy firearms to keep federal officials at bay!

In an act of terror less publicized and less destructive —but no less abhorrent— than the Oklahoma City bombing, a U.S. Forest Service office in Carson City, Nevada was recently bombed, allegedly by "wise use" extremists who resent the strong, pro-environment stand that the Forest Service management team has taken with grazing permittees. Similarly, a federal Bureau of Land Management (BLM) office in Reno, Nevada was bombed last year under similar circumstances. Thankfully, no lives were lost in either incident. In this emerging climate of fear and senseless violence, federal employees in federal and state land and resource management agencies throughout the west have been shot at, sent death threats, harassed, and intimidated simply because they work for the government.

One top Forest Service official recently told me he thought there was a 50% chance of a Forest Service employee being murdered this summer in either Idaho or Nevada. Forest Service and BLM supervisors have warned field employees to travel in unmarked vehicles, to travel in pairs, and always be in radio contact. They advise that if arrested by local officials enforcing (illegal and unconstitutional) county supremacy ordinances, do not resist: call the U.S. Attorney.

Specific incidents of intimidation and violence against government employees include:

- On the Toiyabe National Forest in Nye County, Nevada, County Commissioner Dick Carver, in defiance of federal law enforcement officials, bulldozed through an archaeological site in a clumsy attempt to re-open a forest road which had been closed by responsible officials.

In response to the Nevada bulldozer incident, the Clinton Justice Department filed a civil suit against Nye County challenging the county's claim to jurisdiction over federal lands. In filing its suit against Nye County, which will grind through the courts for years, the Justice Department failed to seek criminal penalties or any other immediate remedies to arrest the on-going illegal activities, threats, and intimidation in Nye County.

- On the Malheur National Wildlife Refuge in Burns, Oregon, government employees building a fence on government property to prevent cattle from trespassing on the refuge were obstructed from their task by the owner of the cattle who had repeatedly violated the terms of his special-use grazing permit and whose permit had been revoked. In response, wise-use activists declared: "We have no way to fight back other than to make them [the refuge managers and federal agents] pariahs in their community."

- On the Gila National Forest in New Mexico, two Forest Service employees have been charged with criminal trespass under county law because they collected water samples from a mine on forest property. The mine operator, an active player in the County Supremacy movement, claims that the Forest Service employees subjected his property to "unreasonable search and seizure."

● In Idaho, the State Director of the Bureau of Land Management, Martha Hahn, issued a terse "County Supremacy Movement Safety Guidance" memorandum. In language more reminiscent of an Army General than a land manager, Ms. Hahn recommended the following "simple precautions" to her employees:

- ☛ Before leaving for the field, notify your supervisor of your destination, route, and expected time of return.
- ☛ Do not leave the BLM compound without radio communications capability.
- ☛ Identify alternative routes in and out of specific sites and be aware of your surroundings at all times.
- ☛ Avoid areas with a known potential for conflict.

This spring, three U.S. Fish and Wildlife Service law enforcement agents investigating the death of a gray wolf in central Idaho attempted to serve a warrant on a local rancher as part of their investigation. Rather than assisting fellow law officers, the local sheriff came to the aid of the rancher on whom the warrant was being served. The agents left without serving the warrant, leaving the impression that intimidation of federal law enforcement officers is acceptable.

In addition to the above-mentioned events, there have been numerous other verifiable incidents of physical violence, intentional violations of federal law and authority, and threats, harassment and intimidation of federal and state employees. Last month in California a Forest Service biologist was shot at while collecting data on federal land.

The federal government's anemic response to these incidents creates the impression that threats and violence against federal employees are acceptable public conduct. We must take direct, unambiguous steps to ensure that federal employees can do their jobs without fear of being shot, arrested, or targeted for threats.

The first step is for the Justice Department to aggressively prosecute incidents of intimidation or obstruction of federal employees. Justice Department officials have told me that

they are concerned about inflaming tense situations and creating another "Waco" situation. Currently, the opposite is true: federal authority can be defied with impunity, without fear of individual sanction. As a result, federal employees have been instructed to travel in pairs using unmarked vehicles while remaining in constant radio contact with their home office.

Incidents such as the recent bombing of Forest Service and BLM field offices in Nevada appear to receive low investigative priority. An aggressive investigation into the origin of these incidents and other, seemingly related incidents directed against federal and state land management employees would go a long way toward restoring some peace of mind to these besieged federal workers.

The suit filed by the Justice Department in Nye County will take years to resolve and fails to hold any individuals accountable. Moreover, Justice has not acted on any of the several criminal referrals from land management agencies seeking to enforce the laws that protect our natural resources. The self-conscious timidity of the Justice Department means that no federal employee in the west can do his job of protecting resources and remain confident that his actions will be supported.

The second step should be directed at counties that assert sovereignty or control over federal lands. These counties pass so-called "Catron County ordinances" (after the New Mexico jurisdiction where these ordinances originated) ordinances which claim exclusive state ownership or control over federal land and land management decisions and authorize the arrest of federal or state employees who "trespass" on federal land which has been declared to be privatized. At the same time that these counties are busy repudiating federal authority over resource management, they continue to enjoy substantial federal benefits in the form of payments in lieu of taxes (so-called PILT payments) and shared proceeds from timber sales, grazing, mining and other public land uses.

The irony of this arrangement is that the federal government is now subsidizing counties who would arrest and prosecute federal employees for performing their duties. To borrow a

phrase, this is a hell of a way to run a railroad. Counties that reject federal authority should do so at their own peril. For those counties that challenge federal ownership of public land, payments to counties based on federal land tenure should be suspended and placed in escrow until federal ownership of public lands is affirmed.

Third, and finally, top federal agency managers need to support their embattled employees in the field. Line employees commonly feel that their decisions are judged not based on merit or law, but on some arcane political calculus that has nothing to do with responsible resource management. Federal employees expect more of their agency than bail money if arrested for "trespassing" on the land they are paid to manage. This commitment by top officials would be most convincingly delivered in the very communities where their people are most at risk.

Now is the time to stand up to this kind of "reckless speech" that spreads hate and leaves the impression that violence is acceptable. The Clinton Administration must take strong and forceful action against the terror being perpetrated by "wise users" and county supremacists who bomb our buildings, defy our laws, degrade our public lands, and threaten dedicated public service employees. American citizens expect their political leaders to exhibit courage and leadership. With the moral and legal authority of his Office, President Clinton and his Administration must stand up to pointless violence and lawlessness with strong words and decisive action.



## ***AN ATMOSPHERE OF LAWLESSNESS***

*Programs have friends, but bureaucrats do not, so focus your fire on the bureaucrats.*

—advice from Republican pollster Frank Luntz

### **ACTS OF VIOLENCE**

- ☛ In March, 1995, Forest Service offices in Carson City, Nevada were bombed.
- ☛ In March, 1995, Forest Service recreational facilities in Humboldt, Nevada were bombed.
- ☛ In October, 1993, the BLM office in Reno, Nevada was bombed.

### **THREATS, HARASSMENT, AND INTIMIDATION OF PUBLIC EMPLOYEES**

- ☛ In Burns, OR, Malheur National Wildlife Refuge Manager Forrest Cameron was told he was going to be killed; his wife and children also received threatening calls at home. (*Chicago Tribune*, 11/24/94)
- ☛ In Texas, property owners upset over the application of the Endangered Species Act have levelled death threats at Fish and Wildlife Service State Administrator Sam Hamilton. (*Wall Street Journal*, 5/3/95)
- ☛ Forest Service Chief Jack Ward Thomas said his agency's workers experienced vandalism ... harassing phone calls ... refusal of service at restaurants (and) threat of arrest for carrying out federal laws."
- ☛ In Idaho, County Sheriff prevented three Fish and Wildlife Service law enforcement agents from serving a warrant on a local rancher in their investigation of the shooting a grey

wold (an endangered species). The Sheriff threatened to summon the local militia unless the federal investigators left. (*The Nation*, 5/22/95)

☛ Some wise-use activists have produced and distributed a list of public employees with their home numbers, and in some areas, have been given instructions on how to harass federal officials, including finding out where they live, picketing outside of their home, using "lurid" and "outrageous" signs. (*Chicago Tribune*, 11/24/94)

☛ In Nye County, Nevada, County Commissioner Dick Carver, accompanied by armed citizens, defied Forest Service agents who attempted to stop Carver from illegally bulldozing a closed road on the Toiyabe National Forest. "All it would have taken was for [one of the rangers] to draw a weapon. Fifty people with sidearms would have drilled him," said Carver. (*The Nation*, 5/22/95)

☛ In Catron County, New Mexico, United States Fish and Wildlife Service biologist Tim Tibbitts was told, "if you ever come down to Catron County again, we'll blow your f####ing head off." (*Wall Street Journal*, 1/3/95)

☛ The door of a Forest Service District office in Catron County, NM was painted with a hammer and sickle. (*The Nation*, 5/22/95)

☛ Wise use organization "the Sahara Club" advocates actions against its opponents including, letting air out of tires, squeezing hot pepper in someone's face and getting large and aggressive people to follow, confront, and intimidate people in dark parking lots. (*Chicago Tribune*, 11/24/94)

☛ "If Mr. Laney's herd is cut, there'll be all sorts of trouble." —Catron County Manager (*Wall Street Journal*, 1/3/95)

☛ Nye County, Nevada Commissioner Dick Carver "calls on counties to file criminal charges against federal officials who resist county control of their agency lands." He went on further to say that "we're in another Civil War. You cannot compromise with the federal government." (*New Voices*, 5/95)

☛ "When the hour strikes, there will be public officials dead in the streets." —Wise Use activist Jess Quinn, MT (*The Nation*, 5/22/95)

## RESULTS OF THREATS

☛ In Idaho, some federal agencies have stopped performing their duties for fear of violence from those who describe federal officials as "enemies." (*George Miller press release* 5/15/95)

☛ In one Nevada county, the Forest Service has stopped performing road maintenance "because of concern about safety of the lives of the crews," according to the Supervisor of the Toiyabe National Forest. (*New York Times*, 4/25/95)

☛ A recent Forest Service memorandum suggested employees might not want to wear their uniforms or travel in official Forest service vehicles "if it would jeopardize the employee's safety." (*George Miller press release* 5/15/95)

## POLITICAL RHETORIC

☛ Claiming that government does not always act within the law, Representative Helen Chenoweth (R-ID) says that citizens have reason "to be afraid of their government." Decrying spotted owl protection as the predecessor to one-world government, she equates environmentalists with communists. (*Idaho Statesman*, 4/28/95)

☛ "Today as I stand before you, we are in a battle today that is far more insidious and far more dangerous as far as conquering our people, their soul and this great nation." Representative Helen Chenoweth (R-ID), in reference to "war" with environmentalists. (*Idaho Statesman*, 4/28/95)

☛ Colorado State Rep. Ken Chlouber stated that he would like to hang an EPA employee at "each end of town." (*Denver Post* 5/4/95)

☛ We should "put all the endangered species in one locale and blow them up."  
—Representative Sonny Bono (R-CA)

☛ "It [the second amendment] wasn't passed so people could have gun collections or go hunting for sport. It was passed so people could defend themselves from their government."  
—Representative Barbara Cubin (R-WY). (*Casper Star Tribune*, 4/25/95)

☛ Representative Barbara Vucanovich (R-NV) warns that federal officials "exhibit sensitivity" to avoid being confronted at gunpoint. (*George Miller press release*, 5/9/95)

☛ "There has always been a healthy suspicion of the federal agent. Now there is developing a healthy fear, especially if the agent is armed." Sen. Larry Craig (R-ID) (*Associated Press*, 5/5/95)

☛ House Speaker Newt Gingrich claims that "the thing that easterners ought to understand is that there is across the west a *genuine* sense of fear of the federal government." (*George Miller press release*, 5/9/95)

## **VIOLATIONS OF LAW**

- ☛ A rancher in Bunkersville, NV refuses to pay grazing fees for 80,000 acres of federal land, as required by law. "I don't want bloodshed, but I won't back down." —Cliven Bundy (*George Miller press release 5/15/95*)
- ☛ Some ranchers have refused directives to remove their livestock and continue to use federal grazing land after their permits were canceled for violations. Some have also diverted water in defiance of government prohibitions. (*Washington Post, 2/21/95*)
- ☛ Rancher Kit Laney says regarding the Forest Service that he is "through cooperating." (*Wall Street Journal, 1/3/95*)
- ☛ Residents in Graham County, AZ began bulldozing an unauthorized and illegal road and warned that federal supervisors who try to stop them may "face hefty fines or prison terms for their actions."
- ☛ Dick Manning, who operates a mine on public land on the Gila National Forest in New Mexico, says that he will meet any regulator who comes to check his mine (which may be a source of water pollution) with "100 men with rifles." (*Wall Street Journal, 1/3/95*)

## **ANTI-FEDERAL LEGISLATION**

- ☛ Arizona Governor Fife Symington (R) promised to issue an executive order ensuring compensation for any property owner whose land use becomes limited by government regulations. Those public employees who do not "respect private-property rights," he said, "...will be relieved of their job." By a 60/40 margin, Arizona voters overwhelmingly rejected a "takings" initiative in the 1994 elections. (*High Country News, 2/20/95*)
- ☛ Legislation introduced in Wyoming, Arizona, New Mexico, and Montana has urges citizens to buy firearms to keep federal officials at bay.
- ☛ The Wyoming Legislature passed legislation that would place a bounty on wolves (a federally protected endangered species) and create a legal defense fund to protect individuals subject to federal prosecution under the Endangered Species Act. The bill was vetoed by the Governor on Constitutional objections. (*Wildlife Damage Review*)
- ☛ Members of the Arizona House proposed legislation that would create a bounty on the endangered Mexican wolf.
- ☛ Catron County, NM passed a resolution predicting "much physical violence" if the government persists with its "arrogant" grazing reform plans.

## **APOCALYPTIC, ANTI-ENVIRONMENTAL RHETORIC**

☛ National Federal Lands Convention Associate Director says, "The federal government is planning a complete overthrow of our Constitution" and praised militias as the "main defense against tyranny." (*Austin American-Statesman*, 5/3/95)

☛ "There cannot be a cleansing without the shedding of blood." —Threat to public officials in Montana.

☛ "Our way of life is under attack by eco-Nazis," Catron County rancher.

☛ "Our country's sliding into the same thing Hitler had. He had brown shirts. They're green shirts and black shirts now —Forest Service and your SWAT teams, ATF. I've told them that if they come out here to fence off my streams, they're meeting bullets," said one wise-use activist. (*Trout*, Winter 1995)

☛ "There are literally thousands of like groups in our land who, like the Reserve [New Mexico] group could join in a common cause to rid themselves of the curse of the Endangered Species Act. I repeat that legislation **MUST** either be modified or repealed in its entirety. If not you will be faced with rioting, bloodshed, rebellion, and conflict that could make the Serbia-Bosnia affair look like a Sunday Picnic." —letter to Fish and Wildlife Service Field Supervisor Sam Spiller, copied to the Arizona House and Senate, and the Clinton Administration

☛ "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," said to a National Audubon Society member at a public hearing in Everett, WA. (*Casper Star Tribune*, 3/3/95)

## **ANTI-GOVERNMENT RHETORIC**

☛ "Shoot ATF agents in the head" —G. Gordon Liddy (*Federal Times*, 5/15/95)

☛ The Bureau of Alcohol, Tobacco and Firearms has received numerous death threats, for example "we will hunt you down and kill you with devious pleasure, one by one." (*Federal Times*, 5/15/95)

☛ Anonymous fliers were found tacked to telephone polls in Pennsylvania recently, offering a \$10,000 bounty for every dead federal agent. (*Federal Times*, 5/15/95)

☛ "U.S. government initiates open warfare against American people." —Headline, *The Militia News*, Afton, TN

• At a property-rights rally, Frank Nagol passed out a flyer demonstrating n how to make a pipe bomb, saying "you have to be prepared to defend yourself from the oppressors at all times."

• The person who set off the bomb in Oklahoma City was a "champion of justice," —Normal Olson, former Commander of the Michigan Militia. (*Southern Poverty Law Center, 5/17/95*)

—end—

For More Information Contact:  
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U. S. Department of Justice  
The Deputy Attorney General

Washington, D.C. 20530

**FACSIMILE COVER SHEET**

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The Deputy Attorney General

Washington, D.C. 20530

September 12, 1995

MEMORANDUM FOR THE COUNSEL TO THE PRESIDENT

FROM: THE DEPUTY ATTORNEY GENERAL *JS*

RE: The RICO Statute

You have asked for a description of the Racketeer Influenced and Corrupt Organizations (RICO) statute, its elements, and the way in which it has been used over the years. Attached is a brief paper from the Criminal Division on these subjects, drawn from publicly-available sources.



## U. S. Department of Justice

## Criminal Division

Washington, D.C. 20530

September 11, 1995.

MEMORANDUM

TO: John C. Keeney  
Acting Assistant Attorney General  
Criminal Division

Robert S. Litt  
Deputy Assistant Attorney General  
Criminal Division

FROM: Frank J. Marine *BY DEC*  
Deputy Chief  
Organized Crime and  
Racketeering Section

SUBJECT: Use of the RICO Statute

I. The RICO Statute

The RICO statute proscribes four different criminal violations. First, Section 1962(a) provides as follows:

It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in the acquisition or any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

Second, Section 1962(b) provides as follows:

It shall be unlawful for any person through a pattern of racketeering activity or through the collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities or which affect, interstate or foreign commerce.

Third, 18 U.S.C. § 1962(c) provides as follows:

It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

Fourth, Section 1962(d) provides as follows: "It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c)."

## II. Elements for a Section 1962(c) violation

Sections 1962(c) and (d) are the most frequently used provisions of the RICO statute in prosecutions brought by the United States. To establish a substantive RICO violation under 1962(c), the government must prove all of the following elements beyond a reasonable doubt:

First - The existence of an enterprise;

Second - That the defendant was either employed by, or associated with, an "enterprise";

Third - That the enterprise was engaged in, or its activities affected, interstate or foreign commerce;

Fourth - That the defendant did conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs;

Fifth - That such conduct or participation in the enterprise's affairs was accomplished through the defendant's commission, or aiding and abetting the commission, of at least two acts of racketeering; and

Sixth - That the two acts of racketeering constituted a "pattern" in that the acts of racketeering are related and

they amount to, or pose, a threat of continued criminal activity.<sup>1</sup>

### III. Elements for a Section 1962(d) violation

To establish a conspiracy to violate 18 U.S.C. 1962(c), the government must prove the following elements:

1. The existence of an enterprise;
2. That the enterprise was engaged in, or its activities affected, interstate or foreign commerce; and
3. That the defendant knowingly agreed to the commission of a violation of 18 U.S.C. 1962(c).<sup>2</sup>

### IV. RICO Enterprise

Turning to the specific requirements for the RICO enterprise, the courts have given a broad reading to the term "enterprise. 18 U.S.C. § 1961(4) defines a RICO enterprise to include "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." The types of legal entities found to constitute a RICO enterprise have been quite broad. For example, RICO enterprises have consisted of non-profit organizations such as unions and union benefit funds,<sup>3</sup> schools,<sup>4</sup> and governmental units such as the offices of governors

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<sup>1</sup> See, e.g., Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 496-497 (1985); United States v. Alvarez, 860 F.2d 801, 818 (7th Cir. 1988), cert. denied, 490 U.S. 1051 (1989); United States v. Local 1804-1, Intern. Longshoremen's Ass'n, 812 F.Supp. 1303, 1309 (S.D.N.Y. 1993) (collecting cases).

<sup>2</sup> See, e.g., United States v. Glecier, 923 F.2d 496, 499-500 (7th Cir.), cert. denied, 502 U.S. 810 (1991); United States v. Muskovsky, 863 F.2d 1319, 1324 (7th Cir. 1988), cert. denied, 489 U.S. 1067 (1989).

<sup>3</sup> United States v. Robilotto, 828 F.2d 940, 947 (2d Cir.), cert. denied, 484 U.S. 1011 (1988).

<sup>4</sup> United States v. Weatherspoon, 581 F.2d 595, 597-98 (7th Cir. 1978).

and state legislators,<sup>5</sup> courts and judicial offices,<sup>6</sup> and police departments and sheriffs' offices.<sup>7</sup>

An association-in-fact enterprise is "a group of persons associated in fact for a common purpose of engaging in a course of conduct. . . . [and] is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit." United States v. Turkette, 452 U.S. 576, 583 (1981). An association-in-fact enterprise can consist of a group of individuals, a group of entities, and a group of individuals and a group of entities. For example, RICO enterprises have consisted of a group of corporations,<sup>8</sup> a group of gas stations,<sup>9</sup> and group of individuals and corporations.<sup>10</sup>

#### V. Predicate Acts

Section 1961(1) enumerates the specific crimes that can constitute RICO predicate acts. Certain state crimes can constitute RICO predicate acts as defined in Section 1961(1)(A) as follows:

any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing

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<sup>5</sup> Commonwealth v. Cianfrani, 600 F. Supp. 1364 (E.D. Pa. 1985); United States v. Long, 651 F.2d 239 (4th Cir.) (office of Senator in the South Carolina legislature), cert. denied, 454 U.S. 896 (1981); United States v. Sisk, 476 F. Supp. 1061, 1062-63 (M.D. Tenn. 1979), aff'd, 629 F.2d 1174 (6th Cir. 1980), cert. denied, 449 U.S. 1084 (1981).

<sup>6</sup> United States v. Blackwood, 768 F.2d 131 (7th Cir.), cert. denied, 474 U.S. 1020 (1985); United States v. Conn, 769 F.2d 420 (7th Cir. 1985).

<sup>7</sup> United States v. DePeri, 778 F.2d 963 (3rd Cir. 1985), cert. denied, 475 U.S. 1110 (1986); United States v. Ambrose, 740 F.2d 505, 512 (7th Cir. 1984), cert. denied, 472 U.S. 1017 (1985); United States v. Davis, 707 F.2d 880, 882-83 (6th Cir. 1983).

<sup>8</sup> United States v. Huber, 603 F.2d 387, 393-394 (2d Cir. 1979), cert. denied, 445 U.S. 927 (1980).

<sup>9</sup> United States v. Porcelli, 865 F.2d 1352, 1362-64 (2d Cir.), cert. denied, 493 U.S. 810 (1989).

<sup>10</sup> United States v. Pryba, 674 F. Supp. 1504 (E.D. Va. 1987), aff'd, 900 F.2d 748 (4th Cir.), cert. denied, 498 U.S. 924 (1990).

in obscene matter, or dealing in a controlled substance or listed chemical . . . which is chargeable under State law and punishable by more than one year.

Section 1961(1)(B) enumerates specific federal crimes, including the Hobbs Act, interstate travel in aid of racketeering, mail fraud, witness intimidation, and money laundering, as RICO predicates. Sections 1961(1)(C)-(E) enumerate certain categories of federal crimes, such as narcotics violations, which also qualify as RICO predicate acts.

#### VI. Conduct and Participate

Turning to the "conduct or participate" element, in Reves v. Ernst & Young, \_\_\_ U.S. \_\_\_, 113 S.Ct. 1163 (1993), the Supreme Court recently held that a person is not liable for a substantive RICO violation under 18 U.S.C. § 1962 (c), unless he "participates in the operation or management of the enterprise itself." 113 S.Ct. at 1173. The Court explained (113 S.Ct. at 1170, n.4 ) that "RICO liability is not limited to those with primary responsibility for the enterprise's affairs" and therefore "we disagree with the suggestion . . . that § 1962(c) requires significant control over or within an 'enterprise'". The Court added (113 S.Ct. at 1173):

We agree that liability under § 1962(c) is not limited to upper management, but we disagree that the "operation or management" test is inconsistent with this proposition. An enterprise is "operated" not just by upper management but also by lower-rung participants in the enterprise who are under the direction of upper management. An enterprise also might be "operated" or "managed" by others "associated with" the enterprise who exert control over it as, for example, by bribery.

The Court also stated that (113 S.Ct. at 1173):

"outsiders" may be liable under § 1962(c) if they are "associated with" an enterprise and participate in the conduct of its affairs - that is, participate in the operation or management of the enterprise itself.

Thus, under the Reves test, § 1962(c) liability attaches to an outsider of an enterprise who had some part in directing the enterprise's affairs, such as by exerting control over it by bribery.

Moreover, under Reves, lower level members of an association-in-fact acting under the orders of high level members could participate in the operation or management of the enterprise. See United States v. Thai, 29 F.3d 785, 816 (2d Cir.), cert. denied, 115 S. Ct. 456 (1994).<sup>11</sup>

## VII. Pattern of Racketeering

Regarding the pattern of racketeering activity, as set forth in 18 U.S.C. § 1961(5), this element "requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity."

In H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229, 239 (1989), the Supreme Court stated that "to prove a pattern of racketeering activity a plaintiff or prosecutor must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity." This factor is commonly referred to as the "continuity plus relationship test."

The Supreme Court added that the requisite relationship would be established when the racketeering acts "have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events," but that such was not the exclusive means of establishing the requisite relationship. H.J. Inc., 492 U.S. at 240.

Regarding the requisite "continuity", the Supreme Court made it clear in H.J. Inc., 492 U.S. at 240-243, that a wide variety of proof may establish the required "continuity" and that no single particular method proof is required. By way of illustration, the H.J. Inc. Court provided four alternative methods of establishing the "continuity" requirement, stating (492 U.S. at 242-243):

[1] A party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time.

...

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<sup>11</sup> Some circuits have held that Reves does not apply to RICO conspiracy. See United States v. Starrett, 55 F.3d 1525, 1547-1548 (11th Cir. 1995); United States v. Napoli, 45 F.3d 680, 683-84 (2d Cir.); cert. denied, \_\_\_ U.S. \_\_\_, 115 S. Ct. 1796 (1995); United States v. Quintanilla, 2 F.3d 1469, 1485 (7th Cir. 1993).

[2] A RICO pattern may surely be established if the related predicates themselves involve a distinct threat of long-term racketeering activity, either implicit or explicit. Suppose a hoodlum were to sell 'insurance' to a neighborhood's storekeepers to cover them against breakage of their windows, telling his victims he would be reappearing each month to collect the 'premium' that would continue their 'coverage.' Through the number of related predicates involved may be small and they may occur close together in time, the racketeering acts themselves include a specific threat of repetition extending indefinitely into the future, and thus supply the requisite threat of continuity.

[3] In other cases, the threat of continuity may be established by showing that the predicate acts or offenses are part of an ongoing entity's regular way of doing business. Thus, the threat of continuity is sufficiently established where the predicates can be attributed to a defendant operating as part of a long-term association that exists for criminal purposes. Such associations include, but extend well beyond, those traditionally grouped under the phrase "organized crime."

[4] The continuity requirement is likewise satisfied where it is shown that the predicates are a regular way of conducting defendant's ongoing legitimate business (in the sense that it is not a business that exists for criminal purposes), or of conducting or participating in an ongoing and legitimate RICO "enterprise."

#### VIII. Interstate Commerce

Turning to the requisite interstate commerce nexus, it is not necessary that each racketeering act be involved in, or affect, interstate or foreign commerce. Rather, it is sufficient that the activities of the RICO enterprise as a whole affect interstate or foreign commerce. And then, the required nexus need not be great; a minimal effect on such commerce satisfies the jurisdictional element. Above all else, the requisite interstate commerce nexus is established by the interstate character of the enterprise itself.

## IX. Economic Motive

In addition to establishing the above elements, the Supreme Court has stated that an economic motive does not need to be established for the enterprise nor for the predicate acts. National Org. for Woman v. Scheidler, 114 S. Ct. 798 (1994). Thus, even if a group commits only noneconomic crimes and the group does not engage in economic activities, a RICO prosecution could be brought provided that the requirements for a RICO prosecution were satisfied.

## X. Applications of the RICO Statute

From 1989 through 1994, OCRS has approved over 600 RICO indictments.<sup>12</sup> So far in 1995, OCRS has approved approximately 82 indictments. In these cases, federal prosecutors used the RICO statute to prosecute a wide variety of criminal activity, thereby illustrating the breadth of the RICO statute. RICO has been most frequently used in the past five years in cases charging racketeering acts involving narcotics, public corruption, fraud, labor racketeering, and violent crimes.

For example, RICO has been charged in the context of securities fraud, where the RICO enterprise was Newport/Princeton Group;<sup>13</sup> in the context of public corruption, where the enterprise was the Office of the Honorable Joseph M. McDade;<sup>14</sup> in the context of narcotics, where the enterprise was a drug ring,<sup>15</sup> and in the context of organized crime where the enterprise was an ethnic gang, such as the White Tiger<sup>16</sup> and the Green Dragons,<sup>17</sup> or a traditional organized crime family.<sup>18</sup>

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<sup>12</sup> OCRS approved 110 RICO indictments in 1989, 97 in 1990, 86 in 1991, 110 in 1992, 93 in 1993, and 106 in 1994.

<sup>13</sup> United States v. Regan, 858 F.2d 115 (2d Cir. 1988).

<sup>14</sup> United States v. McDade, 28 F.3d 283 (3d Cir. 1994), cert. denied, 115 S. Ct. 1312 (1995). See also United States v. Bustamante, 45 F.3d 933 (5th Cir. 1995) (congressional office).

<sup>15</sup> United States v. Crosby, 20 F.3d 480 (D.C. Cir.) (R Street Organization), cert. denied, 115 S. Ct. 221 (1994).

<sup>16</sup> United States v. Wong, 40 F.3d 1347 (2d Cir. 1994).

<sup>17</sup> United States v. Thai, 29 F.3d 785 (2d Cir.), cert. denied, 115 S. Ct. 456 (1994).

<sup>18</sup> United States v. Orena, 32 F.3d 704 (2d Cir. 1994).

RICO charges have also been brought against three paramilitary groups. In United State v. James Ellison, et al. (W.D. Ark. 1985), two members of a white supremacist group were charged with a pattern of racketeering consisting of four predicate acts charging arson and fraud. The RICO enterprise was an association-in-fact known as The Covenant, the Sword, and the Arm of the Lord. The predicate acts included the arson of a residence, a church, and a Jewish Community Center. In United States v. Bruce Pierce, Gary Lee Yarborough, et al. (W.D. Wash. 1985), twenty-six members of a Neo-Nazi group were charged with a pattern of racketeering consisting of fifty-seven predicate acts, including murder, robbery, arson, and counterfeiting. The RICO enterprise was an association-in-fact known as The Order, a/k/a Bruders Schweigen. Among the predicate acts were the murder of Alan Berg, the robbery of an armored car, attempted arson of a theatre, and the attempted murder of FBI agents. See United States v. Yarborough, 852 F.2d 1522 (9th Cir.), cert. denied, 109 S. Ct. 171 (1988).

Finally, in United States v. David Dorr, et al. (D. Idaho), five members of a Neo-Nazi group were charged with a pattern of racketeering consisting of eleven predicate acts, including murder, robbery, and counterfeiting. The RICO enterprise was an association-in-fact known as the Order II, a/k/a Bruders Schweigen Strike Force II. The predicate acts included the attempted robberies of the Idaho First National Bank, the Idaho Army National Guard, and the First National Bank of South Idaho.

In the three prior RICO prosecutions involving paramilitary groups, association-in-fact enterprises were charged. These association-in-fact enterprises were referred to as The Covenant, the Sword, and the Arm of the Lord; The Order, a/k/a Bruders Schweigen; and The Order II, a/k/a Bruders Schweigen Strike Force II. Thus, given the breadth of the definition of a RICO enterprise, it is possible that paramilitary type groups could qualify as a RICO enterprise in the future.

Given the breadth of the activity constituting RICO predicate acts, it is quite possible that illegal activities conducted by members of paramilitary groups could qualify as RICO predicate acts. However, it should be noted that firearms violations and assaults do not qualify as RICO predicate acts. Thus, firearms trafficking by a paramilitary group could not be charged as a RICO violation. However, if a paramilitary group committed robberies in order to fund the purchase of firearms, those robberies might qualify as RICO predicate acts. Additionally, state law murders and arsons committed by members of a paramilitary group could qualify as RICO predicate acts; however, assaults by paramilitary members would not qualify as RICO predicates.

Applying the requirements for a pattern of racketeering to a paramilitary group, the government would need to show that the group members committed at least two predicate acts within ten years and that the acts satisfied both the continuity and relatedness requirements for a pattern of racketeering. If the acts occurred over a very short time period, i.e., one month, there may be a problem with establishing a pattern of racketeering, unless the government could show that the activity posed a future threat.

#### XI. Civil RICO

Another provision of the RICO statute provides for civil relief. 18 U.S.C. § 1964 provides in relevant part:

(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provisions for the rights of innocent persons.

The civil RICO provision also allows for the imposition of equitable relief. Section 1964(b) provides as follows:

The Attorney General may institute proceedings under this section. . . Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

The government has brought civil RICO suits primarily against labor unions in order to rid the unions of the influence of organized crime. To date, eighteen labor civil RICOs have been filed in court, and fifteen have resulted in the appointment of a trusteeship or monitor.