

104  
NATURE AND THREAT OF VIOLENT ANTI-  
GOVERNMENT GROUPS IN AMERICA

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Nature and Threat of Violent Antigo...

**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON CRIME  
OF THE  
COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FOURTH CONGRESS

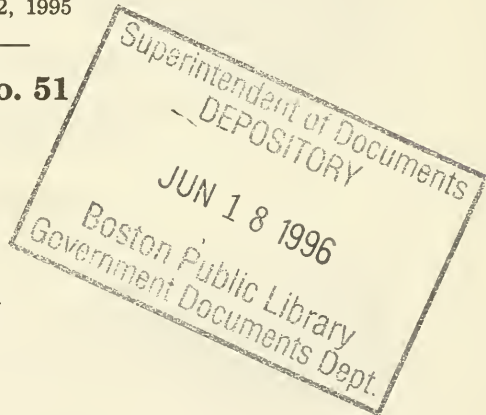
FIRST SESSION

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NOVEMBER 2, 1995

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**Serial No. 51**



Printed for the use of the Committee on the Judiciary

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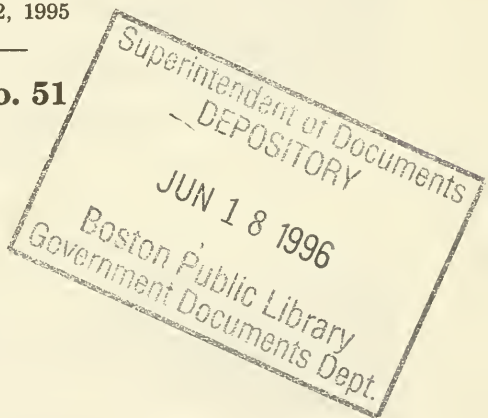
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# NATURE AND THREAT OF VIOLENT ANTI-GOVERNMENT GROUPS IN AMERICA

THURSDAY, NOVEMBER 2, 1995

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CRIME,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 9:40 a.m., in room 237, Rayburn House Office Building, Hon. Bill McCollum (chairman of the subcommittee) presiding.

Present: Representatives Bill McCollum, Steven Schiff, Howard Coble, Fred Heineman, Ed Bryant of Tennessee, Steve Chabot, Bob Barr, Charles E. Schumer, Robert C. Scott, Zoe Lofgren, and Sheila Jackson Lee.

Also present: Representative Jerrold Nadler.

Staff present: Paul J. McNulty, chief counsel; Glenn R. Schmitt, counsel; Daniel J. Bryant, assistant counsel; Aerin D. Dunkle, research assistant; Audray Clement, secretary; and Tom Diaz, minority counsel.

## OPENING STATEMENT OF CHAIRMAN MCCOLLUM

Mr. MCCOLLUM. This hearing of the Crime Subcommittee is called to order. I welcome our witnesses and the visiting audience to today's hearing on the nature and threat of violent anti-Government groups in America.

Since the shocking and despicable bombing in Oklahoma City last April, there have been many media stories about various anti-Government groups, generally referred to as militias. Some accounts have involved alarming reports of violent attacks against unsuspecting Government officials performing their lawful duties. These incidents should concern us all, but let me begin by making three important points. First, I want to clearly state what this hearing is not about. Today's hearing is not about ideologies, political doctrines or mindsets that are odd or troubling or even detestable. Governments cannot and should not try to restrict thoughts or expressions of its citizens. This hearing is also not about undesirable speech, such as hate-filled rhetoric or bigotry. The first amendment to the Constitution is the final word on that subject. It is not about free association of people, no matter how much we may dislike the interests that draw them together. Moreover, this hearing is not about guns. Gun ownership is guaranteed by the Constitution. It is a critical part of crime prevention, and it's a widely cherished part of America's heritage.

You might ask then, what is this hearing about. The answer is simple. This hearing is about violent behavior that threatens civil order. It is about people who have physically harmed or who have threatened to harm Government officials who are simply trying to do their jobs. It is about those who refuse to live by the rule of law and who use force and intimidation to advance their cause.

My second point is this. As Federal law enforcement authorities are quick to point out, the word militias means different things to different people. Some, as we will hear today, use the word militias to describe broad categories of groups spread throughout the United States. Most of these groups are driven by a deep concern that America's freedom should not be taken for granted. Members of these groups engage in military style exercises for the purpose of being ready to defend themselves and their families against an enemy of the United States. Others however, as we will hear today, use the word militias to describe a smaller category of groups in America that are characterized by hatred and a propensity towards violent behavior. Such groups appear to be few in number, but they have aroused more than a considerable amount of fear. They have also presented an enormous problem for State and local officials in jurisdictions without significant law enforcement resources.

It is my hope today that we will begin to sort out the confusion associated with the term militia, and get a better idea of the nature and the extent of the threat posed by violent anti-Government groups, not law abiding citizens who simply share a system of beliefs that many of us neither fully understand nor agree with.

My third and final point addresses another issue that may be on some people's minds. Even though there are such violent anti-Government groups scattered about, why should the Federal Government be concerned? This is an important question and one I am proud to say we are asking more frequently these days. While today's hearing is designed to help us answer this question, I think it is easy to see at least two responses.

First, it appears that Federal laws are being broken in some cases. Threats to Federal employees, destruction of Federal property, and even certain types of theft are just some of the actions that properly fall within Federal jurisdiction. Second, State and local governments may lack the resources needed to deal with the sudden presence of a violent group of people, particularly if such group has purposely located itself in an area where law enforcement is limited. But as Waco and Ruby Ridge have taught us, whenever the Federal Government gets involved in situations where distrust and hostility abound, extreme caution must be exercised. The public must be confident that Federal law enforcement acts in a reasonable, thoughtful and disciplined manner.

America's greatness and liberty are inseparable. Our Founders understood that a free people will live only in freedom if they are capable of governing themselves. The use of force or intimidation against another person, particularly someone who is charged with the responsibility of administering laws, is intolerable in our civil order. If citizens are afraid to speak their thoughts or to participate in lawful activities, and if public officials are afraid to perform their duties, then the very foundation of the American experiment in ordered liberty is in danger.



I look forward to hearing from our witnesses today. I now recognize the gentleman from New York for an opening statement. Mr. Schumer.

Mr. SCHUMER. Well, I thank you, Mr. Chairman. I would first want to personally thank you for having these hearings, hearings we have called for for a long time. Without your leadership, we wouldn't be having them. I think we very much appreciate that.

So I am pleased that we are having this hearing, but I must say that it is long overdue. A hearing like this was needed urgently 6 months ago, right after the brutal terror bombing at Oklahoma City that killed 159 innocent Americans, including 19 babies and toddlers, and wounded another 500. A hearing like this was urgently needed 4 months ago, when Mr. Conyers and I, and a number of other Democrats held a forum on the problem of armed militias.

By the way, Mr. Chairman, I would simply ask that this transcript of that forum's proceedings be entered into the record of today's hearings.

Mr. MCCOLLUM. Without objection, so ordered.

[See appendix, p. 245.]

Mr. SCHUMER. Thank you. It contains important information that goes beyond the limited scope of today's panels.

A hearing like this was urgently needed 3 months ago, when this committee spent 10 days, not 1, but 10 days examining in detail the events at Waco.

A hearing like this is also urgently needed now. Because in just the past few months since the Waco hearings, we have seen other acts that bear the mark of terrorism: A train derailment, at which a note from something called the Sons of the Gestapo was left, and a bombing at an air traffic control facility at La Guardia Airport, where another note was left. While these incidents have not yet been linked directly to terrorism, the investigations are ongoing, they certainly are an ominous warning.

Make no mistake, America is at greater risk today than ever before. The armed radical groups we will hear about today are a sickness of hate, paranoia, and violence. Their angry germs are contaminating America's life blood. This sickness could threaten our future as a free country, a country whose democracy is the envy of the world.

These armed extremists assault democracy by choosing the bomb and the bullet over the ballot box. They claim to love liberty. In fact, they love the bully's bludgeon. The same bludgeon used by totalitarian dictatorships throughout history. Their liberty is simple, disagree with me and I will beat your brains in. Oppose me, and I will kill you. This is not American freedom. This is not rational discussion at town hall meetings throughout our country.

These armed extremists are strangling the public dialogue upon which democracy depends in certain parts of America. They are dragging debate down into a cramped narrow-minded space of fear and suspicion. They claim to love America, but they insult it with a lunatic paranoia. That paranoia, an imagined world of black helicopters, world wide conspiracies and microchips secretly planted in our bodies, is bottomless in its ignorance. This paranoia is smothering the ingenuity of Thomas Jefferson, choking the rationality of

Alexander Hamilton, and smearing the heritage of centuries of political enlightenment. It distorts our Constitution beyond all recognition.

Finally, these armed militant groups and their allies are pouring a steady stream of ethnic, racial and religious hatred into America. The history of such hatred is long and sad. It teaches us that it can be never taken lightly. History teaches, and country after country, thank God not here in America, but in Europe and in Asia and in Latin America, left unchecked, hatred like this has spilled over the banks of even the most civilized of nations. It has left unspeakable violence and unimaginable horrors in its wake. We must not let the fruits of such sickness ripen into violence in America. We will not let it happen.

This hearing is a good thing. It can help cleanse the illness of violent extremism by exposing it to the light of day, but it is not enough.

I emphasize that I support the right of grown men and women to dress up in war-like costumes and run around in the woods if they choose to do so. I support their right to debate and advocate even the most radical theories of Government. But I absolutely deny their right to inflict violence or serious credible threats of violence on the rest of us. We must take firm action against the violence that erupts from these groups. We must not be bullied.

I am introducing today a bill that takes aim at the violence these groups practice. It does so without infringing on their rights to believe in, to talk about, and to promote even the wackiest of theories. But it draws the line at violent conduct and says, beyond here, you may not pass.

I am also filing today with the Clerk of the House a discharge petition that would bring the antiterrorism bill, H.R. 1710 to the floor of the House. It is time to stop the secret backroom negotiations that are going on regarding this bill. These backroom deals will only water the bill down to the lowest common denominator of the extreme right's paranoia. It is time for every Member who opposes the terrorist bill to stand up in the light of day on the House floor and explain to the American people why he or she opposes it.

I am convinced that after a vigorous debate under an open rule, the counterterrorism bill will pass by a large margin. It passed in the Senate 91 to 8. It will help prevent further tragedies like the World Trade Center and Oklahoma City terror bombings. But in the end of course, Congress alone cannot end the problem. Every American, everyone who truly loves this country must stand up and denounce these gun-toting, bomb-throwing, hate-mongering bullies. Every member of this committee, every Member of this House, every Senator and every American must take a stand against them.

If we do not stand up to these dark forces of hatred and evil, mark my words, they will not simply kill and maim hundreds of innocent Americans. They could destroy America.

Mr. MCCOLLUM. Mr. Schumer, I thank you for your statement. I wish to make one comment about the antiterrorism bill that you have raised, because I share your concern and interest in it. I have

been assured by our leadership that we will see that bill on the floor of the House before we adjourn this session of Congress.

Mr. SCHUMER. Well, if I might, Mr. Chairman, that is good news, except we were promised it would be up before Memorial Day, before July 4. So far, we haven't, so I am hoping you are right.

Mr. MCCOLLUM. I am just reporting the latest data.

Mr. SCHUMER. We're waiting.

Mr. MCCOLLUM. Mr. Schiff.

Mr. SCHIFF. Thank you, Mr. Chairman. I would like to be recognized briefly for an opening statement. I have several things I would like to comment on. The first is, yesterday my office received a two-page fax from someone named R.J. Wright, who identifies himself as colonel of the New Mexico Militia. He is writing on behalf of the Tri-States Militia. He asks that his two-page statement be made part of the record.

I think the operative part of the statement is his statement that the Tri-States Militia is not anti-Government, racist, or anti-Semitic. I do not know Colonel Wright. To the best of my knowledge, I don't remember hearing the name of this group before. But given that it is only two pages on point, I ask unanimous consent that it be made part of the record.

Mr. MCCOLLUM. Without objection so ordered.

[The information follows:]



TRI STATES MILITIA  
NATIONAL INFORMATION CENTER

P.O. BOX 482  
821 MAIN STREET  
BURKE, SOUTH DAKOTA 57523  
1-800 OUT LAST or 605-775-9119 (O) 605-775-9120 (F)



November 1, 1995

Honorable Steven Schiff  
Congressman 1st District  
Rep-New Mexico

Dear Mr. Schiff:

It has come to our attention, that a hearing will be held tomorrow on the nature and threat of anti-government groups in America.

As we are unable to have a representative present at these hearings we would appreciate that our comments are put on public record with respect to this hearing.

The Tri States Militia is not anti-government, racist, nor anti-semitic, or are most Militias in the country, but rather a National Militia organization that believes in, upholds, and is prepared to defend the Constitution of the United States.

The witness list we have received indicates certain individuals and organizations, particularly panel II will give testimony who in the past have inaccurately with malice attacked the Constitutional Militias of this country attempting to erroneously connect these legitimate Militias to racist and/or anti-semitic agendas, philosophies, and actions.

We believe the primary focus of these groups is to increase their own funding through the use of fear. We particularly have concerns with the representative from the Southern Poverty Law Center. This organization, under the guise of a tax exempt watchdog group, has amassed a 70 million dollar fortune, extorted from the decent and honorable people who have fallen prey to this fear mongering rhetoric.

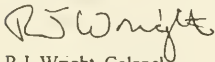
We feel that it is imperative, and in the interest of balance and fairness that our concerns regarding this particular group and others on the witness list become part of the permanent record of this subcommittee hearing.

In addition, we are providing you with information defining the position of the Tri States Militia organization, and ask respectfully that you, Congressman Schiff, enter this into the permanent record of these proceedings.

We feel that it is most important to correct this situation and any misunderstanding that you may have with respect to our organization.

Thank you for your time in this matter.

Sincerely,



R.J. Wright Colonel  
N.M.M.  
Officer Commanding 1st Brigade  
New Mexico Militia  
Chairman-National Advisory Council  
Tri States Militia



J.D. Parsons Commander  
National Information Center  
Tri States Militia

Mr. SCHIFF. Thank you. A couple other things. First, I want to say that it is true that this subcommittee, along with the National Security Subcommittee of the Government Reform and Oversight Committee, held a hearing on the Waco tragedy that lasted a number of days. I would point out that although the Congress is rightfully concerned about violence anywhere, that the Bureau of Alcohol, Tobacco and Firearms and the Federal Bureau of Investigation are agencies of the U.S. Government. We are specifically responsible as the Congress for oversight on all of their activities and their handling of all matters. The militia groups are not agencies of the U.S. Government. So I think if we spent more time on our own agencies, it's because they are our own agencies.

I want to say that what I think is most important is that we do maintain a separation between violent conduct and peaceful conduct that is protected under the first amendment and other parts of the Constitution. Congressman Schumer made numerous references to violent conduct. Now I support the antiterrorism bill which the committee passed, which Congressman Schumer referred to, because I think it makes some definable improvements in the law that will aid in the investigation and prosecution of antiterrorist acts.

But in terms of violence generally, violence generally is already against the law. We don't need this hearing to establish that violence is against the law. I think that anyone who has any evidence today that any individual, whether they are a member of a so-called militia or not, has committed violent acts or is otherwise violating the laws of this country, such as firearms laws, I hope they will immediately report it to an appropriate law enforcement agency. I hope that that law enforcement agency will take immediate investigative and prosecutorial action. The point is that violence is against the law. It should be prosecuted against any individual who violates those laws, whether they are part of a militia or not.

At the same time, it is not against the law to hold unpopular views. It is not against the laws to express condemnation opinions of the U.S. Government. It is not against the law to hold anti-Semitic views. If indeed these groups are anti-Semitic, or some of them are, they obviously would have no use for me. But they have a right to their views. I do not want to see this hearing or legislation cross the line the other way that goes from making violent behavior criminal, which it should be and already is, to making protected views under the Constitution illegal.

Thank you, Mr. Chairman. I yield back.

Mr. MCCOLLUM. You're welcome, Mr. Schiff. Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman. Just very briefly, I think we obviously have a great concern about the militia activities. We'd like to know what shortcomings we have in the present law to deal with them. But as the gentleman from New Mexico mentioned, most of the activities that we are trying to aim at are already illegal. The question therefore remains, what shortcomings may there be in the present law that prohibits us or stymies us from dealing with what is clearly illegal activities.

I look forward to the testimony of the witnesses, and thank you, as Mr. Schumer has indicated, for having the hearing.

Mr. McCOLLUM. Thank you very much, Mr. Scott. Mr. Bryant, you are recognized if you wish.

Mr. BRYANT of Tennessee. Thank you, Mr. Chairman. I did not come with a prepared statement, but I would just like to simply state that I want to—and I think this committee will, but I want to be sure that all we do here is done in a careful, measured fashion, that there is not an overreaction, and we can lay aside a lot of the rhetoric that we're hearing.

In the area of fighting crime, a lot of people caution us to look at the root causes of crime, why do we have that behavior. I would hope that some of the people who will testify today will also be able to share with us perhaps some of the reasons for why we are seeing this growth of anti-Government people, an anti-Government mentality, the growth of the militia, whether it's frustration over the way America is going with taxes and the economy and the court system, the intrusion of Government, Big Brother ideas, a United Nations, the whole list of frustrations out there as possibly why these groups are growing.

But let me just close by saying that I too agree with all members of this committee, that the proper reaction to these frustrations is not violence, is not to go out and get a gun, not terrorism, not to get a gun and shoot somebody with whom you disagree, but rather to work through the process. A concern I have, and I hope again that the panel members will address this, is something I am learning more and more about, the movement among such people not to honor—not only to commit violence, but not to honor their commitments as citizens to this country, ignoring taxes, licenses, registrations, court systems, forming their own court systems, things that I'm learning about. I look forward to a day of education here.

Thank you, Mr. Chairman.

Mr. McCOLLUM. You are quite welcome, Mr. Bryant.

Mr. Barr, do you have an opening comment?

Mr. BARR. Thank you, Mr. Chairman. Mr. Chairman, it is my understanding that all Members of Congress, and particularly all members of the Judiciary Committee should have available in their office a copy of the U.S. Code, including title 18 and the various other titles of the U.S. Code that set forward the violations or the commission of certain acts are indeed considered criminal, against the law, and punishable under the laws of the United States of America.

However, some of the comments of the ranking member indicate to me that he may not have a copy. If he did, and if he read it, he would realize very quickly that virtually every act of violence to which he has alluded, whether it is committed by an individual against an individual, whether it is committed by an individual against a group, whether it is committed by a group against an institution or an individual against an institution, are already illegal under this country. It is that fact among others that has given pause and concern to a number of Members of Congress, including many in the ranking minority member's own party, that have caused a number of us to hesitate in seeking to enact sweeping legislation such as the antiterrorism legislation.

In other words, many of us want to be satisfied that we are not enacting into law sweeping powers for the Federal Government

that are not necessary and indeed, duplicating powers that the Federal Government already has.

The gentleman from New York mentioned some backroom dealing or what not on the antiterrorism legislation. This belies almost a paranoia that is similar to that which he accuses these other groups of having. There is no backroom dealing. The fact of the matter is that when we have a comprehensive and very far reaching piece of legislation such as the antiterrorism bill, it requires, I think being responsible Members of Congress requires us to look very carefully at it. A number of questions have been raised by a number of Members of Congress on both sides of the aisle and by various interest groups out there, including the ACLU, about the broad sweep of the provisions in the antiterrorism legislation. I think we need to be very, very careful that in involving ourselves in a political debate over counterterrorism and seizing on opportunities or seizing on incidents as the reason or rationale for strengthening the Government's hand or increasing Government power, that we should do so only very, very carefully and after very careful deliberation. I am really shocked that the gentleman from New York feels that providing and affording very careful and due deliberation to sweeping legislation such as contained for example in H.R. 1710 take place, is something that is the result of backroom dealing as opposed to very careful deliberative effort by members on both sides.

I am also reminded today in an article in the New York Times about FBI efforts to obtain very sweeping and vast expansion of wire tap capability by private industry. This is something that came up last year. It is something that came up in the context of the reconciliation bill just recently. I think here also, we need to be very, very careful and look at these things extremely carefully, with a great deal of deliberation and a great deal of reference to existing criminal laws.

I think that if all Members would take a moment to look and reflect on the scope, the vast scope of Federal criminal laws as they are currently enacted and as they have been enacted by many years, for many years by our Government, that they do reach precisely the violent activity that all of us abhor and which should properly and is properly illegal in this country.

Conducting a hearing such as this to get a handle on the scope of the problem, to see if there may be particular areas where we need to tighten up or close loopholes is one thing, but to come in here and say, gee I'm introducing legislation today to take care of a problem for which we haven't even had the hearings I think is somewhat a strange and perhaps backward way of handling the problem.

So, Mr. Chairman, I look forward to these hearings because they will point out to us hopefully that if there are particular specific areas of our laws that do not reach the violent behavior, although I think our laws do, then this is precisely the way to go. Not to introduce legislation and then have the hearings, to see whether or not we need it. So I commend the chairman and look forward to the hearings.

Mr. McCOLLUM. Thank you, Mr. Barr.



Mr. SCHUMER. Will the chairman yield? My name was mentioned a number of times. First, I find it quite interesting that the gentleman from Georgia wants deliberative hearings. The whole Contract With America, far more sweeping than the antiterrorism bill which he voted for, I think, lock, stock and barrel, didn't have a single hearing. I didn't hear the gentleman saying, "Please slow down and let's stop and have hearings."

The fact of the matter is the antiterrorism bill did have extensive hearings, extensive discussion, debate in subcommittee, debate in full committee. It was reported out of the full committee four and a half months ago and it sits there. Now I don't mind. I hope in fact that when the bill comes to the floor, it will come under an open rule, so we can debate it further and refine it further. I doubt it will.

I would say to the gentleman, yes. I stand by the fact that it is indeed other types of concerns that are delaying this bill when we've had a rush to judgment on so many other bills of more major importance. We can let the public decide.

I would also say, Mr. Chairman, Mr. Conyers has been delayed. I would ask consent, unanimous consent that he be able to submit his statement for the record.

[The prepared statement of Mr. Conyers follows:]

PREPARED STATEMENT OF HON. JOHN CONYERS, JR., A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF MICHIGAN

Today's hearing, which I have long awaited, is one of the most important hearings this Committee will hold and I commend Chairman McCollum for calling it. I feel compelled to add, however, that I do not believe we can do justice to this critical topic in one short day.

I find it ironic that two committees of the House held 10 days of hearings with 100 witnesses in an effort to prove that the civil rights of gun-toting, child molesting, religious lunatic David Koresh were violated, and that a Senate subcommittee held weeks of hearings to determine whether the rights of racist, anti-semitic, white supremacist Randy Weaver were violated.

Yet we will hold only 1 day of hearings on the sort of dangerous groups that may well be responsible for the outbreak of terrorism in America—I refer to the fact that it appears that those involved in the Oklahoma City bombing and perhaps those involved in the Arizona train bombing have ties to militias.

This is no coincidence. Despite the rising number of violent incidents involving members of violent paramilitary organizations, many of my colleagues have been loathe to publicly criticize these groups. Perhaps it is because some of my colleagues, most notably Helen Chenoweth of Idaho, have well documented close ties to these groups. In addition, recent newspaper articles have linked House Majority Leader Dick Army with Larry Pratt, the President of Gunowners of America, who also has strong ties to violent paramilitary groups around the country. Thus it appears that these groups have a voice in the highest echelons of government.

Other members of the Republican party have been catering to and inflaming these groups with anti-government rhetoric. Is it really a surprise that some people view the federal government as the epitome of all evil when the Republican leadership has been saying exactly the same thing for years?

Unfortunately, those who give voice to such excessive and reprehensible rhetoric gave and continued to give little thought to its consequences—consequences as serious as the Oklahoma City bombing.

Today, with this hearing, the Congress begins to take responsibility for a situation that we have helped to create by examining the nature of these groups, their membership, the crimes they are committing and the threat they pose to both to individual citizens and to our national security.

Groups that hate government officials, including officials as benign as forest rangers, Jews, African-Americans, and environmentalists pose a threat to the safety and security of our citizens. Across the country, members of violent paramilitary organizations are harassing their opponents, threatening law enforcement officials, stockpiling weapons, and spreading paranoid rumors across fax machines and computers.

In recent months, members of such groups have shot at police officers, tried to bring down a National Guard helicopter, been arrested in armed confrontations, and calmly explained why it might be necessary to kill government officials.

This history makes our meeting here today all the more important. Militia members must be exposed for the virulent, racist, anti-semitic, paranoid, conspiracy theorists that they are before they gain further power. Bigotry, intolerance, a love of high-powered weaponry and abhorrence of the federal government do not combine to make patriotism, no matter what members of these groups may claim.

Despite the rhetoric we have been hearing over the past few months, it is not the Bureau of Alcohol Tobacco and Firearms, the FBI or any other federal law enforcement agency which law-abiding Americans must fear. Our concerns are much better directed at the militant, fanatical groups that are stockpiling weapons to fight the federal government.

Finally, I am particularly pleased that we are going to hear from Nick Murnion, the Garfield County Attorney from Garfield County, Montana. The situation in Montana is one that I find particularly distressing. A group of 6 anti-government men who were charged in March with conspiracy to kidnap a country prosecutor and concealed weapons violations remain free 8 months later, despite the death threats they have made against local officials since the initial charging, the *Washington Post* reported that the men remain free "in large part because law enforcement takes their threats of violence seriously."

It seems unlikely to me that law enforcement officials would be this tolerant of a bunch of black men running around in the woods with guns making threats against the government. Particularly if they were considered dangerous. If the men in Montana were African-American, it would probably have taken about a nano-second for the government to call in whatever reinforcements were necessary to do whatever it took to arrest those guys—Ruby Ridge and Waco be damned. Today, I would like a good explanation as to why these criminals are permitted to walk around scott free.

As we hear from individuals with direct experience with violent paramilitary organizations, I hope that we can move the focus away from the alleged over-extension of the federal government and put it where it belongs—on the danger posed by those who would destroy our government in the name of their freedom.

Mr. MCCOLLUM. I am just about to cut the gentleman off, not because I wouldn't let you respond, but I just want to caution our members that when somebody does mention your name, certainly you have a point of personal privilege, but we don't want to get into extended debate among ourselves or we don't get to our witnesses.

Mr. Nadler is a special guest today because he is a member of the full committee and has a bill that deals with the subject matter related to what we are doing today, and had asked to be a witness today, but our procedures don't permit that or don't consider that. So since you are a member of the committee and you are here, if you wish to make some opening remarks briefly, we'd be glad to recognize you, Mr. Nadler.

Mr. NADLER. Thank you, Mr. Chairman. Let me first commend you for holding this hearing today on the topic of militias. Let me thank you for graciously consenting to let me participate in this hearing and make a statement.

Let me, since we are mentioning other people's names, mention Mr. Barr's name. I hope Mr. Barr will listen to what I am about to say, because I want to commend him for some of his remarks with which I agree. I share his concern regarding the overbroad scope and some of the provisions of the terrorism bill that we reported out of committee, and that I voted against, because I thought that some of them are really injurious to civil liberties. I commend his concerns in this matter.

Let me say, Mr. Chairman, that the use of armed force by self-appointed individuals who believe that they are not subject to the laws of our nation, or to the will of the majority presents a clear

and present danger to the preservation of our system of government and to the liberties of all Americans. The bombing in Oklahoma City, the threats of violence against public officials at all levels of Government, the Amtrak bombing, the bombing of the radar installation at La Guardia Airport, and other instances of blatant terrorist attacks against innocent Americans undercuts the fundamental rule of law and respect for individual rights.

Plainly, all individuals have the right to disagree with other citizens and to disagree with the actions of Government. We all have the right to speak, to organize, to associate with others of a like mind. We all have a right to use highly charged, vulgar speech. Maybe we shouldn't, but we have the right to do so. We all have the right to demonstrate our dissatisfaction by marching or by deriding others. The Supreme Court has even said we have the right to demonstrate our outrage by burning the flag or by defiling the religious symbols most of us were raised to revere.

But the idea that anyone would be permitted to take up arms against the Government or against other private citizens is inimicable to the principles of ordered liberty upon which this great nation was founded, and for which our flag has stood for over 200 years.

This subcommittee will hear testimony today about how armed extremists have organized themselves into private armies for the purpose of coercing and threatening duly elected public officials and private individuals. No reasonable person can condone these terrorist tactics. These private armies are the lawless siblings of Hamas, of the Nazi brownshirts, and of all other criminal bands that have believed they have the right to bomb, to kill, to terrorize the public as a means to win the political debate. No democratic society can tolerate private armies that threaten the public discourse.

I have introduced legislation, as the chairman has mentioned, which has been referred to this committee, to enhance the Federal Government's ability to deal with these private armies. This legislation, H.R. 1899, the Domestic Counter-Terrorism Act of 1995, simply makes clear that you may not organize a private army to make war on the United States or its officials or against individuals in order to obstruct their enjoyment of federally protected civil rights and liberties. I hope that is not a controversial idea.

The legislation is based on model legislation prepared by the Anti-Defamation League, and already adopted in 22 States. It has been upheld in court, and it works. More importantly, the statute is necessary to address a real problem and a real threat that these hearings have been organized to investigate. The existing Federal criminal statute prohibits the teaching of "the use, application, or making of any firearm or explosive or incendiary device or technique capable of causing injury or death to any person knowing or having reason to know or intending that the same will be unlawfully employed for use in or in furtherance of a civil disorder." That may be found at 18 U.S.C. 231 A1.

My legislation would make it a crime to participate in this training. At present, it is illegal to provide this training. My legislation would make it illegal to receive or participate in this training.

My bill also adds language which makes clear that if a civil disorder is in violation of chapter 13 of title 18 of the U.S. Code, that is the chapter defining criminal civil rights violations, it is also covered by the Federal Civil Disorders Statute. This provision will enhance the ability of Federal law enforcement to go after private armies engaging in or preparing to engage in violent attacks on the fundamental civil rights of individual American citizens. Again, as today's testimony will amply illustrate, this is far from a hypothetical problem.

Finally, H.R. 1899 clarifies the term law enforcement officer in the current Civil Disorder Statute to ensure that attacks on any public officer employee in the performance of his or her official duties will be covered by the Federal Civil Disorders Statute which currently protects such employees only if they are employees involved in enforcement of criminal laws.

In other words, if you attack a forest ranger because he's trying to enforce the forestry laws, you should be deemed just as guilty, as if you attack a Federal U.S. attorney trying to enforce a criminal law. I know that the members of this subcommittee are aware of and will hear testimony that the enforcement of many civil laws at all levels of Government has been imperiled by armed extremists.

As I have said, this legislation addresses a real problem in a measured way. It targets overt violent activity not ideas, speech, assembly or the right to petition the Government for redress of grievances. No one has the right to use violence to work their will against the democratically expressed will of the American people or against their fundamental civil rights. It is terrifying that some in this country believe that the right to use violence is a bedrock principle of our constitutional system. In fact, if any member of this subcommittee really wants a good scare, I invite you to come by my office and read the mail I have been receiving in the months since I started working on this issue.

We should all think about what kind of country we want to live in. To be truly patriotic means recognizing our responsibilities to uphold the democratic principles which make this the freest Nation on earth. Being a citizen in a democracy means that you can not organize your own private army because you disagree with the actions of the democratically elected Government or because you do not like the color or religion or beliefs of your neighbors. If you settle political differences with bullets instead of ballots, you don't live in a democracy, you live in Beirut or Bosnia. This is America, and I do not think we want that to happen here.

We have a responsibility, indeed, in a democracy we have a patriotic duty, to speak out against what we believe to be wrong, against that with which we do not agree, and about that which we want to change, peacefully, lawfully, democratically, and with respect for the rights and liberties of those with whom we disagree. That is the democratic, American way.

I thank the chairman for his consideration in allowing me to join this subcommittee on this important matter, and I commend him and the members of the committee for holding these very timely hearings. I thank you very much.

Mr. McCOLLUM. You are quite welcome, Mr. Nadler. At the end of each round of questioning, whenever the full subcommittee membership has asked, you will be permitted if you wish, to inquire.

I will now call our first panel this morning. Our first witness is Brent Smith, professor of criminal justice and sociology and chair of the Department of Criminal Justice at the University of Alabama at Birmingham. Dr. Smith's research examines social movements in America, particularly focusing on violent anti-Government groups in recent years. Professor Smith testified before our subcommittee last May on the related topic of domestic terrorism. I would like to welcome him back to testify this morning.

Our second witness is John George, professor of political science and sociology at the University of Central Oklahoma. Dr. George has done extensive research on left- and right-wing political extremism in America, and has written several books on this topic. He has also lectured before civic, political, religious organizations on such issues as Government and fringe political groups.

I want to welcome both of you this morning. I would certainly let you go first, I believe, Dr. Smith, in the order that I introduced you. If you wouldn't mind giving us a few of your words, your entire testimony will be admitted into the record. You may summarize as you wish.

**STATEMENT OF BRENT L. SMITH, PROFESSOR AND CHAIR, DEPARTMENT OF CRIMINAL JUSTICE, UNIVERSITY OF ALABAMA AT BIRMINGHAM**

Mr. SMITH. Thank you, Mr. McCollum, members of the subcommittee. I appreciate the opportunity to once again address the House Judiciary Subcommittee on Crime. The information that I am going to present was extracted from a much larger study of the Federal criminal trial records of terrorists and violent extremists in the United States. For this presentation, our discussion will be limited to an analysis of left and rightwing domestic terrorist organizations, all of which espouse an anti-Government ideology and in particular, target governmental personnel, agencies or facilities. Since violent anti-Government groups usually select terrorism as a preferred tactic, domestic terrorist groups are generally representative of violent anti-Government extremists in general.

I would like to take this opportunity also to thank the Federal Bureau of Investigation Research and Analytical Center, and the Administrative Office of U.S. Courts for their assistance in data collection.

Let me begin with two basic premises. First, the probability that violent anti-Government groups will emerge in any given social setting is directly related to the level of discontent within society. Consequently, levels of anti-Government violence or domestic terrorism can be used as a rough gauge of the political instability within any particular social system. There is some truth to the notion that domestic terrorism is or may be the tip of an iceberg, and as such, changes in levels of violent anti-Government behavior should be given careful consideration, instead of merely thinking of it as the ravings of a few deranged madmen.

Secondly, levels of domestic terrorism and anti-Government violence are associated with perceived levels of governmental control.

The more excessive governmental control is perceived to be, the greater the propensity for terroristic violence. Although leftwing and rightwing extremist groups have obvious differences, both ultimately advocate a reduction in the influence of governmental intrusion in daily life.

Clearly, there are exceptions to these premises. Single issue, environmental terrorist, international terrorist and other violent social movements sometimes have different agenda. Since the most prominent forms of American anti-Government violence have come from the extreme left and the extreme right, I shall limit my comments today to these groups.

There is a table in your handout. Table 1 provides a summary of the extremist groups which have either been indicted under Federal law or have been investigated for terroristic activity in the United States during the last 15 years. These are restricted to cases that have come to the attention of Federal law enforcement agencies. While this list is not all inclusive, it provides a fairly good summation of recently violent extremist groups. Of these groups, the left wing and right wing organizations which have turned violent have a distinctly anti-Government agenda. The date listed after the group's name indicates the year or years in which they committed known terrorist actions in the United States. Groups with no dates listed were investigated for terrorism related activities during the 1980s.

The most prominent forms of leftwing and rightwing anti-Government violence during the past decade involved separatist movements. Puerto Rican terrorists, the most prolific of the leftist extremists during the past 15 years, have long sought the exclusion of Federal intervention in Puerto Rico, and the creation of a separate Puerto Rican nation. Other leftist groups, particularly among African-American extremists, advocated nationalist separatist ideals as well.

Among the extreme right, a common thread involves the creation of a separate white homeland in the northwest. Ethnicity and the creation of ethnically pure autonomous regions have become increasingly significant causal elements in terroristic violent anti-Government activity in recent years.

Despite this overriding similarity, left and right wing anti-Government groups in the United States have some distinct differences. These are also summarized in the next table in your handout. Since many of their complaints are related to economics, the contrasting views of these groups are presented first. Violent rightwing extremists frequently complain about the unfairness of affirmative action, welfare, and similar social programs. Violent leftists interestingly also oppose such programs, but for different reasons. To the violent leftists, affirmative action and welfare are seen as mere tokens, which prevent the development of collective consciousness and the desire for revolution. In their words, they placate the masses.

It is important to note, however, that many Americans, perhaps many in this very room share similar feelings about affirmative action. What then separates those with merely conservative or liberal views from those with the willingness to use violence to accomplish their desired results? The answer I think lies in the extent to

which certain ideological views are cherished and believed. Among leftists, certainly not all Marxists, Socialists or Communists turn to terrorism. Those leftists who do turn to violence are unwilling to wait on Marx's admonition that capitalism contains the seeds of its own destruction, and instead, believe that it must be given a slight push. Adopting a style reminiscent of Marx's former friend Mikhail Bakunin, the leftist terrorist seeks to create collective consciousness among the masses by undermining support for the Government. Anti-Government violence, particularly acts of terrorism committed against a sympathetic populist can be condoned if they leave the impression that Government is weak and unable to deal with violent social problems.

Among the extreme right, the threshold over which the violent extremist steps is strewn with religious symbolism. All of the right wing groups which turned to terrorism during the past 15 years had developed some relationship with Christian Identity theology. While most Christian denominations teach that the second coming of Christ will be preceded by great tribulation, most also teach that believers will either be protected from these adversities, or raptured prior to Christ's return. Identity theology suggests neither. Adherents are urged to prepare for mortal combat to deal with the coming Armageddon, the great battle where Christ will vanquish his enemies and establish his reign on earth.

For many Christians, the approaching end of this millennium is highly significant. It is a commonly held belief among many denominations that the year 2000 or somewhere thereabouts, represents the end of six 1,000-year periods. Believing that the beginning of the next millennium is fulfillment of a statement that "on the seventh day God rested," the return of Christ is seen as imminent at the end of this century.

Fear of the coming tribulation is being used by identity militants as a rationale to attract recruits. During the remainder of the decade, the movement can be expected to continue to increase in size, as fear of this possibility expands. Among the general Christian community, fear of a one-world government, a single universal currency, a cashless society, and the increasingly sophisticated technological ability of Government to monitor the religious activities of citizens add fuel to fears regarding the great tribulation. Some of these people will be drawn into the identity movement.

While we can not dismiss the threat of leftist violence during the remainder of the decade, the threat of right wing anti-Federal violence is our greatest threat for several reasons. First, is the aforementioned religious significance of a new millennium. Second, unlike the violent extremists of the left in the 1970's and 1980's, who decided to go underground, the violent extremists of the right are busy perfecting strategies to maintain an above ground presence for recruiting purposes while developing an underground cellular network. For the left in the 1970's and 1980's, the choice was exclusive. Either stay above ground and continue to recruit, but limit terroristic activities or go underground and turn to terrorism. The United Freedom Front, the May 19th Communist Organization, and the Weather Underground are all examples of anti-Government left wing terrorist groups that went underground and were able to protect themselves for many years from Government infil-

tration. Eventually however, attrition and arrests depleted the human capital of these groups.

The Identity movement is attempting to maintain both an above ground presence through its religious outlets, while others in the movement will go underground. We have yet to see whether the so-called leaderless resistance approach will minimize civil and criminal liabilities for spokespersons of the violent fringes of the identity movement.

Normally, symbolic catalysts propel extremist groups to violence for short periods of time. Sometimes, single precipitating events push extremists over the edge and serve as the impetus for violent extremism. The remainder of the decade will be critical for Federal efforts to minimize anti-Government violence on the right. One reduction strategy of course is to reduce and explore alternative intervention methods which minimize the potential creation of a symbolic catalyst. Thank you.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF BRENT L. SMITH, PROFESSOR AND CHAIR, DEPARTMENT OF CRIMINAL JUSTICE, UNIVERSITY OF ALABAMA AT BIRMINGHAM

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Let me begin with two basic premises. First, the probability that violent, anti-government groups will emerge in any given social setting is directly related to the level of discontent within society. Consequently, levels of anti-government violence or domestic terrorism can be used as a rough gauge of the political instability within a social system. There is some truth to the notion of domestic terrorism as the tip of the iceberg and, as such, changes in levels of violent, anti-government behavior should be given careful consideration instead of merely thinking of it as the ravings of a few deranged madmen. Secondly, levels of domestic terrorism and anti-government violence are associated with perceived levels of governmental control—the more excessive governmental control is perceived to be, the greater the propensity for terroristic violence. Although left wing and right wing extremist groups have obvious differences, both ultimately advocate a reduction in the influence of governmental intrusion in daily life. Clearly, there are exceptions to these premises—single issue and environmental terrorists, international terrorists, and other violent social movements have different agendas. Since the most prominent forms of American anti-government violence have come from the extreme left and the extreme right, I shall limit my comments today to these groups.



TABLE 1.—TERRORIST AND VIOLENT ANTI-GOVERNMENT GROUPS ACTIVE IN THE UNITED STATES, 1980-95

<b>Left Wing (Domestic):</b>	<b>Right Wing (Domestic):</b>
El Rukns .....	Aryan Nations
Macheteros .....	Covenant, Sword, and Arm of the Lord
FALN .....	Ku Klux Klan
May 19 Communist Order .....	The Order
United Freedom Front .....	The Order II
New African Freedom Front .....	Sheriff Posse Comitatus
Provisional Party of Communists .....	White Patriot Party
Pedro Campos Revolutionary Group (PACRF) (90,91) .....	Up the IRS (90, 91)
Popular Liberation Army (91) .....	American Front Skinheads (93)
Boricua Revolutionary Front (92) .....	Fourth Reich Skinheads (93)
	McVeigh et al. (95)
	"Sons of Gestapo" (95)
<b>Single Issue/Environmental/Other:</b>	<b>International:</b>
Evan Mecham Eco-Terrorist International Conspiracy (EMETIC) .....	Japanese Red Army
Earth Night Action Group (90) .....	Provisional IRA (93)
Yahweh (Black Hebrew Israelites) (90) .....	Omega 7
Animal Liberation Front (93) .....	Libyan Agents
	Palestinian/Syrian (unnamed group)
	Sikhs (unnamed group) (90)
	MEK (Iranian; anti-Khomeini) (92)
	Abdel-Rahman group (93)
	Anti-Serbian group (unnamed group) (93)
	Abu Nidal Organization (93)

Note.—( ) Indicates groups active during the 1990s. Year of terrorist incidents in parentheses.

Source: Data compiled from annual reports of the FBI's Terrorist Research and Analytical Center, Federal District Courts, and Federal Archives.

Table 1 provides a summary of the extremist groups which have either been indicted under federal law or have been investigated for terroristic activity in the United States during the past fifteen years. While this list is not all-inclusive, it provides a fairly good summation of recently violent extremist groups. Of these groups, the left-wing and right-wing organizations which have turned violent have a distinctly anti-government agenda. The date listed after the group's name indicates the year or years in which they committed known terrorist actions in the United States. Groups with no dates listed were investigated for terrorism-related activities between 1980-1989.

The most prominent forms of left-wing and right-wing anti-government violence during the past decade involved separatist movements. Puerto Rican terrorists, the most prolific of leftist extremists during the past fifteen years, have long sought the exclusion of federal intervention in Puerto Rico and the creation of a separate Puer-to Rican nation. Other leftist groups, particularly among African American extremists, advocated nationalist-separatist ideals. Among the extreme right, as common thread involves the creation of a separate White homeland in the Northwest. Ethnicity and the creation of "ethnically pure" autonomous regions have become increasingly significant causal elements in terroristic violent, anti-government activity in recent years.

Despite this overriding similarity, left- and right-wing anti-government groups in the United States have distinct differences. These differences are summarized in Table 2. Since many of their complaints are related to economics, their contrasting views on this issue are presented first. Violent, right-wing extremists frequently complain about the unfairness of affirmative action, welfare, and similar social programs. Violent leftists, interestingly, also oppose such programs, but for different reasons. To the violent leftist, affirmative action and welfare are mere tokens which prevent the development of collective consciousness and the desire for revolution. In their words, they "placate the masses."

TABLE 2.—CHARACTERISTICS OF LEFT- AND RIGHT-WING VIOLENT, ANTI-GOVERNMENT GROUPS IN AMERICA

Characteristic	Type of Group	
	Left-Wing	Right-Wing
Economic Views .....	Pro-communist/socialist; belief in Marxist maxim "receive according to one's need".	Strongly anti-Communist; belief in Protestant work ethic, distributive justice: "receive according to the value of one's labor"
Base of Operations .....	Urban Areas .....	Rural Areas.
Tactical Approach .....	Cellular Structure .....	National Networking; camps and compounds (actual militants moving to cellular model in 1990s).
Targets .....	For Funding: armored trucks preferred Terrorist targets: seats of capitalism/defense contractors/military reserve or national guard armories.	For Funding: armored trucks preferred. Terrorist targets: federal law enforcement agencies; opposing racial or religious groups.
Ideology .....	Political Focus: primarily Marxism; anti-government violence is used to create revolution through development of "collective consciousness".	Religious Focus: ties to Christian Identity Movement. Anti-government violence acts as a self-fulfilling prophecy, resulting in the ever-increasing oppressiveness of central government.

It is important to note, however, that many Americans, perhaps many in this room, share similar feelings about affirmative action. What then, separates those with merely conservative or liberal views, from those with the willingness to use violence to accomplish their desired results? The answer lies in the extent to which certain ideological views are cherished and believed. Among leftists, not all Marxists, socialists, or communists turn to terrorism. Those leftists who turn to violence are unwilling to wait on Marx's admonition that "capitalism contains the seeds of its own destruction" and instead believe that it must be given a push. Adopting a style reminiscent of Marx's former friend, Mikhail Bakunin, the leftist terrorist seeks to create "collective consciousness" among the masses by undermining support for the government. Anti-government violence, particularly acts of terrorism committed against a sympathetic populace, can be condoned if they leave the impression that government is weak and unable to deal with violent social movements.

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sive: either stay above ground and continue to recruit, but limit terroristic activities, or go underground and turn to terrorism. The UFF, M19CO, and Weather Underground are all examples of anti-government, left-wing terrorist groups that went underground and were able to protect themselves for many years from governmental infiltration. Eventually, however, attrition and arrests depleted the human capital of these groups. The Identity Movement is attempting to maintain both an above ground presence through its religious outlets; while others in the movement will go underground. We have yet to see whether the so-called "leaderless resistance" approach will minimize civil and criminal liability for spokespersons of the violent fringes of the Identity Movement.

Normally, *symbolic catalysts* propel extremist groups to violence for short periods of time. Sometimes, single precipitating events push extremists over the edge and serve as the impetus for violent extremism. The remainder of the decade will be critical for federal efforts to minimize anti-government violence on the right. One reduction strategy is to explore alternative intervention methods which minimize the potential creation of these symbolic catalysts.

Mr. McCOLLUM. Thank you, Dr. Smith. Professor George, you may proceed with your comments.

**STATEMENT OF JOHN GEORGE, PROFESSOR OF POLITICAL SCIENCE AND SOCIOLOGY, DEPARTMENT OF POLITICAL SCIENCE, UNIVERSITY OF CENTRAL OKLAHOMA**

Mr. GEORGE. Thank you for inviting us. When we speak before—

Mr. SCHUMER. Do we have copies of his statement?

Mr. GEORGE. I was spur of the moment. I barely got to make notes for myself.

Mr. SCHUMER. I'll just have to listen more carefully. Thank you.

Mr. GEORGE. I'll get them to you eventually.

Mr. McCOLLUM. Thank you. Please proceed.

Mr. GEORGE. All right. When we speak of violent anti-Government groups in the United States, we have to realize of course that these are not really new phenomena. Even if we ignore early day America and concentrate only on the last 45 years or so, such groups have been extant prior to the recent spate of organizations in the mid-1990's. Armed groups of the late 1950's and early 1960's, as exemplified by Col. William Gale's California Rangers, and Robert de Pugh's Minutemen, were oriented much in the same way as today's militias, except for the fact that their members were probably considerably more ideologically motivated. That is, they followed a set line, whereas the average militia member of the 1990's may not have much of an ideological awareness.

The similarities are however undeniable. Distrust, even hatred of the National Government. A strong belief that the U.S. Constitution gives them the right to own any sort of firearm they desire to have, and a definite orientation toward conspiracy theory.

Colonel Gale of the California Rangers, for instance, always believed in an international Jewish conspiracy and he bolstered this belief by the use of the hoariest of fabricated documents of the 20th century. I speak of course of the notorious Protocols of the Learned Elders of Zion, which Jew-haters claim to be the late 19th century minutes of a meeting of the world's leading Jews plotting the overthrow of all governments and thus takeover of the world.

Some of the armed anti-Government organizations of today expound on the accuracy of the Protocols. Most however, do not. But instead have a conspiracy belief based on the legends of the Illuminati, the Illuminati being an actual group founded in Bavaria

in 1776 and abolished in 1785, but the conspiracy believers maintain the group simply went underground and exists to this day running the world.

Rev. Pat Robertson's 1991 book, "The New World Order," rehashes this Illuminati nonsense. According to the believers, the Illuminati planned and carried out the French Revolution and has gotten in the United States into all wars we have entered in the 19th and 20th centuries. It is probably accurate to assert that the leaders of virtually all of the armed anti-Government organizations are exponents of one of these two conspiracy theories.

This assertion would also be true of most of the leaders of the so-called common law courts which have sprung up recently. Since they believe the Government of the United States is in the grip of an evil powerful worldwide conspiracy, it is a most natural thing for them to hate it. Not only that, but the way they see it, "we good Christian Patriots are obligated to do all in our power to counter this evil force." As Dr. Smith said, these Christian Patriots are predominantly adherents of the Christian Identity doctrine, which simply put is that the Nordic Caucasians are the true Israelites, the Jews are creation of Satan, and blacks are mud people. These are the kinds of things that you hear from them.

This is a common way of thinking of those on the far right, who have tendencies toward being violent political activists. We must remember, however, that within almost any group, only a small percentage of people will actually commit such acts as assassinations, random shootings and bombings. Let's take for example the average militia group. It is quite likely this group contains five types of individuals. First, there will be some responsible conservatives who are worried about what they see as a repressive government which wants to relieve them of their guns.

Then you might have a smattering of rightwing anarchists who believe government is an unnecessary evil anyway. There will be a few libertarians who see Government as a necessary evil, but who want it almost totally out of their lives. Then you might have some would-be adventurers, weekend warrior types, who like to don tree suits and go on maneuvers in the woods. Some of these you might characterize as Walter Mitty types. Last, you have—and these are generally the leaders—the true rightwing extremists who are convinced we are in the grip of a worldwide conspiracy. Of course this latter group would be divided into those who believe it is a Jewish conspiracy, and those who believe it's an Illuminati conspiracy.

The question arises as to what motivates people to become involved in the types of organizations that we are discussing here. Now there are a number of social psychological theories. None seems to explain all of the behavior that some of us have observed over the years. The self-educated intellectual longshoreman, the late Eric Hoffer, in his little classic, "The True Believer," stressed frustration and boredom as reasons for joining. He related these to perception of or experience of failure. He also stressed that organizations attract and hold followers less by doctrine and promises than by offering a refuge from anxieties, and said that by finding a cause and dedicating themselves to it, people discover a new life full of purpose and meaning.

This is reminiscent of what the political scientist Gabriel Almond said about the convinced Communist. How the convinced Communist merges himself into the party and acquires a larger identity from it. Thus, one can override feelings of guilt or inadequacy by being on the right side on the really important issues and can develop feelings of self-righteousness and superiority, because you are on that right side. Indeed, such people know the answers as to why things aren't going as they should, and the answers are quite simple. In fact, it is one answer; the conspiracy is behind it.

Since we seem to be dealing here with folks who feel that all channels through which grievances are redressed have been closed for some time, we should not be surprised that a small number of them are quite willing to translate their far out beliefs into violent action. The question is, what do we who are committed to the belief in the open society do about it when the extremist shows tendencies toward becoming a terrorist. Please remember, that while all terrorists are extremists, only a small portion of extremists are terrorists. Thank you.

[The prepared statement of Mr. George follows:]

PREPARED STATEMENT OF JOHN GEORGE, PROFESSOR OF POLITICAL SCIENCE AND SOCIOLOGY, DEPARTMENT OF POLITICAL SCIENCE, UNIVERSITY OF CENTRAL OKLAHOMA

Violent antigovernment organizations are, of course, not new phenomena. Even if we ignore early-day America and concentrate only on the last half-century, such groups have been extant prior to the recent spate of organizations in the mid-nineties. Armed groups of the late fifties and early sixties, the California Rangers led by Colonel William P. Gale and the Minutemen led by Robert B. Depugh, were oriented in the same way as today's militias, except for the fact that their members were probably more ideologically motivated. That is, they followed a set line whereas the average militia member of the nineties may not have much ideological awareness. The similarities are, however, undeniable: distrust, even hatred of the national government; a strong belief that the U.S. Constitution gives them the right to own any sort of firearms they desire to have; and a definite orientation toward conspiracy theory. Colonel Gale of the California Rangers always believed in an international Jewish conspiracy and bolstered this belief with the hoariest of fabricated documents, the "Protocols of the Learned Elders of Zion" which Jew-haters claim to be the minutes of a late nineteenth century meeting of the world's leading Jews plotting the overthrow of all extant governments and thus takeover of the world. Some leaders of armed antigovernment organizations of today expound on the accuracy of The Protocols. Most do not, but instead have a conspiracy belief based on or similar to the legends of the Illuminati, an actual group founded in Bavaria in 1776 and abolished in 1785. But the conspiracy believers maintain that the group simply went underground and exists to this day. Rev. Pat Robertson's 1991 book "The New World Order" rehashes this nonsense. According to the believers, the Illuminati planned and carried out the French Revolution and has gotten the U.S. into all its wars of the nineteenth and twentieth centuries. This evil group controls the governments of all major nations today. It is probably accurate to assert that the leaders of virtually all of the armed antigovernment organizations are exponents of one of these two conspiracy theories.

The foregoing assertion would also be true of most of the leaders of the so-called Common Law Courts that have sprung up recently. And since they believe the government of the U.S. to be in the grip of this powerful, worldwide conspiracy, it is the most natural thing to hate the government. Not only that, but they, the good Christian patriots, feel obligated to do all in their power to counter this evil force. This is the common way of thinking of those on the far right who have tendencies toward being violent political activists. A significant number in such groups are adherents of "Christian Identity," a small off-beat Protestant sect with roots in the United Kingdom in the 19th century. Among their bizarre beliefs is that Nordic Caucasians are the true Israelites, while Jews are imposters and, indeed, the children of Satan. This view was strongly pushed in the mid-1950s by Wesley Swift, head of the Church of Jesus Christ-Christian, friend of the aforementioned Colonel

Gale, and mentor of Aryan Nations founder, Richard Butler of Hayden Lake, Idaho. Robert Matthews was affiliated with Aryan Nations when he organized the terrorist group known as The Order (also called the Silent Brotherhood) in 1983. Matthews died in a gun battle with the FBI in December 1984.

We should remember, however, that within almost any group only a small percentage of people will actually commit violent acts such as assassinations, random shootings, or bombings. Take, for example, the average militia organization. It is quite likely that this group contains five types of individuals:

1. Conservatives who are worried about what they see as a repressive government that wants to relieve them of their guns.

2. A few right wing anarchists who believe government is an unnecessary evil anyway.

3. A few libertarians who see government as a necessary evil and want it almost totally out of their lives.

4. Would-be adventurers—weekend warrior types who like to don tree suits and go on maneuvers in the woods. Some of these might be categorized as Walter Mitty types.

5. True right wing extremists who are totally convinced we are in the grip of a world wide conspiracy. This group is split over whether said conspiracy is led by Jews or all sorts of people. I and others have talked with individuals in both camps. Some of these recommended The Protocols, while others never heard of this phony document. This is also true with respect to Pat Robertson's The New World Order (some had read it, some had not) and William Pierce's "The Turner Diaries," a fictional blueprint for a racial nationalist takeover of the U.S. Tim McVeigh read this book and recommended it. (Incidentally, despite some claims to the contrary, I know of no evidence that Tim McVeigh has been a member of any right extremist group.)

The question arises as to what motivates people to become involved in the types of organizations under discussion. There are a number of social psychological theories, but none seems to explain all the behavior that some of us have observed over the years. The self-educated intellectual longshoreman Eric Hoffer in his little classic, "The True Believer," stressed frustration and boredom as reasons for joining and related these to experience of failure. He also stressed that organizations attract and hold followers less by doctrine and promises than by offering a refuge from anxieties, and said that by finding a cause and dedicating themselves to it joiners find a new life full of purpose and meaning. This is reminiscent and what the political scientist Gabriel Almond said about how the convinced communist merges himself into the party and acquires a larger identity from it. Thus, joiners can override feelings of guilt or inadequacy by being on the right side of really important issues and can even develop feelings of self-righteousness and superiority. Indeed, such people know the answers as to why things aren't going as they should, and the answers are simple. In fact it is just one answer: the Conspiracy is behind it all.

Since we seem to be dealing here with folks who feel that all channels through which grievances are redressed have been closed for some time, we should understand that a small number of them are quite willing to translate their dogmatic beliefs into violent action. The question is, what do we who are committed to a belief in the open society do about it when the extremist becomes a terrorist? (And please remember that while all terrorists are extremists, only a small portion of extremists are terrorists. Most are character assassins, not real assassins.)

Lacking expertise in how to deal with such people from a law-enforcement perspective, I don't feel qualified to offer much advice. Three things, however, seem highly important.

1. Legislation should not be redundant. Laws covering such behavior already exist.

2. Any new legislation should avoid the "shotgun" approach, as this method is almost certain to violate constitutional principles.

3. The use of informants inside organizations is a time-tested method of intelligence gathering. Often, however, such people are not overly reliable and, indeed, some have been known to embellish the facts in order to make themselves seem more important. Others have even become agents provocateur. Thus *caution should be employed* in choosing informants.

Mr. MCCOLLUM. Thank you very much, Dr. George, for that very, I hate to use the word illuminating, but it was.

Mr. SCHUMER. Just don't use the other group word.

Mr. MCCOLLUM. Enlightening. That may be a better word. I've got a couple of quick questions to ask you. Then we'll go for each member to have a round of 5 minutes to discuss this.

First of all, Dr. Smith, I noticed on the list of table one that you presented to us in your testimony a McVeigh, et al., 1995. My impression is that as of right now at least, from my knowledge, that we're really talking about two or three people. Not that he wasn't a member of some group, but it doesn't appear that the rest of the group had anything to do with the Oklahoma City bombing. Yet you have listed it here. Why?

Mr. SMITH. I have listed it because there has been a terrorism investigation opened in the case, which implies that more than one person was involved. These investigations include only groups. A group is defined by the FBI in their definition of terrorism as more than one person.

Mr. MCCOLLUM. So it does not have to be 15 or 20 or a big organization or a militia that we think of where you have a whole bunch of people involved?

Mr. SMITH. Yes, sir. That is correct.

Mr. MCCOLLUM. I just wanted to clarify that, because somebody could look at this and think this was something other than it is.

Another thing that I found interesting is that you have talked about the Identity—both of you have, with religious viewpoint, with hatred of Jews, with various factors that drive these extremist groups. We're even going to have a witness or two today talking about the IRS protestors that seem to exist all over the country. Some of them very peacefully so, but we always have people protesting against taxes. I have got them in my district. I'm sure Mr. Schumer has them in his, and Mr. Schiff in his. Some of them seem to turn violent. Do you find, I'm going to ask each of you this question, anything in your research that would indicate that there is any consistent pattern that those who are protesting the taxes and turn violent are associated with a religious or some philosophical cause or are they just angry people at taxes generally?

Mr. SMITH. No. Clearly during the 1980's, members of the Sheriff's Posse Comitatus, which of course became the most violent anti-tax group in America during the 1980's, the groups that did turn violent who were members of Sheriff Posse Comitatus, did have some links to the identity movement. Now if you recall, it was Gordon Kahl who was a member of Sheriff's Posse Comitatus, and whose death in 1983 is what really caused the extreme right in the identity movement to turn violent. So even the Identity movement themselves picked up on the death of an antitax protestor, and that became the catalyst, one of these symbolic catalysts that I maintain is an important precedent, caused the movement to turn violent.

There are strong links between the antitax people and the Identity movement, primarily because of the conspiracy issue. They believe that if the Federal Government is illegitimate, then why should we therefore pay taxes. Certainly the Identity people maintain that the Federal Government (the Zionist Occupation Government) is perceived as illegitimate and therefore, taxes are inappropriate.

Mr. MCCOLLUM. Do we find, and I'll ask both you and Dr. George this question, that there is a link between most of the tax protest folks today nationally? Is there one organization that primarily spawns this feeling and this illegitimacy of Government idea? Or

is this just a hodge podge of lots of different folks, and are different groups?

Mr. SMITH. I do not think that I am qualified to answer that with any authority probably.

Mr. MCCOLLUM. Dr. George, do you have any thoughts on that?

Mr. GEORGE. What little I know about it, it is many organizations. They range from people that are generally law abiding, who try to do this through the courts all the way to people like Gordon Kahl, who was Christian Identity type, who did believe in these conspiracies, and who was willing to use violence and who died in a fire during a shoot out in Arkansas.

Mr. MCCOLLUM. And so you would suggest to us that there are those protesting taxes who are not involved necessarily with any organized groups?

Mr. GEORGE. Certainly.

Mr. MCCOLLUM. Also, there are people who are at some lower level than those involved with the groups you described that are the extremists? They are in some intermediate stage?

Mr. GEORGE. Yes, sir.

Mr. MCCOLLUM. One other thing I've heard a lot. Ever since I've come to Congress, there has always been somebody knocking on a door at a town meeting or somewhere complaining about the world order conspiracy that created the Federal Reserve. There are books out on this subject. I know when I first came to Congress I actually went to the trouble of getting the Library of Congress to do quite a bit of research to allow me to be educated and to express the actual history of all of this. Is there any connection between those who promulgate that particular theory and some of the extremist groups we're dealing with here, or is this just a totally academic thing?

Mr. GEORGE. Quite often, there is a connection. I believe about the earliest book that is relatively popular is called Federal Reserve Conspiracy. It was written by Eustace Mullins, a domestic fascist, who is known to make up phony quotations, phony books, and phony rabbis. He made up a rabbi called Rabbi Rabinovitch, who did not exist, and attributes phony quotes to him about Jews taking over the world. Mullins was described to me years ago by someone who knew him as a fascist with a sense of humor. I guess there aren't many of those, are there, but with this Federal Reserve stuff, it fits right in with their conspiracy orientation, that (A) the Illuminati or (B) the Jews control it.

Mr. MCCOLLUM. One last area I'd like to explore before turning it over to Mr. Schumer for his questions concerning the international implications of this. I know that there are distinct organizations, and you are discussing primarily the domestic today with us, both of you are. Although the chart again in table one that Dr. Smith has given us includes quite a list of international groups. We know that we have recently had terrorism over here related to the issue of protests from the Middle East. (A) Is there ever a connection between these domestic violent groups in the literal sense? (B) Is there a connection in the sense that the reason or the motive that's there, even though they may not be organizations that have any actual relationship to each other, are the international groups



motivated in some similar fashion? How do you see that? I'll ask Dr. George that question first.

Mr. GEORGE. Brent probably knows more about that than I do.

Mr. MCCOLLUM. Dr. Smith, all right. Fair enough.

Mr. SMITH. Among the extreme leftist groups, there was more of an international connection than you find among the extreme right. Certainly there was some influence from Cuba on teaching an indoctrination of left wing organizations in the United States in the 1960's and 1970's. They certainly came back from training sessions in Cuba with well-worn copies of Carlos Machigella's, "Mini-Manual of the Urban Guerrilla" in their back pockets.

Among the current and contemporary international groups, we don't find as much of a connection between leftist or rightist groups in America, because most of them tend to be Middle Eastern. On the extreme right, there have been some indications that the extreme right leadership is trying to make connections with neo-Nazi groups in Germany to establish a more fundamental international link among their brotherhood.

Mr. MCCOLLUM. Thank you.

Mr. GEORGE. I can address that on the neo-Nazis. In fact, one from my home State of Oklahoma went over to Germany and Austria and had some connections with neo-Nazis there. The man's name is Dennis Mahon. His real name is Mahoney, and he lives in Catoosa. Who financed him, I do not know.

Along the line of what he said about the leftists, in the 1960's, about the most famous one of all was the Student Committee for Travel to Cuba, which was a front of the then Maoist Progressive Labor Party and a committee of the House of Representatives investigated that rather thoroughly.

Mr. MCCOLLUM. Well, I want to thank both of you. I am going to let Mr. Schumer ask some questions so he can get his time in before we go to a vote. Mr. Schumer.

Mr. SCHUMER. Well, thank you, Mr. Chairman. I want to thank both Dr. Smith and Dr. George for erudite testimony.

My concern is not so much the ideology of these people. We always have in this country people of all sorts of ideologies. Some are more loony than others. I am concerned with the cross over to violence. So my first questions are to Dr. Smith.

I was very intrigued in your testimony about the extremists to the violent right perfecting, as you call it, strategies to maintain an above-ground planned purpose for recruiting purposes, while an underground cellular network. First, I guess, this would mean that you could see a group that would be above ground, look like they are just doing peaceful things, but they might have roots underneath the ground that are engaging in violence or preparing to engage in violence. Is that accurate?

Mr. SMITH. Yes, sir. I think that is correct. The extreme left in the 1960's and 1970's learned rather quickly that you could not maintain an above ground guerrilla movement and also have terrorists who would be active in that same movement. As a result, some of those organizations went underground. The movement died out as a result. Plus, besides the fact that the Vietnam War ended.

But for the extreme right, following the 1988 trial of the extreme right wing group leaders in Fort Smith, AR, within the 4 years

after that time period, we saw or heard of at least, the development of a strategy that has been associated with Louis Beam's name, called leaderless resistance. Obviously the approach is to somehow separate themselves from the violent activities of these groups. Now whether or not these religious and neo-Nazi leaders would continue to suggest activities that underground figures might take, is a big question.

Mr. SCHUMER. That is my question. What is the connection? Is it totally severed? Is it just not visible to us or to law enforcement?

Mr. SMITH. I don't think we fully know, as I sort of hint in the paper. I think it may be that the Oklahoma City bombing, and I am just surmising here, may be our first example of that strategy.

Mr. SCHUMER. That is just what I was going to ask next.

Mr. SMITH. If so, it is going to cause Federal law enforcement agencies and U.S. attorneys to really have to rethink the way in which we prosecute these cases.

In the past, Federal prosecutors have tried to—well, for example, the Order, their name was Bruderschweigen, the Silent Brotherhood. They were anything but silent once they got caught. So the strategy of course was to obtain information from those lower ranking members, get them to turn state's evidence and get convictions on the ranking members. That strategy may or may not work given this new approach.

Mr. SCHUMER. With the order, at least in your book, you talk about the fact that they stole \$4 million, and very little of that money has been accounted for. It might have gone to the underground part of it. Is that conceivable?

Mr. SMITH. That's possible.

Mr. SCHUMER. Yes. Also, part of this strategy I guess, I forget the term used, it slips my mind at the moment. But Beam and others talk about it, which is lying to the public. In other words, they have a word for it. They actually call it—

Mr. GEORGE. Disinformation.

Mr. SCHUMER. I don't think it is disinformation. They use another term like leaderless, but it's a term. It slips my mind. I'll think of it probably as we are on our way to vote. But this would mean that some of the same people who might, and I'm not saying do, but who might publicly say we're a nonviolent group, disavow violence, actually be participating in the underground part of the group. Is that a possibility?

Mr. SMITH. Certainly it's a possibility.

Mr. SCHUMER. What is your judgment as to how likely?

Mr. SMITH. I'm not sure that I can answer.

Mr. SCHUMER. Right. That's one of the reasons we want hearings like this, because these are new unexplored areas where we need to know a lot.

You, Dr. George, talked about the fifth group, the leaders. The others seemed illogical.

Mr. GEORGE. The ones who are conspiracy oriented.

Mr. SCHUMER. Yes. They were the most extreme. My question is related to my line of questioning to Dr. Smith, to ask you what percentage—I'm seeking probably too precise an answer, one not attainable, but just give us some impressionistic views—how many of

these people who are the leaders of the militia movements advocate violence or might be participating in violence?

Mr. GEORGE. Congressman, about all I could do for you would be a ballpark figure.

Mr. SCHUMER. Yes. We're not going to hold you to it. It's just so we—

Mr. GEORGE. I would suggest to you that of the people who are involved in all of these different militias—because the militias vary from place to place, just as Students for a Democratic Society in the 1960's and 1970's.

Mr. SCHUMER. A couple of them called my office to talk to me.

Mr. GEORGE. It varied from campus to campus. Well, I would suggest to you that the people who would get out and actually do real violence are probably 5 percent or less.

Mr. SCHUMER. Five percent. OK. That's a—

Mr. GEORGE. What do you think, Dr. Smith?

Mr. SCHUMER. This is of the leaders of the movement. Dr. George, as you may remember said there were five types, you know, weekend warriors, and anarchists and this and that. But the leaders he said were the most extreme. The question that leapt to my mind is does the fact that they are most extreme push them over the line into violence?

Mr. SMITH. Just as an example, I guess we could look at say a group known as the Covenant Sword and Arm of the Lord back in north Arkansas, which was affiliated with the Order. They were a church commune, basically. They were all Identity adherents. There were probably 100 people who lived on that compound. I think there were about 8 to 10 of those people who were indicted under Federal charges.

Mr. SCHUMER. OK. That's a fair answer. OK. They are telling me my time is up. I have more questions, but I will submit them in writing. I thank both of you gentlemen for coming.

Mr. MCCOLLUM. Thank you. We are going to take a recess now for the vote. We'll be back and resume the hearing.

[Recess.]

Mr. MCCOLLUM. The hearing that we had will come to order. Dr. George and Dr. Smith can resume their seats. I see Mr. Schiff has returned. I think you are next in the order for questioning. If you are ready to go, we'll recognize you for 5 minutes, Mr. Schiff.

Mr. SCHIFF. Thank you, Mr. Chairman. Dr. George, I think it was your final comment in your testimony that I think ought to be the operative—Mr. Chairman, could I ask that the door be—

Mr. MCCOLLUM. Yes. If we could get the door closed over there, Mr. McNulty, it would be appreciated. Thank you.

Mr. SCHIFF. Thank you very much, Mr. Chairman. Dr. George, I think your final statement was all terrorists are extremists, but not all extremists are terrorists.

Mr. GEORGE. In fact, very few extremists are terrorists. Very few extremists are terrorists. They are character assassins, but they are not real assassins.

Mr. SCHIFF. I think that that ought to be the focal point of this issue. I think that when someone crosses the line, uses violence, we know that is against the law. If there are improvements we need in the law, I am willing to consider them. But I don't think anyone

condones that. It doesn't matter whether it is an anti-Government assassination attempt or whether it's a group that doesn't like a jury verdict in some State and thinks they have a right to go on a rampage because of that. I think we are all opposed to that.

At the same time, we have to be careful that this is so fundamental that it seems almost redundant to say it, but we have to make very sure that we don't attempt to outlaw or interfere with the expression of ideas, however in the minority they are or however obnoxious most of us might find them. They are free to do so under our Constitution. I just want to compliment you for just focusing on that point with that last statement, because I think that's the center of what we are doing.

I'd like to now talk about what we should be doing. I would like to talk about the individuals in any of these groups, leftwing or rightwing politically, it doesn't really matter to me, who might in fact use violence to gain an end. What I would like to ask is, I assume that you gentlemen in your studies have talked with many people in law enforcement in the course of looking at certain groups and certain individuals. Have they requested any particular laws to help them deal with those who are truly violent and are truly criminal that come to mind?

Mr. SMITH. I can not think of any specifically. Certainly a number of different issues have been raised. The source of that proposed legislation, whether it came from local law enforcement groups or not, I'm not sure. But I do not recall specific local, State or Federal law enforcement officers mentioning to me a particular need within a particular set of guidelines or legislative changes or revisions to the Attorney General's guidelines or anything like that that would suggest requested changes.

Mr. SCHIFF. Dr. George, do you recall?

Mr. GEORGE. I have the same answer that Dr. Smith does. The only thing I can think of is along the line of one law enforcement person that I determined probably shouldn't be in law enforcement. I sounded like something that Stalin might want to do. I would rather not talk about that.

Mr. SCHIFF. I understand. Well, I just want to emphasize that in the specific area of what we call terrorism, which is even a more limited area of violent behavior, I think that there has been testimony that some changes in the laws would in fact aid law enforcement in detecting and investigating and prosecuting terrorism. Of course, as has been said by my colleagues, both Republicans and Democrats, we want to look at expanding the laws without expanding those laws too far.

On the more general subject of groups that could be violent, I just want to emphasize that I think it's significant that you gentlemen who have studied it, and I know not necessarily from a law enforcement point of view, nothing registers as to where we need new laws. So it seems to me that if the laws are adequate, we need to make sure they are enforced and make sure that if anyone uses violence, or otherwise breaks the laws of this country, whether their motivation is for leftwing political gain, rightwing political gain, or personal gain, that we see to it they are prosecuted under these current laws.

I want to thank both of you for your testimony. I yield back, Mr. Chairman.

Mr. MCCOLLUM. Thank you very much, Mr. Schiff. Mr. Scott, you are recognized for 5 minutes.

Mr. SCOTT. Thank you, Mr. Chairman. Dr. Smith, you mentioned some catalysts and single events that can spark the violence. Do you have any examples of this?

Mr. SMITH. Clearly, the extreme right turned violent in 1983 as a result of Gordon Kahl's shoot out with Federal marshals in North Dakota and then later his death in north Arkansas. Clearly, the Waco incident has created some difficulties and was perhaps a catalyst for the Oklahoma City bombing. Ruby Ridge may have been also a catalyst for that. So those kind of precipitating incidents can indeed be single issues that push extremists over the line.

Mr. GEORGE. You might add the Silent Brotherhood too. About the time Kahl was doing it, the Order, also known as the Silent Brotherhood, led by Robert Matthews was a mid-1980's phenomenon also.

Mr. SMITH. The best example that he is referring to is that immediately after Gordon Kahl's death in 1983, in June or July 1983, the Aryan Nations had one of their annual conferences. Supposedly, it was at that August meeting in 1983 that the Order, the seeds of the formation of the Order were created. It would be later that year that Bob Matthews and some of his members would actually go out and create that group. But those kind of incidents are the things that sometimes push these people over the line.

Mr. SCOTT. You have both mentioned the existence of what are in our constitutional framework, clearly legal assemblies and others that are clearly—and some assemblies that commit clearly illegal acts. Do you have any recommendations as to what we ought to do with those who are legally assembled and are not committing crimes? That in fact, they may be offensive in terms of their ideas, but have not committed any crimes. Do you have any recommendations as to what we should do to those groups?

Mr. GEORGE. Well of course offensive ideas, as has been stated several times today, offensive ideas are protected. I think we all agree the answer to obnoxious speech is more speech. One thing that has been done for a long time is the use of informants. But I would suggest that we be very careful about the types of people we use as informants, because as I alluded to a while ago, many of these people who become informants embellish their stories to try to make themselves seem more important. There are plenty of what we call horror stories about things that informants have done, and the fact that informants have become agents provocateur. So I think this should be done with extreme caution.

Mr. SCOTT. So with legal groups, you are not recommending any changes in the laws so that we could go after people who are in present law legally assembled? You don't have any recommendations as to what we should do to those groups?

Mr. GEORGE. I think you are going over a—perhaps going over a line that we should approach with caution.

Mr. SCOTT. OK. That brings us to groups that are committing illegal acts. I think the gentleman from New Mexico has indicated, and I have indicated in my opening remarks, if they are commit-

ting illegal acts, we can go after those acts, tax protest groups for example, don't pay taxes. That's a Federal violation under present law. You can get them for not paying taxes. I hope we don't try to go after groups and use this and the fact that they are very offensive in their ideas. I hope we don't use this as an excuse to trash the Constitution. If they are committing illegal acts, you can go after them for that illegality, violence, nonpayment of taxes, sometimes firearm violations if they are stockpiling weapons illegally under present law. Is there any reason why the present criminal code is insufficient to deal with groups that are committing illegal acts?

Mr. SMITH. I don't think so. I don't think we need to change, for example, the Attorney General's guidelines to make them more expansive or to broaden the power of those guidelines. I think they are clearly sufficient as currently stated. Obviously a criminal predicate is necessary to open those terrorism investigations. But even so, there's a distinction to be made between crime prevention and criminal investigation. Most law enforcement agencies, their role is to be involved in criminal investigations—investigations after a crime has already taken place rather than a crime prevention role.

Certainly police officers on the street provide a deterrent presence against the commission of criminal offenses, but to open investigations because you think that an organization might turn violent is probably clearly beyond the scope of what the current Attorney General's guidelines might suggest, and probably is unwise and unwarranted.

Mr. MCCOLLUM. Thank you very much, Mr. Scott. Mr. Coble, you are recognized for 5 minutes.

Mr. COBLE. Thank you, Mr. Chairman. Gentlemen, good to have you all with us. Dr. George, I think it is important what you pointed out in your concluding remarks when you made it clear that in your opinion, that extremism is not synonymous with terrorism. I concur. I think mental or verbal enthusiasm or rhetoric is one thing. Acts of violence are indeed another.

Now let me visit with you for a minute, then I am going to put a question to you. Since the inception of our country, it has not been uncommon for individuals and/or groups to question, even challenge the Government at the local, State and Federal levels. It still goes on. In fact, sometimes I might be in that extremism group of people, not terrorism by any means, but sometimes the Government can push me too far.

One of my constituents told me the other day, Mr. Chairman, about a visit to his place of business by a governmental agent who slapped a fine of \$2,500 on him for a very minor violation. Now technically, it was a violation. But it seems to me that the way to have handled that, "Listen, Bill, you are in violation here of XYZ code. Now get that straightened out, because this could be a hazard in the work place. If I come by here again and find this violation, I am going to hit you with a \$2,500 fine." But no, he didn't do it that way. He chose the heavy-handed way. I know there are many good conscientious Federal employees who do not opt for the heavy-handed way. But those who do make it difficult for all of us.

Now in your statement, Dr. Smith, I am leading up—I use that as an illustration. You indicate about the coming of the new millennium and how this may affect different religious groups. Now I regard myself as a religious person. I am not fanatically charged. I am not going to go high and following some guy who claims he's Jesus Christ if he's not. If he is, I will follow him. But I use that as an example, Mr. Chairman, in the wake of our Waco hearings. I would not have followed David Koresh, for example, even though I regard myself as a religious believer.

Having said all that, would the coming of this new millennium, gentlemen, and first you, Dr. Smith, since you have spoke to it in some detail. To what extent do you think there's going to be a problem with some of these people who are fanatically charged, A. And B, do you think we have the wherewithal in the law enforcement community to effectively respond to it?

Mr. SMITH. First of all, I do think that the extreme, the violent fringes of the extreme right will use this suspicion of the Federal Government, of a new world order, of a new millennium, that they will use that as a mechanism for recruiting. I think that is clear. It is obvious in some of their writings and some of the things that they say, that they believe that the world is coming to an end, that it will end by the end of this decade. As a result, those people who are susceptible to those beliefs already will be the ones who are targeted for indoctrination into those kind of extremist views.

What we should do about it? I think clearly, education on the part of the people—on the part of the Federal Government, excuse me, is clearly in order. I think that we should take steps to try to alleviate the fear and suspicion that common people have in this country about the intrusion of Federal Government into their lives. There is to some extent, maybe not a ground swell of a movement at present, but certainly there's more of it than I have seen in recent years. Clearly the extreme right is playing upon that.

Mr. COBLE. Do you think there are also extreme left, perhaps not in this area, but to what extent are extreme left groups involved with this sort of activity?

Mr. SMITH. With regard to the new millennium?

Mr. COBLE. Well, probably not with regard to the new millennium, but is there a threat from the new left as far as extremism that may culminate with terrorism?

Mr. SMITH. It's amazing how quickly extremist movements can evolve and develop. Four or five years ago, most of us probably would not have thought too much about the militia movement even though the beginnings of it were certainly out there, we certainly had not thought of it in a serious way like we are today. Obviously 5 years from now, projections could be that the extreme left will make a serious come back. As the country turns more conservative in its agenda, it may very well be that we see a resurgence of the extreme left. Clearly, the Puerto Rican problem has continued and will continue with us for a while. That has long been a catalyst for extreme leftism in the United States, at least as far as terrorism goes.

Mr. COBLE. Gentlemen, when the red light illuminates, our chairman sees red. So I will withdraw. Thank you, gentlemen.

Mr. MCCOLLUM. A very quiet seeing of red here.

I just want to make an announcement before I recognize our next questioner, Mr. Bryant, that Mr. Conyers, our senior member on the entire full committee, was very interested in these hearings. This was to him one of the most important set of hearings that we had this year. He planned to be here and sit in on these hearings. But the reason he is not here today is because his wife has been expecting. I understand this morning she gave birth to an 8-pound baby boy. So we ought to say congratulations to John Conyers on being a father again. We regret he can't be here, but certainly, why he is not, it is kind of understandable.

Mr. Bryant, you are recognized for 5 minutes.

Mr. BRYANT of Tennessee. Thank you, Mr. Chairman. I know you gentlemen are not saying this, but I want it to be clear to everyone here. I am very concerned about words and rhetoric that we hear a lot here in Washington in labeling. At times probably I have been guilty of this, too, but I am becoming more sensitive to this, I guess, as I'm seeing more and more people being labeled. But when you talk about the Christian Identity and so forth, there is no way either one of you is linking that movement with mainline Christianity and violence. Of course all of us who are familiar with Christianity realize it does not espouse violence and terrorism and these kinds of things.

I say that because yesterday there were several of us who argued in support of a bill who were called anti-choice militants and zealots. Yet 288 Members of Congress voted in support of that bill. I guess maybe that's why I am becoming a little more sensitive about the words we say and what they mean.

With that said, I mentioned in my statement that I was concerned about a growing movement to which, Dr. George, you alluded, within this anti-Government movement. And I am familiar with the jury nullification concept that we have within our present system. We see that in many cases, not only on the right with tax evaders, but also in other groups, racial issues now that are beginning to crop up with jury nullification. But the system outside our present system, this common-law court system—I am not familiar with that, that's developing. Would you all expand on that, within these kinds of groups, their own separate court system?

Mr. SMITH. I don't believe I am qualified to answer the question.

Mr. BRYANT of Tennessee. Dr. George.

Mr. GEORGE. I barely am, but I will try. These groups have sprung up calling themselves common law courts, claiming that people are citizens of their State, and not really citizens of the United States, and the regular courts do not have any jurisdiction over them. They have actually put liens on people's property. They have actually called and harassed and threatened judges and other officials. I am sure that some of the people who will follow us on other panels have dealt—some of the law enforcement people—have dealt with these and can probably tell some really nasty stories about them. But they are essentially taking the law into their own hands and saying that they are really the court system. We have one in Cherokee, OK, that met not too long ago.

Of course they say that they are growing. They say that they have far more people than they probably actually do. I think one thing that we have to remember about all extremist groups, I have



never run into an extremist group yet that had as many members as they claimed or tried to make you think that they had. For instance, we hear of the various Ku Klux Klans today. In the 1920's, probably a conservative estimate of Ku Klux Klan membership when we had a little over 100 million people in this country, was about 2 million. Today, when we have over 260 million people in this country, all these little Klans put together have under 5,000 people, according to the best estimates.

Well, these common law courts try to act like they have millions and millions of people who are active. That seems highly unlikely. The most I have ever seen in one picture is about 40.

Mr. BRYANT of Tennessee. Let me ask you another question. I had some experience in prosecuting cases and inherited a case one time where we were prosecuting a number of tax evaders. I found ironic that they didn't believe in paying taxes, yet most of them were defended by public defenders who were paid by our taxpayer dollars.

But what about this concept of not buying car licenses? I understand one of the reasons Mr. McVeigh was caught was because he didn't have a license on his car. But is this a practice where they don't pay taxes, not only Federal taxes, but local property taxes, fees for a drivers license, license plates on cars, things like this?

Mr. SMITH. Those are all ideas that were promulgated by the Sheriff's Posse Comitatus back in the 1970's. Of course the idea comes from the congressional about the Posse Comitatus Act, that back in the 1870's, the military was restricted from being involved in law enforcement, and the law specified at that time that those duties would be assigned to the local county sheriff. So they take that law quite literally. They borrow those ideas from Sheriff's Posse Comitatus, to put them into an antitax format.

Mr. BRYANT of Tennessee. And they literally do not have, for instance, a license tag, a license plate on their automobile, vehicle, truck, whatever?

Mr. SMITH. Obviously only the most ardent believers would go that far. But certainly some have.

Mr. MCCOLLUM. Thank you, Mr. Bryant. Mr. Chabot, you are recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman. I just have a couple questions. Would you gentlemen agree that the Federal Government itself through some of its actions, particularly a couple of recent botched actions, I think by anybody's admission, they were botched up, one being Waco, another being Ruby Ridge, has unfortunately somewhat played into the hands of some of the more extreme groups by saying, "see we told you the Federal Government is out to get you." People that may just be a little suspicious, it may drive some people over the line so they do get violent. Could you gentlemen comment on that?

Mr. GEORGE. Well, they have been telling their followers that the Government is out to get them. Then they take certain actions that make the Government come and get them. Then they say, "See, I told you so, followers." This is very common, yes. Your surmial, I certainly agree with.

Mr. CHABOT. Another thing that has disturbed me a bit, and I'm not sure exactly what the answer to it is, but I am from the First

District of Ohio, which is basically the city of Cincinnati. We have kind of had an unfortunate tradition around Christmas time the last couple of years where the Klan comes in, puts a cross up on Fountain Square. The people that are responsible for it, it happened the past couple of years, aren't even people who live in the city of Cincinnati. Some of them don't even live in the State. There's only two or three, from what I understand. So they come. They have a big fight. It's in all the newspapers and the TV stations cover it. Some people understandably, displeased with the cross being there and put up by the Klan, come in and topple it, and then they get arrested. Then there's a big court fight. All this attention is drawn to it.

I guess what I'd like you gentlemen to comment on is what is the line that we should draw towards what attention should we give these groups? Like you mentioned, the Klan, there's maybe 5,000 members out of a population of 250 million Americans. Yet they get I think an inordinate amount of attention. Some of these groups get an inordinate amount of attention.

Now I certainly agree when somebody goes beyond the line and threatens someone's life or their property or commits violence, the full powers of the law should come down on these people. But short of that, it seems like they talk a good game, but not much happens, and we give a tremendous amount of attention to them. Do we play into their hands in many instances?

Mr. SMITH. Certainly terrorism is seen as drama for the media and has been since its modern inception in the 1960's in the Middle East. It certainly was used for that purpose and is still used for that purpose. So terrorist incidents are generally used or committed because they have some symbolic significance and can generate a particular level of media attention for a particular cause. Certainly there is some significant rationale for us to examine ways to minimize, legitimately minimize, coverage of those incidents, without giving it to them in space.

For example, do we always have to show pictures or can we simply tell the story. Certainly journalists and the media should govern themselves, but they also need to be careful about the way in which stories are painted and presented, to minimize the possibility that things get blown out of proportion. Clearly, there have been hearings, maybe not hearings but symposia among leaders within the media community to address those issues. I am thinking of several myself that I have seen that were videotaped, that addressed that issue. Now whether or not they have been successful in trying to minimize the kinds of coverage that they do, I'm just not sure.

Mr. CHABOT. I know then on that same issue, I appreciate your response, on that same issue, I know there were really two schools of thought. One was ignore them and they'll go away. That's what they want is the attention here. That's what they thrive on. The other argument espoused by several people, elected officials in the area, were this is what happened in Nazi Germany, you had somebody who grew because the light of day was not shined upon them at a stage when people could have realized how bad these people were, and they ultimately took over. So we have to have that expo-

sure, let all the people see how evil or ridiculous these people are. So it is a fine line. Dr. George.

Mr. GEORGE. I think that it is very difficult to know where the balance comes, because given the outrageous things they say, political extremists are going to draw media attention. If we could just get the media to cover them a bit less. The comparison with Nazi Germany might be questionable because the level of political stability in pre-Nazi Germany was not even close to what the level of political stability is in our country today.

Mr. MCCOLLUM. Thank you, Mr. Chabot. Mr. Nadler, if you wish, you are recognized for 5 minutes.

Mr. NADLER. Thank you. I have two questions, one very brief. I am just curious as to why you list the Puerto Rican terrorist group as leftwing. I mean it's not left or right. I mean why do you consider that a leftwing group?

Mr. SMITH. They do have some Marxist, socialist leanings.

Mr. NADLER. Thank you. Second and more to the point, could you comment, either one of you, on the response of the Federal Government, what it has been, whether it has been strong enough, what it should be when some of these groups have by physical force and threat prevented Federal officers from—I forget, I've seen the counts of the forestry officers being chased off National forests. They said they'd shoot a bulldozer operator and things like that. Has the Federal Government responded adequately, and what should it do when Federal agents are by threats of force prevented from doing their job?

Mr. GEORGE. People I have talked to claim that being in the Forestry Service, being a forestry law enforcement person, is one of the most dangerous of jobs, because they must identify themselves. So much of the time, the people that they are dealing with are already armed. It is hardly like in the nation of Zimbabwe, where the Zimbabwe rangers, in order to protect the elephants, shoot poachers on sight. I think we can probably come up with something between the way Zimbabwe does it and the way that we do.

Mr. NADLER. Well, has the Federal Government properly backed up its agents or not?

Mr. GEORGE. That is a really difficult question. I don't know about backing them. But when you are dealing with people who are armed all the time and you must identify yourself first, maybe they could change that "must identify yourself first." Maybe that could become a new thing. I don't know what else to suggest. I have just talked to people who are very upset about how dangerous it is to be in the Forestry Service.

Mr. NADLER. Why is it so dangerous? Because these people who are armed object to them doing what?

Mr. GEORGE. Object to their catching them.

Mr. NADLER. Catching them poaching?

Mr. GEORGE. Yes. Hunting when they shouldn't be. Hunting without a license. Some people think they don't need a license to hunt. It's the same kind of people that Brent Smith has been talking about.

Mr. NADLER. Thank you.

Mr. MCCOLLUM. Thank you very much, Mr. Nadler. I want to thank both you, Dr. Smith and Dr. George for being with us today.

You really have helped us to begin to understand better what we are dealing with here with the anti-Government violent groups. We are now going to call our second panel. Thank you again for coming.

I want to welcome our second panel of witnesses today. You may proceed to take your seats up here. I believe staff will put the appropriate name titles down there.

Our first witness is Michael Lieberman, Washington counsel for the Anti-Defamation League, since January 1989. Mr. Lieberman previously served as the Anti-Defamation League's Midwest civil rights director, and has written extensively on community impact of hate crimes and hate groups.

Our second witness is Ken Stern, program specialist on anti-Semitism and extremism for the American Jewish Committee in New York. Mr. Stern has authored several publications on the militia movement and violent and anti-Government groups. His newest book, "A Force Upon the Plain: The American Militia Movement and the Politics of Hate," is being released in January.

Our third witness on this panel is Brian Levin, associate director of the Southern Poverty Law Center in Montgomery, AL. Mr. Levin began his career as a New York City police officer, and later went on to graduate from Stanford University Law School. He is one of the Nation's leading experts on hate crime and its relationship to law enforcement and Federal law.

Our fourth witness on this panel is Rick Eaton, senior researcher with the Simon Weisenthal Center, an international Jewish human rights agency that monitors and combats hate groups within the United States and abroad.

I want to thank all four of you for being here with us today. I think I'll introduce you and let you each make your comments based upon the order in which I just read your introductions. I would suggest that due to the number of panelists and the length of all of our time that we are going to be here today, that if you could summarize your statements, it would be helpful. Your full statements will be admitted into the record without objection. Mr. Lieberman, please.

#### **STATEMENT OF MICHAEL LIEBERMAN, WASHINGTON COUNSEL, ANTI-DEFAMATION LEAGUE**

Mr. LIEBERMAN. Thank you, Mr. Chairman. Good morning, Mr. Chairman, members of the subcommittee. I am Michael Lieberman, the Washington counsel for the Anti-Defamation League. ADL is one of the Nation's largest producers of human relations and prejudice-reduction materials. We couple these educational resources with legal and legislative initiatives in Washington and through our 28 regional offices to address conduct prompted by bigotry. We conduct investigations to expose the activities of extremist groups, black and white, left and right, that pose a danger to groups in our society and to democratic ideals of this nation.

In this capacity, we published our first background report on the militia movement in October of 1994. Our report documented that some of these groups combine fierce hostility to the Federal Government with paramilitary training, stockpiling weapons, access to

sophisticated communications technology, and in some cases, conspiracy-haunted ideology tinged with racism and anti-Semitism.

The ideology of militia members has become much better known since then, because of the connections between the alleged bombers of the Federal building in Oklahoma City and militia groups across the country. Of course the fact that these men charged with the bombing have some association with a militia group does not make the entire movement responsible for the crime. But even if no further connection is established between the bombing and the militias, it should be clear that militia extremists, particularly those engaged in paramilitary training, present a serious potential for danger. We believe exposure of the ideology and objectives of militia groups is an important component in containing the threat they pose. We welcome this hearing for that purpose.

The heightened scrutiny of these groups, the glare of media floodlights in the aftermath of the bombing, has raised growing concern within the militia movement itself about their public image. We have seen early signs that some militias are moving towards less emphasis on paramilitary activity and towards a greater emphasis on more traditional political activity. If this is a trend, it is a welcome one. But it is too soon to know if these changes are tactical or real.

We do know that a distilled hardcore of the militia movement continues to scorn the ballot box to promote their kind of change. Therefore, the chief responsibility for tracking and gauging the militia threat rests with law enforcement authorities. This responsibility must be carried out with all due respect to privacy, association, and speech legal rights. In 24 States, law enforcement is aided by an antiparamilitary training statute. ADL developed a model antiparamilitary training statute in the early 1980's in response to Klan and like-minded organizations that had established clandestine paramilitary training centers in Illinois, Connecticut, California, Texas, Alabama, and North Carolina. These State laws have proven useful both as applied and as a deterrent.

To complement these State legislative initiatives, ADL supports H.R. 1899 sponsored by Representative Nadler. This legislation would amend existing law, the Federal Civil Obedience Act, to cover participants in paramilitary training, as well as those who conduct the training, that is existing law, provided they have the requisite intent to engage in a civil disorder.

We support Representative Schumer's initiative to expand the protection of existing Federal statutes to cover State and local Government officials. Federal jurisdiction in this area would be especially important in circumstances where local prosecutors are intimidated or lack the political will to take action.

ADL also supports expanded criminal jurisdiction and investigative authority included in H.R. 1710, the Comprehensive Anti-Terrorism Act, sponsored by Chairman Hyde, and approved by this committee last June.

Since the Oklahoma City bombing, there have been frequent reminders of the need for tough, constitutionally sound counter-terrorism measures. Increasing membership in militia groups, the series of terrorist bombings in France and Tokyo, the arrest of Hamas leader Mousa Abu Marzuk, and the subsequent Hamas

threats which have led to FAA-imposed heightened security measures at airports across the country, and the recent convictions of Sheik Omar Abdel Rahman and nine other defendants in a conspiracy to blow up the United Nations and other New York landmarks.

In conclusion, Mr. Chairman, this is not a zero sum game. We need not trade off freedom for security. But ADL believes strongly that Congress must take steps to ensure that the American criminal justice system is better equipped to counter a new level of sophistication and danger posed by extremist groups and terrorist groups. We look forward to continuing to work with you and other committee members towards that end.

[The prepared statement of Mr. Lieberman follows:]

PREPARED STATEMENT OF MICHAEL LIEBERMAN, WASHINGTON COUNSEL, ANTI-DEFAMATION LEAGUE

My name is Michael Lieberman and I am the Washington Counsel for the Anti-Defamation League. We appreciate the opportunity to participate in this hearing on militia activity across the United States. We believe exposure of the ideology and objectives of militia groups is an important component in containing the threat they pose.

The Anti-Defamation League has fought racial and religious bigotry and has monitored the activities of extremist groups in America for more than 80 years. ADL tracks the activities of these groups by observing their rallies and demonstrations, listening to their speeches and their radio and telephone propaganda messages, viewing their video tapes and computer bulletin boards, reading their literature, and collecting news reports about them. The William and Naomi Gorowitz Institute on Terrorism and Extremism makes possible the wide dissemination of our reports detailing the results of our factfinding efforts. These reports, which have been distributed to Members of Congress, Administration officials, thousands of law enforcement personnel, journalists, and citizens across the country, constitute an important component of ADL's mission: to inform and educate the American public about extremists by documenting their views and actions.

The ADL Fact Finding Department has issued two reports on the militias: "Armed & Dangerous: Militias Take Aim at the Federal Government," published in October 1994, and "Beyond The Bombing: The Militia Menaée Grows," released in June of this year. We had begun, by mid-1994, to take note of bands of armed right-wing militants, most calling themselves "militias," cropping up across America. Many of the militias were engaging in paramilitary training. We perceived the fanatical anti-federal government message in so much of the militia propaganda as fundamentally anti-democratic, with its exhortations to stockpile weapons in preparation for an inevitable conflict with our elected government. In the view of many militiamen, the federal government and its law enforcement agencies are the enemy, now widening their authoritarian control and planning warfare against the citizenry.

To the militia ideologues, gun control measures—especially the Brady Law and restrictions on assault weapons—are major stratagems in a secret government conspiracy to disarm and control the American people. They are also obsessed with the role of government in two events of recent years—the Branch Davidian confrontation in Waco in 1993, and the 1992 Randy Weaver siege in Idaho—which they interpret as signs of impending tyranny. Their conspiracy-haunted views include the belief that mysterious "black helicopters" are surveilling Americans across the West, that the Federal Emergency Management Agency is secretly establishing concentration camps for American dissidents (including militia proponents), and that the federal government, in league with some nefarious "New World Order," is planning a "takeover" of the United States by UN troops. The answer, say these extremists, is ultimately, necessarily, paramilitary resistance. An armed and aroused citizenry, they assert, must be mobilized and ready for a call to war.

The militia movement came under national scrutiny after the deadly April 19, 1995, bombing of the Federal Building in Oklahoma City, when it was reported that two suspects in the bombing, Timothy McVeigh and Terry Nichols, had attended some militia meetings in Michigan. In addition, prosecutors have charged that McVeigh was motivated to commit the bombing out of anger at the federal government for its handling of the Branch Davidian confrontation in Waco, Texas—an issue that has been one of the chief rallying cries of the militia movement.

Of course, the fact that the men charged with the Oklahoma City bombing have had some association with one militia group does not make the entire movement responsible for the crime. But even if no further connection is established between the bombing and the militias, it should be clear by now that militia extremists, particularly those engaged in paramilitary training, present a serious danger. The formula they have concocted—belief in menacing conspiracies, hatred of the government, and the conviction that an armed showdown is coming—is a prescription for disaster.

A movement that promotes the views just articulated, and that is involved in the formation of what are essentially private armies, can fairly be described as extremist. At the same time, it is true that not all militias—or militia members—are alike. The militia movement is characterized by a continuum, ranging from people who get together in forums periodically to discuss the Constitution or perceived government encroachments or similar subjects, all the way to underground paramilitary units. It is a movement that does not lend itself to easy categorization.

In fact, ADL has noted some early signs—though it is too soon to say that they constitute a trend—that some militias are moving toward less emphasis on paramilitary activity and toward a greater emphasis on political activity. In Michigan, for example, the recently-installed leaders of some militia organizations have reportedly said that they would reduce the amount of weapons training to make it a smaller part of the their groups' activity. One told the *Detroit Free Press* that his group hope to influence the 1996 elections as "a political force that has teeth, that carries weapons." In another instance, political means may serve a paramilitary end. The Idaho-based United States Militia Association is reportedly working to place three voter initiatives on the Idaho ballot in 1996, one of which is intended to allow private militias to conduct weapons training.

But die-hards remain, who scorn the use of the ballot box to promote their kind of change. When a reporter recently asked Bob Fletcher, a leader of the Militia of Montana, if his group wanted to field candidates for office, he was contemptuously dismissive of the option. Norman Olson, a founder of the Northern Michigan Regional Militia—one of the early vanguard groups of the movement—has reacted bitterly to the sounds of moderation expressed by some of his militia neighbors in the state. He reportedly has said: "As the movement went south, it attracted more moderates. We're the hard-liners—about the Constitution, about liberty, and staying out of the political arena."

Furthermore, there is evidence that those militia leaders who favor a greater emphasis on political activity are attempting to coordinate the policies and practices of militia groups around the country. Among the reasons for this is a growing concern over the public image of the groups, which previously had been decentralized (although they have shared the propaganda materials and speakers). Many of the leaders have felt the glare of the media floodlights in the period since the Oklahoma City bombing, and have recently been playing close attention to the impression they convey to the public and, especially, the press.

This heightened sensitivity to public perception was a prime feature of a multi-state militia leadership conference held less than a month ago in north Texas. During a portion of the meeting that was open to the media, the participants clearly sought to emphasize political action and show a more moderate face. One participant from New Mexico was quoted as saying: "There are many of us here who want to get these folks organized so that we can become a political force and avoid any kind of violence." Another from Missouri reportedly said: "If we start using weapons, we're going to lose." In addition, the gathering did not include some of the most vociferous militia figures, such as Norman Olson of Michigan and John Trochmann of the Militia of Montana.

Even so, the gathering exhibited elements of an extremist message. Some speakers still railed against the federal government. Literature reportedly was distributed that contends simply that this is the wrong moment to take up arms: "The time for armed resistance is not yet. Even so we must prepare for armed resistance while there is still time." At the edge of the meeting area, participants clad in fatigues openly carried semi-automatic weapons and walkie-talkies, apparently on guard duty—hinting darkly at a perceived need to protect against some enemy force.

Extremist groups of both the far left and far right have shared a hostility to democratic principles and processes. Such groups, including militias, can threaten the sense of security and civic order necessary for the peaceful exercise of Constitutional freedoms. The threat may even be more graphic: Idaho-based leader Samuel Sherwood, insisting that some Idaho politicians ignored the interests of state residents in favor of a federal agenda, reportedly advised his followers, "Go up and look legislators in the face, because some day you may have to blow it off."

It is in a rabidly anti-federal government right-wing extremists of the 1980's that we may find some of the roots of today's most extreme militia groups and their sym-

pathizers. These earlier groups shared a now-familiar hatred of federal authority (which they regarded as controlled by the Jews), an extremist ideology, and a program of paramilitary training. They included the Posse Comitatus; the Covenant, the Sword, and the Arm of the Lord (or CSA); the Arizona Patriots; and, most serious of all, The Order—a racist and anti-Jewish revolutionary gang, based in the Pacific Northwest, whose crimes included bank robberies, armored car heists, counterfeiting, shootouts with federal law enforcement officials, synagogue bombings, and murders—including that of Denver talk radio personality Alan Berg. The Order had planned further bombings—designed to result in many deaths and in major devastation—that thankfully were thwarted by federal law enforcement agencies, including the FBI and BATF.

The leader of The Order ultimately died in a fire with law enforcement, and several other members were eventually tried and sentenced to long prison terms. Another major federal trial of right-wing extremists in the 1980's, however, had a different result. Twelve defendants were acquitted in 1988 by a Fort Smith, Arkansas, federal jury of charges of seditious conspiracy. Among the defendants was Richard Wayne Snell, who had already been convicted in Arkansas state court of the murders of a black state trooper and a pawnbroker Snell thought was Jewish; Snell was executed on April 19, 1995, the day the federal building in Oklahoma City was bombed. Another defendant at Fort Smith was Louis Beam, a former Texas KKK Grand Dragon who has been "Ambassador-At-Large" of the Hayden Lake, Idaho-based Aryan Nations.

Beam remains a fixture on the far right, and is a likely successor to Richard Butler as leader of the Aryan Nations. Today, his ideas appear to be having some influence in the militia movement. Since the Oklahoma City bombing, some militia strategists have been counseling the groups to organize into small units designed to be less susceptible to detection, monitoring, and infiltration by law enforcement. This approach echoes a strategic concept known as "leaderless resistance" that has been promoted in recent years by Beam and several other far-right figures (among them Tom Metzger of Fallbrook, California, who leads the White Aryan Resistance). "Leaderless resistance" is described as an alternative to the "leadership" structure in "underground" groups. The intent of the concept is to keep secret the plans of terrorist assaults against the government, known only to a few individuals in small cells in order to prevent leaks or infiltration. This strategy was originally articulated in 1962 by Colonel Ulius Amoss, who feared a Communist takeover of America; it has also been employed as an organizational pattern by some foreign terrorist groups.

But with Soviet Communism no longer a threat, Beam wrote in the February 1992 issue of his quarterly publication, "The Seditonist," that "the purpose of Leaderless Resistance is to defeat state tyranny." Further troubling parallels can be found between Beam's thinking and that of some militia leaders. Beam, in a terror campaign against Vietnamese fishermen in Texas in the 1970's, reportedly employed the slogan: "Where ballots fail, bullets will prevail." The approach is echoed by Militia of Montana leader John Trochmann, who was a featured speaker at the 1990 Aryan Nations Congress and, according to Aryan Nations leader Richard Butler, has anticipated in "Bible study" sessions at the group's Idaho compound. Trochmann last year displayed the militia's attitude towards taking up arms when he stated: "We don't want bloodshed. We want to use the ballot box and the jury box. We don't want to go to the cartridge box. But we will if we have to."

Numerous militias have endorsed a plethora of conspiracy theories. The main thrust of the militia movement has, so far, been its fierce hostility to the federal government. According to the militias' conspiracy view, the federal authorities are taking steps in order to make it impossible for the people to resist the imposition of a tyrannical regime or a "one-world" dictatorship. (The belief that the federal government itself perpetrated the Oklahoma City bombing as a pretext for totalitarian rule has gained wide currency in the movement; some have even compared the bombing to the burning of the Reichstag in Hitler's day.) Many militia supporters believe that the conspiracy against the American people involves not only federal authorities, but also the United Nations, foreign troops, and other sinister forces.

Sometimes mentioned among these sinister forces are Jews. ADL's first report on militias noted that a number of militia figures have histories of bigotry. Our most recent research confirms that some militia propaganda continues to exhibit an anti-Semitic strain that could well become more pervasive among militia groups as a result of the movement's obsessive conspiracy-mongering.

In this connection, the role of America's leading anti-Semitic organization, Liberty Lobby, and its weekly publication, "The Spotlight," merit attention. In April 1995, ADL revealed that one of the Oklahoma City bombing suspects, Timothy McVeigh, advertised for sale in *The Spotlight* a military-style rocket launcher. On May 28,



The *New York Times* reported that Terry Nichols, the other bombing suspect, and his brother James were readers of *The Spotlight*. Many of the conspiracy fantasies fueling the militias were promoted heavily in a September, 1994 eight-page supplement of *The Spotlight*. The supplement, widely distributed among militiamen, intoned: "Is America on the verge of war? Is a national emergency about to be declared and America placed under martial law? Is America on the brink of occupation by military troops under United Nations control?" In addition, the Militia of Montana has been promoting for sale in its catalog a comprehensive bomb-making manual entitled "*The Road Back*," which was produced by Liberty Lobby's publishing arm, Noontide Press. The catalog describes the book as "a plan for the restoration of freedom when our country has been taken over by its enemies."

The *Spotlight* continues to serve up a diet of stories intended to reinforce the fears of militia believers. It claimed in a recent issue, for example, that the military, along with the FBI and BATF, has developed a plan to seize militia leaders and instructors from the homes under cover of night and take them into custody.

Opposition to the United Nations continues to run high among militias and their supporters. A recent example is the outpouring of approval from such quarters for Army Medic Michael New, who faces a court-martial over his refusal to don U.N. insignia and the U.N.'s sky-blue helmet for a peacekeeping mission involving United States forces in Macedonia. Among the groups expressing support for Michael New are the "Michigan Militia Corps—Wolverine" as well as militia and so-called "patriot" groups in Florida.

Given the revolutionary posturing of so many of the militias, and the role of hatemongers as activists in or influences on the groups, the better part of wisdom dictates that close attention be paid to them. There is a role here for the press and for citizen organizations that monitor extremism. The Anti-Defamation League is pledged to do its part.

The chief responsibility for tracking and gauging the militia threat, however, plainly rests with law enforcement. This responsibility must be implemented with all due respect for the legal rights to privacy and association to which everyone is entitled. Law enforcement agencies need the requisite resources to monitor these groups and the criminal justice system must be better equipped to protect the public.

One important legal tool is paramilitary training legislation already on the books in twenty-four states. Those laws (many patterned after a model bill first developed by ADL) should be vigorously enforced. In states where such laws have yet to be adopted, ADL urges that they be given prompt consideration.

ADL's model Anti-Paramilitary Training Statute was developed to address the activities of extremists when that conduct crosses a Constitutional divide from speech and assembly to intentional, criminal conduct. The model bill dates from the early 1980's, and was drafted by ADL's Legal Affairs Department in response to a proliferation of paramilitary training camps then being operated by the Ku Klux Klan and other racist and anti-Semitic groups in clandestine training centers in Alabama, California, Connecticut, Illinois, North Carolina, and Texas. Through our fact-finding efforts, ADL determined that the training being provided at these camps was sophisticated and rigorous. In Texas, for example, it included tactical maneuvers, military drills, map reading and weapons proficiency. Louis Beam, then a Grand Dragon of the Texas KKK, boasted that Klan paramilitary training in Texas was more rigorous than that given to U.S. Army soldiers stationed at Fort Hood.

Once enacted into law, the anti-paramilitary statute proved effective against these extremist groups. For example, ten years ago, five members of the United Klans of America were arrested by the St. Petersburg, Florida Police Department and the Pinellas County Sheriff's office and charged with planning and training for terrorist acts against minorities. One year later, two pleaded guilty and two were convicted by a jury for violating Florida's anti-paramilitary training statute, which dates back to 1982. The goal of the Klan group, according to a police informant, was to incite blacks to riot so that whites would turn to the Klan for leadership. In addition to training with guns intended to be used against minorities, members of the group were instructed in the making of incendiary devices. The statute helped prevent a dangerous situation from escalating into the kind of violence which could easily have led to the loss of innocent life.

A demonstration of the deterrent potential of such laws was the reaction of the Christian Patriots Defense League (CPDL), an extremist survivalist group which, beginning in 1979, held propaganda-filled "freedom festivals" where over 1,000 people engaged in military-style field maneuvers and attended some 55 classes, receiving instruction in, among other subjects, "Guns and Reloading," "Demolition and Camouflage," "Anti-Aircraft and Anti-Tank," and "Knife Fighting." In 1984, when the CPDL festival was scheduled to take place in Licking, Missouri, CPDL director

John Harrell instructed festival participants not to bring their firearms to the camp because Missouri had enacted an anti-paramilitary training law. Many extremists apparently stayed away from the meeting altogether for this reason.

Extremist group paramilitary activities declined in the late 1980's and early 1990's, and the contribution of anti-paramilitary training statutes to that trend certainly was important, if difficult to measure precisely. As the activity diminished, the laws were largely unused. With the rise of the militia movement, anti-paramilitary training laws have taken on new relevance. Their potential utility against militias characterized by vigilant resistance to gun control laws and government "overreaching" should be self-evident, particularly when investigations into some of the militias have uncovered stockpiling of lethal weaponry and connections to individuals and groups with a history of racial and religious bigotry.

In drafting the model anti-paramilitary training bill, ADL was guided by three primary objectives: first, the statute had to be constitutionally sound; second, in order to have a meaningful deterrent impact, the statute had to deal directly with the problem of paramilitary training camps; and third, the statute had to be drafted narrowly so as not to prohibit legitimate lawful activities, such as rifle ranges and karate clubs.

We used the Federal Civil Obedience Act of 1968, 18 U.S.C. 231 et seq., as the prototype for the ADL statute, modifying its provisions to include participants in paramilitary training camps as well as instructors. Importantly, this law had previously been upheld as constitutional by two different federal appellate courts. Furthermore, in *United States v. Featherston*, 461 F.2d 1119 (5th Cir. 1972), the Fifth Circuit explicitly stated: "if [the] Government is aware that a group aiming at its overthrow is attempting to indoctrinate its members and commit them to a course whereby they will strike when the leaders feel the circumstances permit, action by the Government is required."

The ADL model statute provides a criminal penalty for anyone who "teaches or demonstrates to any other person the use, application, or making of any firearm, explosive, or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that same will be unlawfully employed for use in, or in furtherance of, a civil disorder" A second provision similarly prohibits a person from assembling with one or more others "for the purpose of training with, practicing with, or being instructed in the use of" the weapons and technique mentioned in the first section. The statute defines "civil disorder" as "any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in danger or injury to the property or person of another individual."

In crafting this language, ADL endeavored to be sure that it would satisfy constitutional scrutiny in two ways. First, any infringement on rights granted by the First Amendment is more than counterbalanced by a compelling government interest, in accord with the applicable standards set by the courts. Second, the statute was drawn as narrowly and as precisely as possible in order to proscribe only those activities which may be constitutionally proscribed. Although it has not been tested in state court, we believe it is constitutionally sound.

One hurdle in obtaining a conviction under the model statute is the requirement that the person participating in the paramilitary camp must intend (or in the case of instructors, "know or have reason to know or intend") that his training will be unlawfully employed for use in, or in furtherance of, a civil disorder. The question thus becomes one of proof. In order to be able to obtain convictions under this statute, it will be necessary for law enforcement officials to investigate and prove that the goal of the individuals participating in these paramilitary programs is to create or foster illegal civil disorders. This obviously is not an easy standard to meet, but it helps address all three concerns noted earlier. The intent requirement, in a manner analogous to criminal conspiracy laws, helps to ensure not only that the statute is constitutional, but also that it serves its intended purpose.

There are a number of reasons why ADL drafted a statute for the introduction into state legislatures rather than simply pressing for amendment of the Civil Obedience Act of 1968. First, in this instance the U.S. Constitution requires certain elements of proof such as a connection to interstate commerce in a federal statute; such elements do not have to be included in a state statute. This distinction may be even more significant in light of the U.S. Supreme Court decision on this term in *United States v. Lopez*, — U.S. — (1995), 1995 LW 238424, Potentially narrowing the reach of the commerce clause.

A state statute offers another advantage, in that it gives state and local law enforcement authorities a mandate to control paramilitary training camps. These authorities have experience in dealing with weapons offenses and intrastate activities such as paramilitary trainings camps and are more familiar with the local commu-

nities where such training camps are based. We believe law enforcement authorities should investigate militias when a criminal predicate exists. In addition, ADL believes that many state and local law enforcement agencies require better investigative resources to help them monitor the militias for possible illegal activity. The burden of monitoring the militias falls largely on these agencies, because the militias are mainly located in rural and small town communities.

In addition to its efforts at the state level, ADL supports federal legislation such as H.R. 1899, sponsored by Representative Nadler, which would expand the coverage of the Federal Civil Obedience Act to include those who participate in paramilitary training as well as those who conduct the training. ADL has also supported the broad policy objectives of the comprehensive antiterrorism legislation, passed by the Senate and approved by this Committee last June. Since the Oklahoma City bombing, there have been frequent reminders of the need for tough, constitutionally-sound counterterrorism measures: increasing membership in militia groups, the series of terrorist bombings in France, the arrest of HAMAs leader Mousa Abu Marzuk and subsequent HAMAs threats leading to FAA-imposed heightened security measures at airports across the country, and the recent convictions of Sheik Omar Abdel Rahman and nine other defendants in a conspiracy to blow up the U.N. and other New Landmarks. Congress must take steps to ensure that the American criminal justice system is better equipped to counter a new level of sophistication and danger posed by terrorist groups.

The right to hold and promote one's views on the issues which are agitating the militias—such as gun control, the environment, and other public policy issues—is inviolate under the Constitution. There is no right, however, to use force or violence either to impose one's views on others or to resist laws properly enacted. That is the crux of the problem presented by the rise of the militias.

Mr. McCOLLUM. Thank you very much, Mr. Lieberman. Mr. Stern.

**STATEMENT OF KENNETH S. STERN, PROGRAM SPECIALIST  
ON ANTI-SEMITISM AND EXTREMISM, AMERICAN JEWISH  
COMMITTEE**

Mr. STERN. I want to thank the committee on behalf of the American Jewish Committee. We are pleased to be here. Also I want to say that we heartily endorse Congressman Schumer's call that this just be the first in a series of expanded hearings. As I'm sure you'll hear from this panel and subsequent panels and the prior panel, it's a complex issue, very meaty, that deserves your attention on a number of matters.

To summarize a number of things. First about the level of danger that militias pose. Congressman Schumer had asked about cell structure and paramilitary structure. In the galleys I have submitted to you, there is a reprint on page 76 of a militia of Montana designation of how you build up your cell structure to insulate yourself. Secondly, in terms of gauging the level of danger, obviously these groups are very well armed and they pose a problem in their communities just by their fact of existence, regardless of their ideology. By having an army in your community, is a dangerous area in which to live.

Congressman Bryant asked about some of the ideas that fueled this in terms of the Posse Comitatus, license plates and different ideas of Christian Identity. It should be pointed out that both John Trochmann of the Militia of Montana and Terry Nichols, indicted in the Oklahoma bombing, both tried to renounce their U.S. citizenship as part of this white supremacist Christian Patriot view of the world. I have treated that in the publications that have been submitted to you. I won't go further into them here, but I will point out one thing.

When you hear militia members talk about their defending the Constitution, you should be aware that they are talking about a different document than you and we are talking about. These folks believe that the Constitution in the first 10 amendments are divinely inspired by and large as a premise of Christian patriotism, that they protect basically white folk. They have a different idea of citizenship for black folk. Many of the militia pieces of literature will refer to minorities as "Fourteenth Amendment" citizens, with different rights and different duties to pay taxes, to have drivers licenses. Terry Nichols and others like him believe that they don't have to have those responsibilities since they are not "Fourteenth Amendment citizens."

The ideology of these groups obviously is something that, you know, people can have whatever ideas they want, I am just pointing out something in terms of the level of seriousness about armed people with a particular type of view of the world. The premises we heard from the prior panel is that the Government is taken over. This is sort of a Wizard of Oz world where there's somebody behind the curtain pulling the strings, whether it's the Jews, the Illuminati, the One World Government, the New World Order, it doesn't matter to them. They believe that this is all a sham, and they are not friendlier to Republicans or to Democrats. They refer to the House Speaker as Newt World Order Gingrich.

These folks have a great deal of delusion and paranoia. They believe pretty much throughout the movement that the Oklahoma City bombing was done by the Federal Government to set a predicate for cracking down on them.

Let me suggest to you one way that I look at their ideology. Imagine for a second that you are a psychiatrist and somebody comes into your office and says these things that many militia members believe. Says, "Doc, I've got this problem. I think there are invading troops coming across the border to come and get me as part of this New World Order. As a matter of fact, the Government is changing the weather to harass me. I think they put biochips in me. I think that there are numbers on the back of road signs to correspond with the concentration camp that they are going to take me to. I read all these indications in the paper day after day. I think they are coming pretty soon." You are wondering, gee, that's pretty delusional, paranoid, maybe I should get some treatment for this person, he's clinically paranoid.

Then the person says, "By the way, I have been stockpiling arms, guns, explosives, and I think when they are going to come and get me, it's going to be a subterfuge. I think it's going to be a fire-fighter that's going to come in my neighborhood as part of the New World Order plan to get me." I mean that's the level of seriousness, if we did this on an individual level. When it is a number of individuals across the country in armed groups, I think we have to have the same level of seriousness.

The second point is one that Congressman Nadler brought up. I think that a target of these folks is public servants. We saw that in Oklahoma City. You see that in many places out west where the problem with the forest rangers and so forth is I think a little bit more complex than we heard in the first panel. It is also because there's this view that the Federal lands are really part of this New

World Order plan. That the Federal lands really don't belong to the public, they are not being stewards for the public. These are Federal lands from Washington that are coming down to impose their way on their neighborhood, and they want to protect themselves.

Mr. NADLER. You mean Federal agents.

Mr. STERN. Federal agents coming in to basically preserve this land that doesn't serve the local people, but it's this other legal entity.

I have seen memos where Forest Service agents are told not to fly over certain areas because they are afraid of being shot at, traveling in pairs, staying in radio contact. I have seen quotes from Federal workers, when asked "What is the most important part of your job?" The answer is, "Well, it's learning to keep your head down." I think it's a travesty when that's the level of fear out there.

I think if there were health hazards to public servants that we could demonstrate to this committee or other committees appropriate in Congress, we'd say we should not have health hazards for our public servants out there. Private armies are a health hazard for our public servants.

Third, one great unanswered question is the overlap between militias and military personnel and police personnel. We just don't know how great there is an overlap. We know they are trying to recruit. We know there's a person named Jack McLamb who has put out a publication that was actually found in Jennifer McVeigh's possession, and others have talked about, Operation Vampire Killer 2000. That basically tries to get police to say that they don't enforce—that they serve their interests when they don't enforce the law. They should not be serving the forces of New World Order and One World Government. They are trying to bring police in, they are trying to bring the military in.

Some of the background reports that AJC did before the Oklahoma bombing showed some connections of military folks in Texas and elsewhere. I think it's something that needs to be looked into, especially if you look for example in the last couple of months in Australia, for what it's worth. American militia literature and personnel have been publicized in Australia very much. About a month after the Oklahoma bombing, they found a paramilitary militia-like cell inside the Australian military. So it's an unanswered question. I don't know if it's a problem or not, but I think it is important to find out.

Fourth and finally, I commend the effort of some members of this committee to see this as a Federal problem. As you will hear in the next panel from Nick Murnion and others, this is something too difficult, impossible in many ways, for state officials, regardless of the laws on their books to be able to handle. There's an impact on the local communities beyond the specific threats that can be documented, the crimes that can be charged that needs Congress' impact.

I think there is a fundamental first amendment problem here. We've been talking about the first amendment, but I think it's a different problem. There are people who live near militias, regardless of whether they are committing acts that can be indicted or not, that are afraid. They are afraid to exercise their own first amendment rights. They are afraid to send letters to the editor.

They are afraid to show up at public meetings. They are afraid to run for office. I think that is a terrible, terrible state of affairs. This is regardless of the agenda of the particular group in the community.

I would dare say that you folks, like I, would not like to live next door to a private army, whatever its political agenda. I don't think any American should have to live next door to a private army, whatever its agenda. For that purpose, we have submitted for your consideration a draft legislation that would outlaw private armies. America is not Somalia. We should not have to have private armies.

[The prepared statement of Mr. Stern follows:]

PREPARED STATEMENT OF KENNETH S. STERN, PROGRAM SPECIALIST ON ANTI-SEMITISM AND EXTREMISM, AMERICAN JEWISH COMMITTEE

My name is Kenneth Stern, and I am the American Jewish Committee's program specialist on anti-Semitism and extremism. The American Jewish Committee, founded in 1906, is America's pioneer human relations agency. It fights anti-Semitism and bigotry, promotes pluralism and intergroup relations, and seeks to protect America's democratic tradition. On April 10, 1995, nine days before the Oklahoma City bombing, AJC released a report I wrote entitled "Militias: A Growing Danger," with a supporting 600-page appendix of media clips, Internet postings, and militia literature. The covering memo to the report warned that there might be some sort of incident on April 19, the second anniversary of Waco. Copies of the report and appendix has been supplied to the committee.

In addition to being the American Jewish Committee's expert on extremism, I have also just completed a book to be released by Simon & Schuster in early December, 1995, entitled *A Force Upon the Plain: The American Militia Movement and the Politics of Hate*. A copy of the galley has been provided to this Committee.

I commend Chairman McCollum and the other members of this committee for holding this hearing today. I urge you to view the militia movement as a complex and multi-faceted phenomenon that deserves much more attention than can be afforded in only one day of hearings. Not only are the problems they create for law enforcement and for democracy in many parts of the country serious ones, militias continue to target the federal government and its employees as its enemies. Our public servants deserve your full-scale attention to this problem.

At the outset, I want to make clear what I mean by "militias." I do not mean groups of people who come together with their guns to play in the woods or hunt. I mean people who come together with their guns to create private armies. Armies, in my view, should be the way people protect themselves through their government, not from their government. I also want to make clear that we are not talking about First Amendment protected activity. There is no right to have a private army, regardless of the political stance of those who would comprise it.

I thought it would be helpful to this committee to hear how I first learned about the militia movement. In May 1994, I was in Montana, speaking about "Ideologies of Hate." Every place I went people starting asking me what I thought about "the militia." I had never heard of it. It turned out that three months before, in February 1994, a man name John Trochmann, who had long-standing connections to the neo-Nazi Aryan Nations, began the Militia of Montana, affectionately known as MOM, which turned out to be the first major militia group in the country. MOM was drawing large crowds to its meetings, ostensibly to talk about the Brady Bill. Two, three, five, even eight-hundred people in small towns showed up for the meetings. Attendance would drop at subsequent meetings, but instead of talking just about guns, there would be discussion of the "New World Order" and all manner of conspiracy theories, premised on the belief that our national government had been taken over by international interests who were planning to enslave Americans.

A local human rights group called the Montana Human Rights Network published a report in may 1994, documenting the white supremacist pedigree of the Militia of Montana leadership and the dangerous agenda of this group. I made dozens of copies of this excellent report, and sent it to contacts around the country, primarily in the media. Not one story resulted.

Toward the end of 1994, as my co-panelists will no doubt tell you, the Southern Poverty Law Center wrote about militias to the Attorney General, and the Anti-Def-

amation League issued a report about these groups, calling them "Armed and Dangerous." Still there was little attention.

In January 1995 a Seattle-based human rights group named the Northwest Coalition Against Malicious Harassment called an emergency meeting. The militia movement had proliferated. Instead of just the Montana group, as eleven months before, there were now militia groups not only throughout the Northwest, but across the nation. The Northwest Coalition pulled together those who had been watching the movement to share their perceptions. Despite philosophical differences among these researchers and human rights activists, the group reached consensus on the following points: 1) that this was the fastest-growing far-right movement any of us had seen; 2) that the militias were linked, either directly or indirectly, with hate groups; 3) that the heavy armaments the groups appeared to be amassing, combined with their conspiratorial views and their venomous hatred of government, was a prescription for disaster and 4) that these groups were having a caustic impact on grass-roots democracy: public officials had received death threats, people were afraid to sign letters to the editor, to show up at public meetings, to run for office.

I came away from that meeting with the determination that people around the country, including those in this body, needed to hear what the militia movement was about. That determination—and the early interest in that issue by Congressman Charles Schumer and his staff—was the genesis of the AJC report. I set out to document the national scope of the problem, and the threat to public officials. As I was writing the report and researching additional militia-linked events in February and March 1995 (such as militia members coming together to try and down a National Guard helicopter; a militia-linked shooting of a police officer; arrests of armed militia members; statements of a prominent militia leader about the "need" to look legislators in the face because someday soon you might need to shoot them; and paranoid rumors on the Internet of a supposed federal crackdown), I more fully realized the threat of these private armies to America's public servants and to you, as members of Congress.

AJC released the report "Militias: A Growing Danger," on April 10, 1995. It began:

We issue this report . . . with a sense of urgency. [This movement] is quickly spreading and has all the ingredients to lead to disaster: an ideological caldron of disaffection, hate, conspiracy and violence brewing a fast-growing grass-roots movement with documented ties to hate groups. Some people connected with this movement advocate killing government officials. They may attempt such an act.

Documenting specific threats against government employees, the report continued:

The first person murdered by a militia member may be a county clerk, a postal worker, a deputy sheriff, a tax collector, an FBI agent or US Marshal, a firefighter, a forest service employee, a FEMA worker, an elected representative—in fact any representative of government or anyone perceived as opposing the militia and, therefore, seen as doing "the work of government."

And it concluded:

On the grass-roots level across the country, the militia movement is harassing its opponents, threatening law enforcement officials, stockpiling weapons, and spreading paranoid rumors on the Internet. It is time that state and federal officials understand not only the danger of this movement, but also from a more parochial vantage point, that government employees around the country are going about their tasks while there are people planning just when to target them in their cross-hairs.

A covering memo accompanying the report warned of possible militia activity on April 19, 1995, the second anniversary of the fiery end of the Branch Davidian compound in Waco, which it termed the key ideological event for these groups.

#### WHAT MILITIAS BELIEVE

Imagine, for a moment, that you are a psychiatrist. A patient comes into your office and explains to you that not only does he believe that our government has been taken over by demonic forces, but that this evil government has implanted a biochip in him; that it has put material in his paper money so that it can drive by his house and count his cash; that it is changing the weather to harass him; that troops are amassing on the border to invade; that if he is not killed by these forces, they will take him to one of 43 concentration camps, and that the number on the back of a road sign in his neighborhood corresponds to the particular camp to which he will be taken. If you were that psychiatrist, no doubt you would be deeply concerned about your patient, probably diagnose him as clinically paranoid, and prescribe treatment.

Then, imagine he says, "And by the way, doc, I've been stockpiling weaponry and explosives to fight them off." You would now view the problem in a different dimension. It seems, however, when these paranoid delusions are held by thousands of armed people, rather than by an individual patient, we somehow tend to view the problem with less seriousness.

It is not, I suggest, that these delusional ideas are new. In fact, they are not—many are rooted in the conspiratorial ideas of the John Birch Society, and the political and theological premises of white supremacist doctrines such as Christian Identity (which holds that whites are the "true Jews," that the people who are called Jews are the offspring of Satan, and that blacks and other minorities as not human beings at all).

In fact, it is ironic that if you ask militia members what their agenda is, many will say they are "patriots" who are trying to "uphold the Constitution." By this, however, they mean something called "Christian Patriotism," which is a common umbrella for many white supremacists today. The idea is that America is the promised land—for white Christian folk. The Constitution and the Bill of Rights, they believe, were divinely inspired texts that must be treated like Scripture. The Amendments after that—freeing the slaves, due process and equal protection of law, votes for women, etc.—were man-made laws, and are not part of what Christian Patriots mean when they say they support the Constitution. Thus, for example, in some militia literature you will find reference to the concept of "state citizen" versus "Fourteenth Amendment" citizen. The former are white Christians, some of whom, such as John Trochmann and Terry Nichols, have tried to assert their "special rights" by declaring their separate sovereignty apart from the United States government. (Many such Christian Patriots believe that they do not need to pay taxes, have driver's licenses, etc.) "Fourteenth Amendment citizens," on the other hand, mean others, such as blacks, who received their political rights under that Amendment, and correspondingly have obligations such as paying taxes, obtaining state licenses, etc. In other words, the political premise of many in the militia movement is that white Christians have fundamentally different rights than other Americans.

Another related strain is the idea of the Posse Comitatus, that the sheriff is the highest legitimate law-enforcement officer. The Posse, as you may recall, was particularly active in the 1970s and 1980s, and it claimed all white males between the ages of 18 and 45 were "sovereigns" who comprised the sheriff's Posse, which could then arrest, try, and hang politician who did not uphold their version of the Constitution. This idea is not fundamentally different from the militias', that all white males between 18 and 45 are, by definition, part of the "unorganized militia." And this recycling of Posse Comitatus ideology also explains why militias have had some success recruiting in parts of the West where the County Supremacy movement is particularly strong.

I want to be clear on this. I am not saying for a moment, that every militia member is a white supremacist or shares these core beliefs. I am saying that 1) many of those who are the movers and shakers of the movement do have these backgrounds; and 2) that even where a local militia may not have white supremacists among its leadership, you cannot go to a meeting and pick up the literature, or listen to militia-linked shortwave radio programs, or join militia-focused newsgroups on the Internet, or watch militia-produced videos, without becoming exposed to these ideas. It is as Ken Toole of the Montana Human Rights Network explained: that militias are like a funnel moving through space—at the large end are mainstream issues such as gun control, the environment, federal intrusiveness (including Waco and Weaver); a little further in are the racist and conspiratorial ideas; at the small end are those who would act on their belief that they need to be at war with America. It is also important to note that the basic political premise of the militias is that found in the Protocols of the Elders of Zion, but recast by most as antigovernmentalism instead of anti-Semitism (although some believe the Protocols in its original context). That is, they believe that the president, the Supreme Court, this Congress (some militia members refer to the House Speaker as "Newt World Order Gingrich), in fact the entire federal government is merely a false front behind which an international conspiracy functions, plotting to kill and/or enslave loyal Americans. This is the one fixed conclusion that militia members share—everything else they observe becomes recast as evidence supporting this premise. Thus Weaver and Waco are seen as part of the plot, as is the Brady Bill. In fact, it is an article of faith among most militia members that the Oklahoma City bombing itself was orchestrated by the American government as part of a plot to declare martial law and disarm the militias.

Now, as distasteful and bizarre as these ideas are, I mention them not as something this committee, or any part of government, should take legislative action against, although I do believe it important for our leaders to exercise their own First



Amendment rights against such hatred. Americans are allowed to hold whatever ideas they wish. ACTIONS are what should concern this committee. In my view, Americans should not, for any purpose, be allowed to create private armies. As a practical matter, however, I am deeply concerned when these private armies are, in large measure, and driven by racist ideologies now expanded to target public servants, such as those who were in the Murrah Building on April 19, 1995.

It would, in my view, be helpful for this committee to investigate further the following areas:

(1) **The Danger to Public Servants:** As the Schumer panel heard on July 11, 1995, and as I have documented in my book, many public servants are going about their jobs in fear. Forest Service employees are mystified, for example, about why they were once thought of as those friendly people associated with Smokey the Bear, and now are seen by many as foot soldiers of an invading federal occupation force. Many federal employees now travel in pairs, have orders about what to do if confronted by armed citizens, and have been told which areas to avoid flying over for fear of being shot. Some federal employees in small communities are shunned at church. Some have had their lives—and their childrens' lives—threatened.

Now, not all of those who are threatening public servants are militia members. Many are members of what are called Wise Use groups and others, particularly out West, that for various reasons object to the federal government's role on public land. But the militias are very active in these parts, are well-armed, and are increasingly cross-linked with these groups.

Militias tend to think of Forest Service workers and other such employees as part of an enemy federal occupation force depriving local ranchers, miners, and loggers the use of the land, rather than as public servants preserving land and resources owned jointly by all Americans. I believe we owe our public servants, who work for all Americans, working conditions that have the minimum of job hazards. If Congress were aware, for example, that some equipment used by federal employees was a health hazard, no doubt it would investigate and try to eliminate the problem. private armies are a health hazard.

(2) **The Overlap With Military and Police:** One of the most critical questions is "How many active and former military and police are part of the militia movement?" There were reports, before the Oklahoma City bombing, of active duty military personnel involved with militias, and of militia boasts of stolen armaments. (See for example, Appendix 43 and Chapter 15.) How credible these reports are is not known. What is known is that the militias have been actively trying to recruit uniformed personnel; that there is a publication called "The Resister" that is supposedly an underground military publication that supports the goals of the militia movement; that a former police officer named Jack McLamb, editor of a publication called "Operation Vampire Killer 2000," has tried to recruit police officers into militias; and that shortly after the Oklahoma City bombing Australia uncovered a militia-like group inside its defense forces (Australia has been one of the prime importers of American militia-linked literature).

I want to be clear that I am not saying that there is any serious problem of overlap between those who are forming armies to war with the American government and uniformed personnel in the military or police forces. But I think that this is a serious issue, and that there are enough indicators of a problem to suggest that it be investigated fully.

(3) **Threats to Grass-Roots Democracy:** I believe that there is a First Amendment problem connected to the militia movement: Many people in small communities where the militia is active have become afraid to exercise their First Amendment rights. The militias are well-known to have a political agenda, and to be well-armed. As I document in my book in chapters 7 and 8, they are bullies who are trying to intimidate their neighbors through fear and intimidation. Judges and other public servants have received death threats; people are afraid to show up at public meetings, to express their opinions in letters to the editor, to run for office. The problem, in my view, is not the odious views of the militia, but the existence of a private army in these communities. No one would have a problem if the members of the militias, individually or in association, stated their views in the most forceful legitimate manner possible. But that their views are expressed by an "army" makes the free flow of ideas in a community impossible. The example of private citizens combining together under arms, regardless of their political agenda, ultimately terrorizes those who live nearby and are not part of the armed group, whether it was blacks in the South in the 1960s facing the Ku Klux Klan, or many ordinary Americans in areas of militia activity today. It is not the ideas, but the ideas backed up by a paramilitary group, that are the problem.

(4) **The Need to Pass a Federal Anti-Paramilitary Training Law:** American citizens should enjoy a fundamental right not to have to live near a private army.

America is not Somalia. We settle our political differences through many routes: Free speech, petition, assembly, election, impeachment, checks and balances, Constitutional Amendment. The formation of private armies to settle these differences is not a protected interest—in fact, these armies threaten those protected interests.

As you no doubt know, many states have laws barring paramilitary groups and/or training. But enforcement has been lacking, and it is not hard to understand why: how many local law enforcement agencies have the person-power, let alone the desire, to arrest a heavily-armed army, or bring it to trial? The sad fact is that there are militia-linked fugitives whom the authorities are afraid to arrest on more traditional charges—like shooting people. It is simply not realistic to expect a local sheriff to risk the lives of deputies in order to arrest someone for belonging to an illegal paramilitary group.

The existence of private armies is exactly the type of problem that cries for a federal answer. No one is suggesting that every militia member be charged with a federal crime; only that there be a law on the books prohibiting private armies and that that law be appropriately enforced. Attached for your consideration is draft language proposed by Sam Rabinove, Legal Director of the American Jewish Committee, and an analysis of that language drafted by Andrea Klausner, Acting Assistant Legal Director of the American Jewish Committee, that would make it a violation of the federal criminal law to have a private army.

#### CONCLUSION

On behalf of the American Jewish Committee, I want to thank you for holding this hearing today. We hope it is only the first critically important step toward a fuller congressional and national understanding of the dangers posed to our country by these armed militias, and toward the development of an appropriate legislative response. If AJC can be of any assistance to you in this matter, we are at your disposal.

#### EXHIBIT A

##### A FEDERAL LAW TO BAR UNAUTHORIZED MILITARY OR PARAMILITARY ORGANIZATIONS

A. No body of men and/or women, other than the regularly organized military forces of a state or of the United States, shall associated themselves together as a military or paramilitary company or organization, or conduct training as a military or paramilitary company or organization in the use, application or construction of any firearm, explosive, or incendiary device, capable of causing injury or death to persons, or parade in public with firearms in any village, city or town; provided that students in educational institutions where military science is a prescribed part of the course of instruction and veterans honorably discharged from the military forces of the United States may, with the consent of a state, drill and parade with firearms in public. Nothing herein shall be construed to prevent parades by the active militia of any state.

B. Any person or persons violating this section shall be fined not more than ten thousand dollars (\$10,000), or imprisoned for not more than five years, or both.

For purposes of this section:

(1) The term "firearm" means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive, or the frame or receiver of any such weapon.

(2) The term "explosive, or incendiary device" means (A) dynamite and all other forms of high explosives, (B) any explosive bomb, grenade, missile or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.

(3) The term "military company or organization" means an organized group of persons who are trained and armed for the purpose of engaging in combat warfare or sabotage.

(4) The term "paramilitary company or organization" means an organized group of persons, resembling or akin to a military organization, formed on a military pattern as an auxiliary or diversionary group, and trained and armed for the purpose of engaging in combat, warfare or sabotage.

Prepared by Samuel Rabinove, Legal Director, American Jewish Committee January 3, 1986.

## EXHIBIT B

MEMORANDUM IN SUPPORT OF PROPOSED FEDERAL LEGISLATION TO BAR  
UNAUTHORIZED MILITARY OR PARAMILITARY ORGANIZATIONS*I. Introduction*

The militia movement represents a new manifestation of hate-group activity and domestic terrorism in the United States. The threat of militia violence and the encouragement of lawlessness and intimidation by these paramilitary groups underscore the pressing need for more effective regulation of militia groups.

While a number of states have passed anti-paramilitary training statutes, many have not. Furthermore, the militia activities have become too widespread to be considered a localized problem. The threats to government officials, the existence of militias collaborating around the country, the use of interstate channels (the mail, phone lines for the Internet and faxes, and radio airwaves) for communicating and organizing, all mandate that the problem be addressed on a national level.

The Civil Obedience Act of 1968, 18 U.S.C. §231 et seq., criminalizes certain activities related to the furtherance of civil disorders.<sup>1</sup> (For example, the statute provides for the prosecution of paramilitary training camp instructors). This statute, while it has been upheld as constitutional,<sup>2</sup> is too limited in scope to be truly effective in combatting militia violence and intimidation.

The federal statute proposed herein attempts to address the gaps in law enforcement left by current federal and state anti-militia legislation. This memorandum will attempt to anticipate and address constitutional objections that may be raised to challenge this proposed statute.

*II. The proposed statute**A Federal law to bar unauthorized military or paramilitary organizations*

A. No body of men and/or women, other than the regularly organized military forces of a state or of the United States, shall associate themselves together as a military or paramilitary company or organization, or conduct training as a military or paramilitary company or organization in the use, application or construction of any firearm, explosive, or incendiary device, capable of causing injury or death to persons, or parade in public with firearms in any village, city or town; provided that students in educational institutions where military science is a prescribed part of the course of instruction and veterans honorably discharged from the military forces of the United States may, with the consent of a state, drill and parade with firearms in public. Nothing herein shall be construed to prevent parades by the active militia of any state.

B. Any person or persons violating this section shall be fined not more than ten thousand dollars (\$10,000), or imprisoned for not more than five years, or both.

For purposes of this section:

(1) The term "firearm" means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

(2) The term "explosive," or "incendiary device" means (a) dynamite and all other forms of high explosives; (b) any explosive bomb, grenade, missile or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick compound of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.

(3) The term "military company or organization" means an organized group of persons who are trained and armed for the purpose of engaging in combat, warfare or sabotage.

(4) The term "paramilitary company or organization" means an organized group of persons, resembling or akin to a military organization, formed on a military pattern as an auxiliary or diversionary group, and trained and armed for the purpose of engaging in combat, warfare or sabotage.

(Prepared by Samuel Rabinove, Legal Director, The American Jewish Committee, January 3, 1986.)

*III. Congressional authority: The commerce clause*

Because the Federal Government holds only those powers delegated to it by the Constitution, any Federal statute regulating unauthorized military or paramilitary organizations must fall under one of the Congress' enumerated powers. While police powers in general are reserved to the states, the Commerce Clause of the Constitution has been interpreted broadly to give Congress the authority to regulate criminal activity having a nexus to interstate commerce.<sup>3</sup>

Article I, Section 8, of the Constitution authorizes Congress “[t]o regulate commerce with foreign Nations, and among the several States, with the Indian tribes.” This power has been construed to give Congress wide-reaching regulatory authority over three broad categories of activity.<sup>4</sup> First, Congress may regulate the use of the channels of interstate commerce which Congress deems are being misused. Second, Congress may regulate and protect the instrumentalities (persons or things) of interstate commerce, even though the threat may come only from intrastate activities. Third, Congress has the power to regulate those activities which “substantially affect” interstate commerce.<sup>5</sup>

Recently, however, in *United States v. Lopez*,<sup>6</sup> the Supreme Court made it clear that the Commerce Clause has judicially enforceable outer limits. In that case, a challenge was brought against the 1990 Gun-free School Zones Act, which prohibited possession of a gun within 1,000 feet of a school. In a 5-4 ruling striking down the law, the Court held that Congress lacked the authority under the Commerce Clause to prohibit the mere possession of a firearm in or near a school. Justice Rehnquist, writing for the majority, noted that the law was “a criminal statute that by its terms ha[d] nothing to do with ‘commerce’ or any sort of economic enterprise, however broadly one might define those terms.”<sup>7</sup> Further, he noted, the statute lacked any jurisdictional element that would require prosecutors to prove that the possession was connected in any way to interstate commerce.<sup>8</sup> In conclusion, the Court held that:

To uphold the Government’s contentions here, we would have to pile inference upon inference in a manner that would bid fair to convert Congressional authority under the Commerce Clause to a general police power of the sort retained by the States. Admittedly, some of our prior cases have taken long steps down that road, giving great deference to Congressional action. . . . The broad language in these opinions has suggested the possibility of additional expansion, but we decline here to proceed any further. To do so would require us to conclude that the Constitution’s enumeration of powers does not presuppose something not enumerated . . . and that there never will be a distinction between what is truly national and what is truly local. . . . This we are unwilling to do.<sup>9</sup>

While the *Lopez* case does not dispose of the proposed anti-militia legislation, it does emphasize the need for such law to demonstrate a nexus to interstate commerce. Otherwise the statute may be challenged as merely an exercise of general police powers, rather than as a valid exercise of Congressional regulatory authority. By stressing the particular factual circumstances of this case, the Court left the door open to such regulation. As Justice Rehnquist noted:

The possession of a gun in a local school zone is in no sense an economic activity that might, through repetition elsewhere, substantially affect any sort of interstate commerce. Respondent was a local student at a local school; there is no indication that he had recently moved in interstate commerce, and there is no requirement that his possession of a firearm have any concrete tie to interstate commerce.<sup>10</sup>

In light of the close decision in *Lopez*, and the very different factual context of organized militia activity, a court could well conclude that such activities involve the channels and instrumentalities of interstate commerce, and substantially burden interstate commerce. Both Justice Kennedy and Justice Thomas, in their concurring opinions, implied that if a stronger connection or identification with commercial concerns beyond mere gun possession were shown, the Commerce Clause would justify such an exercise of Congressional authority.

The extensive weapons possession by militia groups for use in paramilitary training exercises and public displays is certainly a far cry from the mere individual possession of a gun for unknown purposes in a school zone. Instruction in the use of a broad range of weapons is a central part of militia training. It is likely that at least some of those weapons were purchased through interstate transactions. Furthermore, militia activity involves the extensive use of the channels and instrumentalities of interstate commerce. Much militia communication and organization takes place through the Internet, through the mail, through faxes, and through radio broadcasts. Finally, by creating an atmosphere of imminent violence and intimidation, militia activity substantially burdens interstate commerce. The Supreme Court has found that racial discrimination has a direct and highly restrictive effect on commerce.<sup>11</sup> Discriminatory practices obstruct the interstate travel of potential victims of racial discrimination. Furthermore, discrimination discourages professional and skilled persons from moving into areas where such discriminatory practices occur, thereby causing industry to be reluctant to establish there. Similarly, it can be argued that the climate of intimidation and imminent danger created by militia activity in an area has the same, if not greater, direct and restrictive effect on interstate commerce. Indeed, in Justice Breyer’s dissenting opinion, joined by

Justices Stevens, Souter and Ginsberg, Justice Breyer argues quite forcefully and persuasively that gun-related violence in today's society has a very significant impact on the nation's economic, as well as social, well-being.<sup>12</sup>

#### IV. A second amendment challenge

The proposed statute may be challenged on Second Amendment grounds. The Second Amendment states:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

A review of recent case law indicates that the proposed statute would survive a Second Amendment challenge.

In *United States v. Miller*,<sup>13</sup> the Supreme Court held that there is no absolute Second Amendment right of individuals or groups of individuals to bear arms. Rather, an individual's right to bear arms must be reasonably related to the preservation of a well-regulated militia:

In the absence of any evidence tending to show that the possession or use of a 'shotgun having a barrel of less than eighteen inches in length' at this time has some reasonable relationship to the preservation or efficiency of a well-regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense.<sup>14</sup>

The Supreme Court has not addressed a Second Amendment issue since the *Miller* decision.<sup>15</sup> Moreover, since the *Miller* decision, no Federal court has found any individual's possession of a military weapon to be "reasonably related to a well regulated militia."<sup>16</sup> "Technical membership" in a state militia (e.g., membership in an 'unorganized' state militia) or membership in a non-governmental military organization is not sufficient to satisfy the 'reasonable relationship test.'<sup>17</sup> Membership in a hypothetical or "sedentary" militia is likewise insufficient.<sup>18</sup> The Second Amendment does not imply any general constitutional right for individuals to bear arms and form private armies.<sup>19</sup>

In *United States v. Hale*,<sup>20</sup> the appellant seized upon the *Miller* test to argue that individual possession of true military weapons was protected under the Second Amendment. In that case, the appellant had been convicted on 13 counts of possession of a machine gun and 3 counts of possession of unregistered firearms. Appellant argued that those weapons were susceptible to military use and, therefore, by definition, were related to the existence of a "well-regulated militia." The Eighth Circuit rejected that argument and upheld the conviction.<sup>21</sup>

[I]t is not sufficient to prove that the weapon in question was susceptible to military use. Indeed, as recognized in *Cases*, most any lethal weapon has a potential military use. . . . Rather, the claimant of Second Amendment protection must prove that his or her possession of the weapon was reasonably related to a well regulated militia. . . . Where such a claimant presented no evidence either that he was a member of a military organization or that his use of the weapon was "in preparation for a military career," the Second Amendment did not protect the possession of the weapon. . . .<sup>22</sup>

In *United States v. Oakes*,<sup>23</sup> the appellant challenged his conviction for possession of an unregistered machine gun by arguing, inter alia, that he was protected by the Second Amendment right to bear arms (1) as a member of the state militia (which included "all able-bodied male citizens between the ages of twenty-one and forty-five years") and (2) as a member of "Posse Comitatus," a militia-type organization registered with the state of Kansas. The Tenth Circuit rejected this argument:

The purpose of the second amendment as stated by the Supreme Court in *United States v. Miller*, supra at 178, 59 S.Ct. 816, was to preserve the effectiveness and assure the continuation of the state militia. The Court stated that the amendment must be interpreted and applied with that purpose in view. Id. To apply the amendment so as to guarantee appellant's right to keep an unregistered firearm which has not been shown to have any connection to the militia, merely because he is technically a member of the Kansas militia, would be unjustifiable in terms of either logic or policy. This lack of justification is even more apparent when applied to appellant's membership in "Posse Comitatus," an apparently nongovernmental organization. We conclude, therefore, that this prosecution did not violate the second amendment.<sup>24</sup>

Similarly, in *United States v. Warin*,<sup>25</sup> the Sixth Circuit held that the appellant's mere membership in the "sedentary militia" of the state by virtue of being an adult male resident and citizen of Ohio, did not confer any Second Amendment guarantee to bear arms. The court concluded:

It would unduly extend this opinion to attempt to deal with every argument made by defendant and amicus curiae, Second Amendment Foundation, all of which are based on the erroneous supposition that the Second Amendment is concerned with the rights of individuals rather than those of the States or that defendant's automatic membership in the "sedentary military" of Ohio brings him within the reach of its guarantees.<sup>26</sup>

In *Vietnamese Fishermen's Association v. The Knights of the Ku Klux Klan*,<sup>27</sup> the district court upheld an injunction against defendants' military activities. The Knights of the Ku Klux Klan, styling themselves as the Texas Emergency Reserve, had associated as a military company, parading in public with firearms and military dress, and conducting military combat training at various military training camps.<sup>28</sup> The district court held that the injunction did not violate the Second Amendment.<sup>29</sup>

As the case law makes clear, an individual cannot merely identify himself as a member of an inactive state militia or as a member of a private paramilitary organization which calls itself a "militia" in order to invoke the Second Amendment guarantee. The definition of a "well-regulated militia" must be viewed in historical context.

When the Second Amendment was ratified in 1791, the state militia functioned as both the principal units of military organization and as an implicit check on federal power. . . . These militias were comprised of ordinary citizens who typically were required to provide their own equipment and arms. The Second Amendment prevented federal laws that would infringe upon the possession of arms by individuals and thus render the state militias impotent. Over the next 200 years, state militias first faded out of existence and then later re-emerged as more organized, semi-professional military units. The state provided the arms and the equipment of the militia members, and these were stored centrally in armories. With the passage of the Dick Act in 1903, the state militias were organized into the national guard structure, which remains in place today.

Considering this history, we cannot conclude that the Second Amendment protects the individual possession of military weapons. In *Miller*, the Court simply recognized this historical residue. The rule emerging from *Miller* is that, absent a showing that the possession of a certain weapon has "some reasonable relationship to the preservation or efficiency of a well-regulated militia," the Second Amendment does not guarantee the right to possess the weapon.<sup>30</sup>

#### V. A first amendment challenge

The proposed statute also may be challenged on First Amendment grounds. The First Amendment provides, in part:

Congress shall make no law . . . abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

It is likely that the proposed statute would survive a challenge on First Amendment grounds. The case of *Vietnamese Fishermen's Association v. The Knights of the Ku Klux Klan*,<sup>31</sup> which involved a first amendment challenge to an injunction against paramilitary activities, is directly relevant to this discussion.

In *Vietnamese Fishermen's Association*, it was clear from the facts of the case that the defendants, the Knights of the Ku Klux Klan, otherwise known as the Texas Emergency Reserve ("TER"), had associated as a military company or organization and had paraded in public with firearms.<sup>32</sup> They also operated private military training camps in Texas.<sup>33</sup> The plaintiffs, Vietnamese fishermen in the Galveston, Texas area, sought relief from defendants' intimidating and harassing military operations. In particular, plaintiffs described a "boat parade" organized by the TER in which TER members crossed a Texas channel in full TER military dress and with an open display of weapons. An effigy of a Vietnamese fisherman was hung from the rear deck rigging.

In granting injunctive relief against the defendants, the district court concluded that the military operations of the type at issue here were not protected by the First Amendment rights of free speech and freedom of association. Because the defendants' military activities involved "conduct," rather than "speech," the First Amendment was not implicated.<sup>34</sup> The defendants' conduct of military operations, including the military boat "parade," involved such grave interferences with the public peace and such minimal elements of communication that the district court viewed these activities as impermissible "conduct" rather than "speech" within the meaning of the First Amendment. The district court cites *United States v. O'Brien*,<sup>35</sup> in which the Supreme Court declared that "[w]e cannot accept the view that an apparently limitless variety of conduct can be labelled 'speech' whenever the person engaging in the conduct intends thereby to express an idea."

While this holding would have been sufficient to dispose of the First Amendment claim, the Court went further. Even if defendants' military operations were characterized as "speech," said the Court, defendants still would not be entitled to First Amendment protection because their provocative statements and communications would constitute "fighting words."<sup>36</sup> The Supreme Court has long recognized that "fighting words," which "by their very utterance inflict injury or tend to excite an immediate breach of the peace," constitute a narrow category of speech which simply does not fall within the ambit of the First Amendment.<sup>37</sup> The court found that the threat of violence communicated by defendants through their military activities was precisely the kind of irrefutable and dangerous communication meant to be covered by the "fighting words" exception to the First Amendment.<sup>38</sup>

Even if the "fighting words" doctrine did not apply to the defendants' conduct, and such conduct was considered to be an exercise of free speech, said the district court, this conduct nevertheless could be properly regulated under the standard established by the Supreme Court in *United States v. O'Brien*. In that case, the Supreme Court held that a governmental regulation which impinges upon First Amendment freedoms will be upheld if it satisfies the following criteria:

A governmental regulation is sufficiently justified if it is within the constitutional power of the Government; if it furthers an important or substantial governmental interest; if the governmental interest is unrelated to the suppression of free expression; and if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.<sup>39</sup>

The district court concluded that the State of Texas met the criteria expressed in *O'Brien*. First, the State has the power to regulate the formation of private armies.<sup>40</sup> In *Presser v. Illinois*,<sup>41</sup> the Supreme Court declared:

Military operation and military drill and parade under arms are subjects especially under the control of the government of every country. They cannot be claimed as a right independent of law. Under our political system they are subject to the regulation and control of the state and federal governments, acting in due regard to their respective prerogatives and powers.

Second, weighty governmental interest counsels against acceptance of any argument that the First Amendment protects such military operations.<sup>42</sup>

There can be no justification for the organization of such an armed force. Its existence would be incompatible with the fundamental concept of our form of government. The inherent potential danger of any organized private militia, even if never used or even if ultimately placed at the disposal of the government, is obvious. Its existence would be sufficient, without more, to prevent a democratic form of government, such as ours, from functioning freely, without coercion, and in accordance with the constitutional mandates.<sup>43</sup>

Third, this government interest is unrelated to the suppression of free expression. The governmental interest is not intended to, nor does it, suppress free expression.<sup>44</sup> Finally, any restriction which an injunction of military activities would place on defendants' free expression is minimal; "defendants remain free to express their views by means other than the threat of military force."<sup>45</sup>

In conclusion, the court noted that defendants' military training operations were similarly outside the scope of the First Amendment's freedom of speech and association.<sup>46</sup> An injunction against TER's military training operations would in no way hinder defendants from meeting together as a group. Rather, it would simply limit their ability to engage in a certain pattern of non-communicative conduct which threatened to incite a breach of the peace.

The conduct engaged in by the defendants and successfully enjoined in *Vietnamese Fishermen's Association* is the very conduct sought to be regulated under the proposed statute. By the same reasoning, therefore, the proposed statute should survive a First Amendment challenge.

## VI. A ninth amendment challenge

Several challenges to firearm regulation have been brought under the Ninth Amendment to the Constitution. The Ninth Amendment reads:

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Federal courts that have dealt with such challenges have found no fundamental right to possess firearms protected by the Ninth Amendment.

In *Quilici v. Village of Morton Grove*,<sup>47</sup> handgun owners brought an action against the village challenging the constitutionality of the village's gun control ordinance. The Seventh Circuit held, inter alia, that the ordinance did not violate the Ninth Amendment:

Appellants may believe the ninth amendment should be read to recognize an unwritten, fundamental, individual right to own or possess firearms; the fact remains that the Supreme Court has never embraced this theory.<sup>48</sup>

Similarly, in *United States v. Warin*,<sup>49</sup> the defendant challenged the constitutionality of certain provisions of the National Firearms Act, as amended by the Gun Control Act of 1968, 26 U.S.C. § 5801 et seq. The Sixth Circuit held, inter alia, that the federal statute did not violate the Ninth Amendment:

We simply do not conceive of the possession of an unregistered submachine gun as one of those 'additional fundamental rights,' protected from governmental infringement, which exist alongside those fundamental rights specifically mentioned in the first eight constitutional amendments.<sup>50</sup>

### VII. A tenth amendment challenge

The Tenth Amendment to the Constitution provides:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Previous sections of this memorandum addressed federal authority to legislate in this area. In particular, Section III (addressing Congressional commerce clause authority) and Section V (addressing the compelling government interest in regulating armies and military activities) provide an ample jurisdictional basis for the proposed statute. Additional support for Tenth Amendment authority may be found in *United States v. Miller*,<sup>51</sup> in which the Supreme Court held that the federal government does have the authority to regulate and tax the transfer of certain types of firearms without unconstitutionally usurping the police power reserved to the states.

### ENDNOTES

<sup>1</sup> Section 231 of the Civil Obedience Act of 1968 provides:

(a)(1) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function; or

(2) Whoever transports or manufactures for transportation in commerce any firearm, or explosive or incendiary device, knowing or having reason to know or intending that the same will be used unlawfully in furtherance of a civil disorder; or

(3) Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function—

Shall be fined under this title or imprisoned not more than five years, or both.

(b) Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties.

<sup>2</sup> 18 U.S.C. § 231(a)(1) is neither unconstitutionally vague or overbroad. *National Mobilization Committee to End the War in Viet-Nam v. Foran*, 411 F.2d 934 (7th Cir. 1969), nor violative of the First Amendment, *United States v. Featherston*, 461 F.2d 1119 (5th Cir. 1972). 18 U.S.C. § 231(a)(3) has also been upheld as constitutional. *United States v. Mechanic*, 454 F.2d 849 (8th Cir. 1971), cert. denied, 406 U.S. 929 (1972); *United States v. Banks*, 368 F. Supp. 124 (D.S.D. 1973); *United States v. Hoffman*, 334 F. Supp. 504 (D.D.C. 1971).

<sup>3</sup> For example, Congress used its Commerce Clause authority to criminalize civil disorders under the Civil Obedience Act of 1968, 18 U.S.C. § 231 et seq. See Note 1, above. The Commerce Clause has also been used successfully by Congress to prohibit "loan-sharking." In *Perez v. United States*, 402 U.S. 146 (1971), the Supreme Court upheld Title II of the Consumer Credit Protection Act, which prohibited extortionate credit transactions, as a valid congressional exercise of its Commerce Clause authority.

<sup>4</sup> *Perez v. United States*, 402 U.S. 146, 150 (1971).

<sup>5</sup> *United States v. Lopez, Jr.*, — U.S. — (1995), 63 U.S.L.W. 4343, 4346, No. 93-1260, April 26, 1995.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at \_\_\_\_\_, 63 U.S.L.W. at 4348.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> In *Katzenbach v. McClung*, 379 U.S. 294 (1974), the Supreme Court upheld, as a valid exercise of commerce power, a federal statute prohibiting racial discrimination by local restaurants which offered to serve interstate travelers or which served food a substantial portion of which had move din interstate commerce.

<sup>12</sup> *Lopez*, supra at 4365.

<sup>13</sup> 307 U.S. 174 (1939).

<sup>14</sup> *Id.* at 178.

<sup>15</sup> *United States v. Hale*, 978 F.2d at 1016 (8th Cir. 1992).



<sup>16</sup>Id. at 1020.

<sup>17</sup>Id. at 1020, citing *United States, v. Oakes*, 564 F.2d 384, 387 (10th Cir. 1977), cert. denied, 435 U.S. 926 (1978).

<sup>18</sup>*United States, v. Warin*, 530 F.2d 103 (6th Cir.), cert. denied, 426 U.S. 948 (1976).

<sup>19</sup>*Vietnamese Fishermen's Association v. the Knights of the Ku Klux Klan*, 543 F. Supp 198, 210 (S.D. Texas 1982).

<sup>20</sup>Supra.

<sup>21</sup>In rejecting that argument, the Eighth Circuit cited *Cases v. United States*, 131 F.2d 916, 922 (1st Cir. 1942), cert. denied, 319 U.S. 770 (1943), for the proposition that the existence of any reasonable relationship to the preservation of a well-regulated militia must be determined from the facts of each individual case.

<sup>22</sup>Supra at 1020.

<sup>23</sup>Supra at 387.

<sup>24</sup>Id.

<sup>25</sup>Supra at 106.

<sup>26</sup>Id.

<sup>27</sup>Supra.

<sup>28</sup>See id. at 203-206.

<sup>29</sup>Id. at 210.

<sup>30</sup>*Hale*, supra at 1019.

<sup>31</sup>Supra.

<sup>32</sup>Supra at 203-207.

<sup>33</sup>Id. at 202-203. Plaintiff's expert witness testified that TER had all the elements of a military organization which he defined as ". . . any unit with command structure, training and discipline so as to function as a combat or combat support unit." Indeed, TER provided military training to persons dressed in military type uniforms, which he described as training in the "art of war, the functions of a soldier," including combat and support roles.

<sup>34</sup>Id. at 208.

<sup>35</sup>391 U.S. 367, 376 (1968)

<sup>36</sup>*Vietnamese Fishermen's Association*, supra at 208.

<sup>37</sup>*Chaplinsky v. New Hampshire*, 315 U.S. 568, 572 (1942), cited in *Vietnamese Fishermen's Association*, supra at 208. In subsequent cases to *Chaplinsky*, the Supreme Court has made it clear that the fighting words doctrine is to be construed narrowly. In *Gooding v. Wilson*, 405 U.S. 518, 523 (1972), the Supreme Court held that a state statute which punished "fighting words" must be restricted to "those words which have a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed." Commentators disagree on whether *Gooding* represents a departure from *Chaplinsky*. See Note, the Fighting Words Doctrine, 93 Colum. L. Rev. 1527, 1542 n. 89 (1994). At least one commentator has interpreted *Gooding* to mean that the fighting words doctrine cannot be used to punish insults directed against large groups of people. "Defending My Enemy," by Aryeh Neier, (E.P. Dutton, N.Y. 1979), pp. 137-38. In *R.A.V. v. St Paul*, 505 U.S. —, 120 L.Ed. 2d. 305 (1992), the Supreme Court struck down a St. Paul ordinance on its face because the ordinance prohibited only certain types of fighting words and was deemed to be content-discriminatory. However, the Court refused an invitation by the petitioner to modify the scope of the *Chaplinsky* formulation, and to invalidate the ordinance on the basis of overbreadth. By implication, therefore, the *Chaplinsky* formulation remains good law.

<sup>38</sup>It is unclear whether the military activities challenged in *Vietnamese Fishermen's Association* would be upheld as "fighting words" if challenged directly. Nevertheless, the discussion in this case on the fighting words doctrine was dicta and unnecessary to the Court's ruling that the defendant's military conduct could be regulated.

<sup>39</sup>Supra at 377.

<sup>40</sup>Supra at 209.

<sup>41</sup>116 U.S. 252, 267 (1886).

<sup>42</sup>*Vietnamese Fishermen's Association*, supra at 209.

<sup>43</sup>Application of Cassidy, 268 App.Div. 282, 51 N.Y.S.2d 202, 205 (1944) aff'd, 296 N.Y. 926, 73 N.E.2d 41 (1947), cited in *Vietnamese Fishermen's Association*, supra at 209.

<sup>44</sup>*Vietnamese Fishermen's Association*, supra at 209.

<sup>45</sup>Id.

<sup>46</sup>Id.

<sup>47</sup>695 F.2d 261 (7th Cir. 1982), rehearing and rehearing en banc denied, March 2, 1983.

<sup>48</sup>Id. at 271

<sup>49</sup>Supra.

<sup>50</sup>Id. at 108.

<sup>51</sup>Supra.

Mr. MCCOLLUM. Thank you, Mr. Stern. Mr. Levin.

#### STATEMENT OF BRIAN LEVIN, ASSOCIATE DIRECTOR, KLANWATCH PROJECT, SOUTHERN POVERTY LAW CENTER

Mr. LEVIN. Thank you very much for having me today. My name is Brian Levin. I am the associate director for the Southern Poverty Law Center's Klanwatch Project. The center is located in Montgomery, AL. The center was founded about 25 years ago to protect the rights of victims of injustice. In response to an alarming surge in

white supremacist activity during the late 1970's, the center established the Klanwatch Project to monitor extremist groups and track hate crime.

Today, we maintain on computer data bases, the largest and most sophisticated set of information relating to extremist groups such as neo-Nazis, Aryan Nations, and the Ku Klux Klan. Six times each year, we publish the Klanwatch Intelligence Report to share our information with the law enforcement and Government community. Currently over 6,000 law enforcement agencies subscribe to our free reports, including divisions of the FBI, ATF, and the Department of Justice.

I am providing the committee with copies of our most recent intelligence reports. In addition, the reports contain an overview of trends in the white supremacist world and an update on growing anti-Government extremism. As you will see, we have identified over 250 paramilitary organizations. As these reports indicate, our country has faced threats from extremist paramilitary groups before. Racist and anti-Government paramilitary groups pose a unique threat to the stability of our democratic institutions. With disturbing regularity, suspected anti-Government extremists have attacked police officers, plotted to blow up Federal buildings, established armed compounds and gathered weapons and material like poison and contagious bacteria. So called common law courts are threatening public officials with violence if they carry out their official duties.

This summer, anti-Government extremists from the Tri-State Militia banded together to endorse a war against the U.S. Government. Recently, our intelligence division uncovered vast counter-intelligence networks established by hate groups and anti-Government militias which target public officials, civil rights groups and the media.

I am going to show you right now one of the forms used in the counter-intelligence activities by these groups. This happens to be one used by the group Aryan Nations. Similar forms are being distributed by anti-Government paramilitary organizations. These forms are in your packet for your perusal.

Although most militias do not have racist ties, an alarming number of them do. The fact that they have such racist ties is no accident. White supremacist and neo-Nazi leaders have sought to exert control over the militia movement, and to recruit militia members into their ranks. Ominously, the notion of violent leaderless resistance has been imported by the extreme anti-Government movement from the white supremacists themselves. Leaderless resistance calls for small autonomous bands of terrorists to further the overall goals of the movement by committing random acts of terror against public institutions, infrastructure targets, and innocent citizens. Information on how to commit such violence is widely available. An active underground market for the tools of destruction exists.

Timothy McVeigh, one of the Oklahoma City bombing suspects may have been following the leaderless resistance strategy. He evidently trained with a militia group in Michigan and pedaled "The Turner Diaries," a fictional account of a race war written by neo-Nazi leader William Pierce.

As we've seen so vividly in the past, paramilitary extremists often grow bored merely roaming the woods and shooting at paper targets. In the early 1980's, the Ku Klux Klan in Texas operated a series of paramilitary camps. Though the training was allegedly only defensive, Klan members were soon playing a key role in enforcing their own laws by terrorizing innocent Vietnamese fishermen in Galveston Bay. In North Carolina in the mid-1980's, the White Patriot party's paramilitary group went from defensive training to stockpiling weapons, machine gunning people in a gay bookstore, and plotting to blow up the offices of the Southern Poverty Law Center, to whom I belong.

The law center successfully filed suit to stop these paramilitary groups from both Texas and North Carolina. In our case on behalf of the Vietnamese fishermen, the Federal court relied in part on a Texas statute outlawing unsanctioned private armies. Invoking a century of precedent, the court held that neither the first amendment nor the second amendment restrict the Government's ability to ban private armies. In our North Carolina case, we used the State's antiparamilitary statute to stop the dangerous activities of the Carolina Knights of the Ku Klux Klan. The group was intimidating black citizens and training for what it viewed as inevitable race war.

Many of the so-called militias that have formed over the past 2 years pose a similar threat. Fueled by anger over the Randy Weaver incident, the Branch Davidian standoff in Waco, TX, and passage of the Brady Bill, these organizations see themselves as embattled. Many are literally preparing for war with the Federal Government. Many as well have ties to racist groups and leaders.

Perhaps the most influential militia leader has been John Trochmann, the founder of the Militia of Montana. A featured speaker at the 1990 Aryan Nations World Congress, Trochmann had sent out hundreds of militia formation packets. In addition to selling video tapes promoting armed resistance of Federal and State authorities, Trochmann sells paramilitary handbooks such as "Sniper Training and Employment," "Guerrilla Warfare," "Booby Traps," and Unconventional Warfare Devices and Techniques."

The anti-Government message is increasingly a disturbing one. Sam Sherwood of the United States Militia Association told his followers recently to look their legislators in the face, because, "They may have to blow it off some day." A book that details how to commit acts of terrorism is advertised with this phrase, "Words and plans may be needed right here at home in the very near future, because it teaches how to overcome a socialist Government."

As of yesterday, Klanwatch and our militia task force have identified almost 272 militia groups operating in some 48 States. We have been learning about new ones every week. At least 66 of these groups have ties to the white supremacist movement. If our experience with other extremist groups is any guide, the number of groups will fluctuate as alliances form and are broken and as those who cross the line between constitutionally protected rhetoric and violence are prosecuted or sued civilly. Many militia members have crossed that line.

I am showing you a photograph from Fowlerville, MI, where three militia members who were members of Mark Koernke's secu-

rity team were arrested after being stopped for a routine traffic infraction. They apparently were surveilling local police in Michigan. These are some of the weapons that they had in their possession at the time that they were arrested.

Additionally, this is an enlargement of some of the most notable incidents involving armed extremists, police, and other Government officials. Copies are provided in the appendix to my testimony.

While obviously the Oklahoma City bombing is the most well-known of all of these incidents, I think as you will see when you peruse the appendix to our testimony, that the threat posed by this movement is quite substantial. Because of our concern over the involvement of white supremacist leaders in the anti-Government movement, the law center's founder, Morris Dees, wrote Attorney General Reno and the attorneys general of six States in October 1994 to alert them to the growing anti-Government militia movement. We have subsequently written to every State attorney general, requesting that they enforce their laws against unsanctioned private armies or sponsor such legislation in their States.

There are additional steps though that can be taken to help protect the country from the danger posed by armed extremists. We would first recommend that the committee consider a Federal law that would more effectively curb paramilitary training that is not authorized by State law. The current Federal paramilitary training statute, 18 U.S.C., section 231, enacted in 1968, punishes only those who instruct others in fomenting violent civil disorder. Clearly the statute should punish trainees as well, as Congressman Nadler's bill does. Similar statutes have been enacted in 24 States.

Second, we recommend the passage of a Federal statute similar to the one we used in Texas against the Ku Klux Klan's private army, to enhance the Government's ability to curb unsanctioned private armies. The Texas law outlawed the existence of such armies regardless of their training activities. This provides an extra mechanism for enforcement against these terroristic individuals. Although the second amendment prevents Congress from passing a law that would prohibit State militias, nothing in the Constitution prevents Federal or State Governments from regulating militia groups that are not authorized by State law.

Third, we would recommend legislation regulating the dissemination of dangerous substances like ether or ammonium nitrate that can be used to make explosives or weapons of mass destruction. Although there may be a first amendment right to even publish direction for making destructive devices, no one has a right to buy dynamite.

There is however a danger in over reacting to the threat posed by anti-Government extremists. I think it is important that we mention this. We do not think that the country needs a new array of capital offenses or major overhaul in habeas corpus law to combat domestic terrorism. Also, we would not endorse a major overhaul of the Attorney General's guidelines concerning domestic security and terrorism investigations. Although we believe that intensive Government monitoring of fringe groups would prevent some crime, our experience reflects that most hate violence is committed

by angry, unaffiliated loners, people on the margins of life who would probably go undetected.

In addition, it is likely that a major Federal crackdown of this type would spur a violent reaction from those who perceive the Federal activity as a threat. We are also concerned about the first amendment implications of potential changes to both the law and to the guidelines. While we do not have to tolerate those who establish private armies, participate in criminality, or direct imminent lawlessness, we have a constitutional obligation to tolerate non-violent individuals, even if we despise their horrendous messages.

One matter though, concerning the guidelines that should be considered, is the restriction on maintaining records contained in the Privacy Act. As long as the information is publicly available, it would not violate the first amendment for the Justice Department to maintain, for example, newspaper clippings of calls to violence, even if the rhetoric did not amount to incitement, and was couched in terms of self defense. Without the ability to maintain such information, Federal authorities could easily miss a piece of a puzzle that to paraphrase the words of the guidelines, would reasonably indicate that two or more persons are engaged in an enterprise for the purpose of furthering political or social goals that involve force or violence and a violation of the criminal laws of the United States.

Again, I think the threat is quite real, but also we have an obligation under the first amendment to protect even unpopular ideas that we do not like. I want to thank the committee for inviting me to testify. I certainly will entertain any questions that the members may have. Thank you for having me.

[The prepared statement of Mr. Levin follows:]

PREPARED STATEMENT OF BRIAN LEVIN, ASSOCIATE DIRECTOR, KLANWATCH PROJECT,  
SOUTHERN POVERTY LAW CENTER

My name is Brian Levin. I am the Associate Director for Southern Poverty Law Center's Klanwatch Project. The Center is located in Montgomery, Alabama.

The Center was founded almost 25 years ago to protect the rights of victims of injustice. In response to an alarming surge in white supremacist activity in the late 1970s, the Center established its Klanwatch Project to monitor extremist groups and to track hate crimes. Klanwatch collects the literature of every major extremist group in the country, records their hate "hot lines," subscribes to clipping services that collect articles about hate group activity and hate crimes from thousands of newspapers, combs the Internet for extremist propaganda, and receives information from numerous law enforcement and private sources. We have been storing this information on our computers for over a decade and today maintain the largest database in the country on neo-Nazi groups like the Aryan Nation and Ku Klux Klan.

Six times each year, we publish the "Klanwatch Intelligence Report" to share our information with the law enforcement community. Currently, over 6,000 law enforcement agencies receive our free reports, including numerous offices of the FBI, the BATF, and the Department of Justice.

I'm providing the Committee with copies of our most recent Klanwatch Intelligence Reports. As you will see, we have identified over 250 private paramilitary organizations. In addition, the reports contain an overview of trends in the white supremacist world and an update on the growing anti-government movement. To help put the current trends in historical context, I'm also providing our report "Hate Violence and White Supremacy: A Decade Review 1980-1990." As this last report reflects, our country has faced threats from extremist paramilitary groups before.

Racist and anti-government paramilitary groups pose a unique threat to the stability of our democratic institutions. With disturbing regularity, suspected anti-government extremists have attacked police officers, plotted to blow up federal buildings, established armed compounds, and gathered weapons and material like poison

and contagious bacteria. So-called "common law" courts are threatening public officials with violence if they carry out their official duties. This summer anti-government extremists from the Tri-State militia banded together to endorse a war against the United States government. Recently our intelligence uncovered vast counter-intelligence networks established by hate groups and anti-government militias targeting public officials, civil rights groups, and the media.

Although most militia groups do not have racist ties, an alarming number do. And the fact that they have such ties is no accident. White supremacists and neo-Nazi leaders have sought to exert control over the militia movement and to recruit militia members into their ranks.

Ominously, the notion of a violent "leaderless resistance" has been imported by the extreme anti-government movement from the white supremacists. Leaderless resistance calls for small autonomous bands of terrorists to further the overall goals of the movement by committing random acts of terror against public institutions, infrastructure targets, and innocent citizens. Information on how to commit such violence is widely available, and an underground market for the tools of destruction exists.

Timothy McVeigh, one of the Oklahoma City bombing suspects, may have been following the "leaderless resistance" strategy. He evidently trained with a militia group in Michigan and peddled "The Turner Diaries," a fictional account of a race war written by neo-Nazi leader William Pierce.

As we've seen so vividly in the past, paramilitary extremists often grow bored with roaming the woods and shooting at paper targets. In the early 1980s, the Ku Klux Klan in Texas operated a series of paramilitary camps. Though the training was allegedly only "defensive," Klan members were soon playing a key role in enforcing their own "laws" by terrorizing innocent Vietnamese fishermen in Galveston Bay. In North Carolina in the mid 1980s, the White Patriot Party's paramilitary group went from "defensive" training to stockpiling weapons, machine gunning people in a gay bookstore, and plotting to blow up the offices of the Southern Poverty Law Center.

The Law Center successfully filed suit to stop those paramilitary groups in Texas and North Carolina. In our case on behalf of the Vietnamese fishermen, the federal court relied in part on a Texas statute outlawing unsanctioned private armies. Invoking a century of precedent, the court held that neither the First or Second Amendment restrict the government's authority to ban private armies. In our North Carolina case, we used the state's anti-paramilitary statute to stop the dangerous military activities of the Carolina Knights of the Ku Klux Klan. The group was intimidating black citizens and training for what it viewed as an inevitable race war.

Many of the so-called "militias" that have formed over the past two years pose a similar threat. Fueled by anger over the Randy Weaver incident, the Branch Davidian standoff at Waco, and passage of the Brady Bill, these organizations see themselves as embattled. Many are literally preparing for war with the federal government. Many have ties to racist groups and leaders.

Perhaps the most influential militia leader has been John Trochmann, the founder of the Militia of Montana. A featured speaker at the 1990 Aryan Nations World Congress, Trochmann has sent out hundreds of militia-formation packets. In addition to selling videotapes promoting armed resistance to federal and state authorities, Trochmann sells paramilitary handbooks such as Sniper Training & Employment, Guerrilla Warfare, Booby Traps, and Unconventional Warfare Devices and Techniques.

The anti-government message is increasingly a disturbing one. Sam Sherwood of the United States Militia Association told his followers to look their legislators in the face because "they may have to blow it off some day." A book that details how to commit acts of terrorism is advertised with this phrase: "Its words and plans may be needed right here at home in the very near future because it teaches how to overcome a socialist government."

As of yesterday, we had identified almost 272 militia groups operating in 48 states. We have been learning about new ones every week. At least 66 of those groups have ties to the white supremacist movement. If our experience with other extremist groups is any guide, the number of groups will fluctuate as alliances form and are broken and as those who cross the line between protected rhetoric and violence are prosecuted or sued civilly.

Many militia members have already crossed that line. Attached to my testimony is a list of some examples of criminal activity associated with anti-government extremists. While obviously the Oklahoma City bombing is the most well known, all of the incidents illustrate the threat of violence posed by this movement.

Because of our concern over the involvement of white supremacist leaders in the anti-government militia movement, the Law Center's founder Morris Dees wrote At-

torney General Reno and the Attorneys General of six states in October 1994 to alert them to the growing anti-government militia movement. We have subsequently written to every state Attorney General requesting that they enforce their laws against unsanctioned private armies or sponsor such legislation in their states.

There are additional steps that can be taken to help protect the country from the danger posed by armed extremists. Because paramilitary training both attracts those who would engage in violence and acts as a springboard for their activity, we would first recommend that the Committee consider a federal law that would more effectively curb paramilitary training that is not authorized by state law. The current federal paramilitary training statute, 18 U.S.C. § 231, punishes only those who instruct others in fomenting violent civil disorder. Clearly, the statute should punish trainees as well. Similar statutes have been enacted in at least 24 states.

Second, we recommended passage of a federal statute similar to the one we used in Texas against the Ku Klux Klan's private army to enhance the government's ability to curb unsanctioned private armies. The Texas law outlawed the existence of such armies, regardless of their training activities. Although the Second Amendment prevents Congress from passing a law that would prohibit state authorized militias, nothing in the Constitution prevents federal or state governments from regulating militia groups that are not authorized by state law.

Third, we would recommend legislation regulating the dissemination of dangerous substances like ether or ammonium nitrate that can be used to make explosives or weapons of mass destruction. Although there may be a First Amendment right to publish directions for making destructive devices, no one has a right to buy dynamite.

There is a danger in overreacting to the threat posed by anti-government extremists. We do not think that the country needs a new array of capital offenses or a major overhaul in habeas corpus law to combat domestic terrorism. Also, we would not endorse a major overhaul of the Attorney General's Guidelines concerning Domestic Security/Terrorism Investigations. Although we believe that intensive government monitoring of fringe groups would prevent some crime, our experience reflects that most hate violence is committed by angry, unaffiliated loners—people on the margins of life—who would probably go undetected. In addition, it is likely that a major federal "crackdown" would spur a violent reaction from those who perceived the federal activity as a threat.

We also are concerned about the First Amendment implications of potential changes in the Guidelines. While we do not have to tolerate those who establish private armies, participate in criminality, or direct imminent lawlessness, we have a constitutional obligation to tolerate nonviolent individuals even if we despise their message.

One matter concerning the Guidelines that should be considered is the restriction on maintaining records contained in the Privacy Act. See 5 U.S.C. § 552a(e)(7). As long as the information is publicly available, it would not violate the First Amendment for the Justice Department to maintain, for example, newspaper clippings of calls to violence even if the rhetoric did not amount to incitement and was couched in terms of "self-defense." Without the ability to maintain such information, federal officials could easily miss a piece of a puzzle that would, in the words of the Guidelines, "reasonably indicate 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."

Thank you.



# KLANWATCH INTELLIGENCE REPORT

SALUTE PROJECT OF THE SOUTHERN POVERTY LAW CENTER

OCTOBER 1995/#80

## Prominent Militia Networks Launch Counter-Intelligence Campaign

*Strategy and Timing Coincide with Aryan Nations' Effort*

■ At a time when law enforcement is increasingly the target of extremist violence, two national militia networks—the Tri-State Militia and the Militia of Montana—launched counter-intelligence campaigns remarkably similar to one implemented at the same time by Aryan Nations, the country's largest neo-Nazi group.

"These operations are an ominous threat to police and public officials," said Klanwatch Director Joe Roy. "Coordinated counter-intelligence operations represent a serious escalation of domestic extremist activity."

In July the Tri-State Militia, the Militia of Montana, and the Aryan Nations issued surveillance report forms and directed their members to start covert reconnaissance operations.

All three groups use a counter-intelligence report called a SALUTE form. SALUTE is an acronym for the type of information that the report seeks to gather on the targeted "opponent" or "enemy" group: Size, Activity, Location, Unit, Time, and Equipment. "The basic format of these SALUTE reports has been used by the military to conduct counter-intelligence operations," said Roy.

The intelligence campaigns were launched simultaneously from different areas of the country. The August 1995 Klanwatch *Intelligence Report* described the Aryan Nations' operation. Klanwatch



John Trochmann, co-founder of the Militia of Montana

did not learn of the activities of the two militia organizations until after the August *Intelligence Report* had been released.

*(continued on page 2)*



## Militias Launch Counter-Intelligence Campaign

(continued from page 1)



Neo-nazis at Aryan World Congress held in Idaho in July.

### Tri-State Militia

The Tri-State Militia is a national militia umbrella organization with affiliates in over 20 states. It distributed SALUTE forms to nearly 200 militia activists at a nationwide gathering near Gregory, S.D., on July 22. Although headquartered in South Dakota, Tri-State Militia Commander John Parsons said the group's name "doesn't stand for any three states in the country, but three states of mind: God, family and country."

### Aryan Nations

That same July weekend near Hayden Lake, Idaho, SALUTE forms were secretly distributed to selected state Aryan Nations officers at the group's annual Aryan World Congress. Recipients were instructed to gather intelligence on the locations and employees of the "enemy": government agencies, civil rights groups and the media. Aryan Nations is the country's fastest growing neo-Nazi organization with chapters in at least 22 states.

### Militia Of Montana

The Militia of Montana directed its followers to use the standardized SALUTE format against "opponents" in the July issue of its nationally distributed newsletter, *Taking Aim*. That same newsletter referred to police as "local Gestapo."

The Militia of Montana is one of the

largest and most influential of the nation's militias. Its founder, John Trochmann, is considered both a pioneer and chief spokesperson for the modern militia movement. His extremist videos and training materials promoting armed resistance are distributed nationally. Trochmann, who has ties to Aryan Nations, testified in June that militias like his were "a giant neighborhood watch" that pose no threat to Americans.

"We've known for a long time that key white supremacists have been infiltrating the militia movement," Roy explained. "The fact that nearly-identical forms and counter-intelligence directives were issued by these three groups is evidence of a new coordinated counter-intelligence effort." Roy warned that "these activities are likely to involve well-trained military or law enforcement veterans."

### Militia Under Scrutiny

The Tri-State Militia's counter-intelligence operation comes at a time when that organization is under increasing scrutiny because of its ties to extremist figures and its incendiary rhetoric.

According to federal and state authorities the Tri-State militia is allegedly linked to suspected bomb plotter Charles Ray Polk. On September 12, Polk, 45, of Tyler, Texas, was indicted by a federal grand jury on charges that he plotted to blow up the Internal Revenue Service building in Austin, Texas. He was also charged with weapons and explosives violations, including possession of an illegal machine gun.

Polk had been the subject of law enforcement scrutiny for more than a year before his indictment. The self-described "patriot" claimed that he was not a U.S. citizen and refused to pay taxes.

The Tri-State Militia's July 22 gathering brought together activists from 22 states, including Johnny Johnson of the Texas Constitutional Militia and Jeff Randall of the Gadsden (Ala.) Minutemen. According to law enforcement sources, target practice with automatic weapons was widespread at the event. The function was held amid tight security and was closed to the public. Participants were searched and prohibited from bringing cameras and recording devices onto the premises.

### "Declaration Of Grievances"

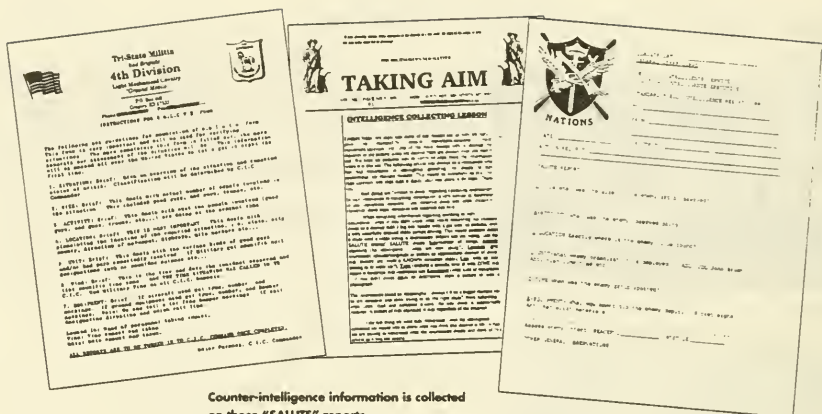
In addition to receiving SALUTE forms, the militia activists signed an ultimatum called a "Declaration of Grievances." The original document distributed at the meeting threatened war with the United States government if the anti-terrorism bill and further gun control legislation were passed by Congress. In the copy of the declaration issued to the media, the overt threat of armed warfare was deleted.

The Tri-State Militia also has been linked to the radical Identity compound, Elohim City, a white supremacist enclave in eastern Oklahoma. According to authorities and Elohim City patriarch, Robert Millar, Oklahoma City bombing suspect Timothy McVeigh made at least two phone calls to the compound before the April 19 bombing.

Tri-State commander John Parsons and some of his followers traveled to Elohim City shortly after the bombing. There, Parsons met with Dennis Mahon, White Aryan Resistance "Ambassador" and former leader of the White Knights of the Ku Klux Klan. Parsons said he and his men were at the well-fortified compound because they were "alerted" that the compound was about to be raided by federal authorities.

"These militia operations coincide not only with Aryan Nations' surveillance activities, but also with the increasing threat

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Counter-intelligence information is collected on these "SALUTE" reports.

of violence against police across the nation," said Klanwatch's Rov. (See related story, bottom of page 4.)

"The collection of public information about the government or private organizations is legal unless it is done in the furtherance of criminal activity," explained Klanwatch Associate Director Brian Levin. "But the fact that these surveillance operations are being carried out by extremists

is obviously troubling. It reminds us of an incident last year near Fowlerville, Michigan where some timely arrests may have saved the police from harm."

In September 1994, certain Michigan police departments were the target of a surveillance operation conducted by members of militia strategist Mark Koernke's "security team." The militia members were arrested near Fowlerville, Mich. on

weapons charges and were armed with assault rifles, 700 rounds of armor-piercing ammunition and night vision binoculars.

"Both the militias and white supremacists feel increasingly threatened by the government," Klanwatch's Rov concluded. "The mutual fear of this common 'enemy' will forge an even tighter alliance between the two movements in the future." ●

## Notable Incidents Involving Extremists and Law Enforcement Officials

■ The Oklahoma City bombing overshadows all other acts of extremist violence aimed at law enforcement and public officials. Incidents, however, before and after the bombing reflect that violent hostility toward the government is not an isolated occurrence.

### 1995

**MARCH** Two members of the Minnesota Patriots Council were convicted of conspiracy for planning to use a lethal biological poison called ricin to kill federal employees and law enforcement agents.

**APRIL** The bombing of Oklahoma City's Murrah Federal Building killed 169 people and injured hundreds more. Timothy McVeigh, 27, and Terry Nichols, 40, are awaiting trial on a



The Oklahoma City bombing killed 169 people.

variety of federal charges relating to the bombing. If convicted the two could receive the death penalty.

Michael Fortier, 26, plead guilty to non-capital charges and is cooperating with authorities. The Justice Depart-

ment has not ruled out the involvement of other individuals in connection to the bombing.

**APRIL** Government agents uncovered a plot to blow up the federal courthouse in Spokane, Wash., with a fertilizer bomb. Darwin Michael Gray, 27, a supporter and longtime friend of white separatist Randy Weaver, was reportedly upset over the handling of the Weaver case. He allegedly planned to bomb the building because agents who investigated the Weaver standoff were based there. Gray is in jail without bond on federal drug and firearms charges.

**APRIL** Three deputies were wounded in a shoot-out in Indianapolis, Ind., with 31-year-old handyman and alleged militia member Mark D. Burton.

**MAY** Larry W. Harris, 43, who has ties to white supremacist groups and is a militia sympathizer, was arrested for allegedly buying bubonic plague bacteria by mail from the food testing lab where he worked in Lancaster, Ohio. In a search of Harris' residence, police found the freeze dried bacteria, hand grenade triggers, homemade explosive devices and detonating fuses. Harris has pleaded not guilty.

**JUNE** Frazzysburg, Ohio, Police Sgt. Matthew May pulled over Michael H. Hill who was driving a car with a homemade license plate that read "OHIO MILITIA 3-13 CHAPLAIN." May shot and killed Hill after the militia member allegedly aimed a .45-caliber semiautomatic handgun at the officer. Hill, 50, a former city police officer, was chaplain of the Unorganized Militia of Ohio and "chief justice" of a Common Law "supreme court." Police have received several threatening phone calls since the incident.



A neighbor of alleged Indiana militia member Mark Burton describes a shoot-out that left three sheriff's deputies wounded.

**JULY** Montana tax protester Gordon Sellner was arrested after being shot during a confrontation with police at his residence. Sellner's arrest ended a three-year standoff with local law enforcement

authorities that began in 1992 when Sellner shot a sheriff's deputy. Charged with attempted murder for the shooting, Sellner retreated to his property and refused to surrender. Fearing a deadly standoff similar to the Weaver episode in Idaho, law enforcement officers had been reluctant to provoke a confrontation.

**SEPTEMBER** Charles Ray Polk, reportedly a militant tax protester with strong anti-government views, was indicted by a federal grand jury for allegedly plotting to blow up the IRS building in Austin, Texas. Polk, 45, allegedly amassed a stockpile of 60 illegally purchased

weapons, including an AK-47 and, at the time of his arrest, was trying to purchase plastic explosives. Authorities say Polk is connected to an anti-government militia. (See related story, top of page 1)

#### 1994

**SEPTEMBER** Three members of militia strategist Mark Koernke's "security team" were arrested on weapons charges after a routine traffic stop in Fowlerville, Mich. Inside the trio's vehicle, police found military assault rifles, semi-automatic pistols, a revolver, 700 rounds of armor-piercing ammunition, knives, bayonets, night-vision binoculars and other military equipment. Handwritten notes found in the



**Police Chief Gary Krause of Fowlerville, Mich., with weapons seized in the arrest of three camouflaged militia members.**

magazines, ammunition, a gas grenade, gas masks and other military gear.

One militia member plead guilty to weapons charges in May 1995, another

vehicle indicated the three were surveilling police departments.

The men fled after posting bond, but were apprehended two months later in southern Michigan after a high speed chase. The fugitives' vehicle contained assault weapons with 100-round magazines, a shotgun and a handgun, all loaded with armor-piercing ammunition, and body armor. A police search of their hideout yielded numerous assault weapon

is still at large, and prosecutors are appealing the recent dismissal of charges against a third militia member in connection with the incident.

**SEPTEMBER** Cpl. Bobbie Harper, a Missouri State Trooper, was critically wounded at his residence by a sniper armed with a high-powered rifle. The shooting was believed to be in retaliation for a raid on the compound of a paramilitary group called the Citizens of the Kingdom of Christ. During the raid, Cpl. Harper arrested the head of the group, Identity leader Robert Joos. At Joos' compound, police found large quantities of dynamite, electric blasting caps, machine guns and ammunition. Timothy Coombs, one of Joos' followers, is a suspect in the shooting of Cpl. Harper and is being sought on state and federal charges.

**OCTOBER** Police officers and the district attorney in Racine, Wis., received death threats stemming from

the murder of a neo-Nazi Skinhead. A threatening letter sent to the district attorney warned, "If you refuse to perform your duties as prosecutor ... I'm going to kill you and your family in the most gruesome manner."

#### 1993

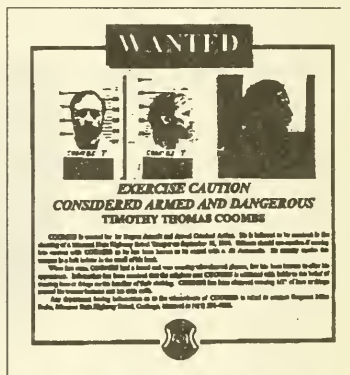
**OCTOBER** Police Sergeant Roger Motley, 38, was shot to death in an Opelika, Ala., shopping center parking lot by Lynda Lyon and George Sibley, extremists with links to the "patriot" movement. The officer was investigating a domestic disturbance involving Lyon's nine-year-old son. Lyon and Sibley are appealing their capital murder convictions.

During 1993, law enforcement officers arrested 35 suspected white supremacists in 13 states on explosives and weapons charges. The arrests uncovered 13 stockpiles of explosives and six weapons arsenals.

#### 1992

**AUGUST** Deputy U.S. Marshal William Degan, 40, was killed during a shoot-out at a remote mountain-top cabin in Idaho in an attempt to arrest white separatist Randy Weaver on a weapons charge. Weaver's wife and son were also killed. Weaver was acquitted in both Degan's killing and on the 1990 weapons charge that had sparked the siege, but was convicted for his failure to appear in court to answer the weapons charges.

**NOVEMBER** Charles Altvater, head of the Maryland chapter of the racist, anti-Semitic Church of the Creator, bombed a Baltimore County police officer's house



**Timothy Coombs is still at large for allegedly shooting a Missouri state trooper in 1994.**

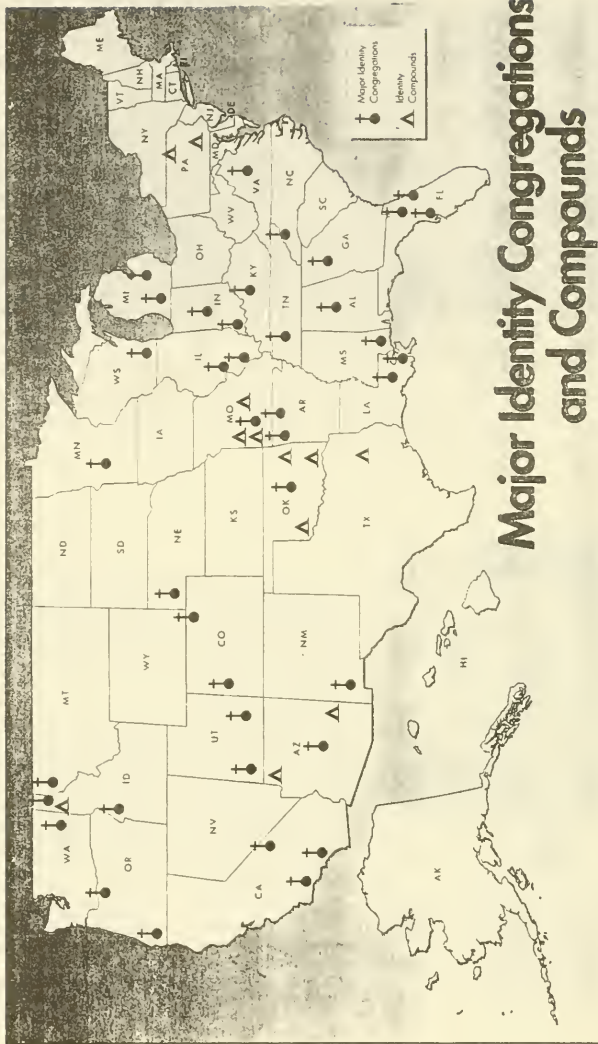
and a state trooper's patrol car. Altvater was sentenced to 18 years in prison. •

## Racist Identity Sect Fuels Nationwide Extremist Movement

For nearly 50 years, the virulent racist theology of Identity has percolated through the ranks of Klansmen, neo-Nazis, the Posse Comitatus and racist Skinheads. Now it reaches beyond traditional white supremacists to an expanding network of anti-government extremists. Today, the fanatical anti-Semitic sect fuels the so-called "Patriot" movement with paranoid theories of government conspiracies and Biblical justifications for violence.

Identity members subscribe to the so-called "Israel Message." They believe that white people are the true Israelites and that Jews and people of color are subhuman "children of Satan," who, along with the government, are to be destroyed in an apocalyptic battle. Their hatred of the federal government is unmatched. "If you were to point to the single most dangerous element in

*(continued on page 3)*



## Major Identity Congregations and Compounds

Major Identity congregations throughout the country center around their "churches" and their radio, print and video ministries. This map does not include all Identity congregations. Congregations marked by  $\Delta$  indicate Identity compounds, many of which are heavily armed and often fortified.

## Racist Identity Sect Fuels Nationwide Extremist Movement

(continued from page 1)

the current militia movement, it would be the expanding network of Identity followers," said Klanwatch Director Danny Welch. "For them, this is a holy war, one they intend to fight to the finish."

### VIOLENT TRACK RECORD

Identity groups such as The Covenant, Sword and Arm of the Lord (CSA), the White Patriot Party, the Posse Comitatus, Arvan Nations and The Order have been responsible for the racist right's most violent episodes over the past 15 years. Members of The Order committed murders and armed robberies. White Patriot Party members committed three murders. Posse Comitatus leader Gordon Kahl killed three law enforcement officers.

Most recently, a suspect in the Oklahoma City bombing reportedly was in contact with an Oklahoma Identity compound just days before the disaster. Telephone records reveal that Timothy McVeigh placed two calls to Elohim City, a 22-year-old armed Identity enclave headed by "Reverend" Robert Millar. Millar admitted these calls were made, but denied speaking to McVeigh personally.

Millar's strong ties to violent Identity adherents are well known. On April 20, Millar returned from Arkansas with the body of Richard Wayne Snell, an Identity adherent and former CSA member executed the day before for the 1983 murder of a pawnshop owner he had mistakenly thought to be Jewish. Snell had previously been convicted for the murder of a black Arkansas state trooper in 1984.

Snell's last words took the form of an extremist theological warning: "Governor Tucker, look over your shoulder. Justice is on the way. I won't trade places with you or any of your political cronies. Hail His victory. I am at peace."

Millar was mentor to both Snell and CSA founder James Ellison. According to a former CSA member, Millar and his followers believe someone will soon be resurrected from the dead to



The Church of Jesus Christ Christian at Hayden Lake, Idaho.

lead the white Israelites in battle against the satanic federal government. After Millar recovered Snell's body, the casket was left open in the event that Snell should be this "savior."

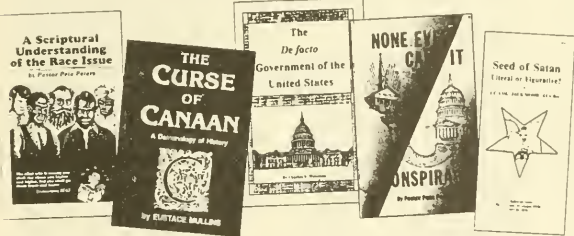
### 'THE FINAL WAR'

Identity's apocalyptic roots are in British-Israelism, a curiosity of mid-Victorian England that maintained that the Anglo-Saxons were the true lost tribe of Israel. In America these beliefs were transformed into a fiercely anti-Semitic, racist theology by a small group of extreme right-wing leaders including Wesley Swift, Bertrand Compere and Col. William Potter Gale.

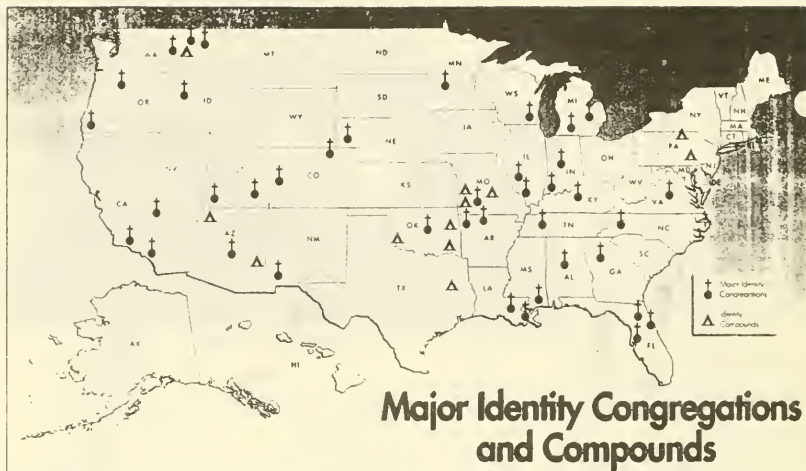
The American Identity doctrine maintains that whites will be pitted against evil non-white satanic forces in an apocalyptic battle. Identity professes that Adam was a white man, the product of a second creation. In Identity's system, God's first creation produced people of color, "the beasts of the field," or "mud people." Jews, according to Identity, are literally the children of Satan, the descendants of a union between Eve and the serpent. These individuals mated with the "beasts" to produce the Edomites, mongrel people who are the embodiment of Satan and the source of all the world's evil.

Identity is a post-millennial religion, meaning that in order for the Second Coming to occur, God's law on Earth must first be established through a great battle, Armageddon. In this battle, the forces of good—the white "Israelites"—will be pitted against the armies of Satan, represented by the Jewish-controlled federal government. Identity followers will wage an all-out war against ZOG (the Zionist Occupied Government), "race traitors" and anyone else who stands in their way.

Because their theology envisions an "end-time" battle in the



Identity literature spreads extreme racism and anti-government rhetoric.



**Major Identity congregations throughout the country center around their "churches" and their radio, print and video ministries. This map does not include all Identity congregations. Congregations marked by  $\Delta$  indicate Identity compounds, many of which are heavily armed and often fortified.**

near future. Identity adherents advocate keeping a well-stocked arsenal and survival gear readily accessible. All are fiercely anti-gun control. Many now live in armed compounds, or "covenant communities" such as Elohim City in Oklahoma and Ephraim's Forum in Arizona.

Identity followers believe that America is the New Jerusalem and that the U.S. Constitution was given to their ancestors, the white Christian Founding Fathers, by God. They believe the authentic Constitution consists of only the first Ten Amendments of the Constitution (the Bill of Rights), and the Articles of Confederation. Under their ideology only white Christian men are "true sovereign citizens" of the Republic. Other Americans are merely Fourteenth Amendment "state citizens," the illegal creation of an illegitimate "de facto" government. The Fourteenth Amendment, ratified in 1868, extends citizenship rights to all persons born or naturalized in the United States and guarantees equal protection of laws to all persons.

Identity believers contend that modern American government is illegitimate, a view they share with non-Identity "Patri-

ots" and tax protesters. Identity followers believe the Internal Revenue Service, civil rights legislation and abortion rights are unlawful. Their vision of a violent battle against the forces of an illegitimate American government makes the widening Identity network an increasing threat.

#### A WIDENING NETWORK

Identity's racist "Israel Message," with its anti-democratic interpretation of the Constitution and its theories of an "international Jewish banking" conspiracy, has steadily spread throughout the United States, England, Canada, Australia and South Africa.

Adherents have actively promoted Identity's anti-Semitic paranoia and hatred through a variety of methods including books, newsletters, audio cassettes, videos, shortwave and AM radio, satellite and cable television, the Internet, camp meetings, far right Patriot rallies and church congregations. Identity followers have also promoted the sect through a series of strategic alliances with other extremists.

Identity warriors have been in the forefront of the extremist paramilitary move-

ment since the 1960s. William Potter Gale, a major U.S. guerrilla strategist during World War II, and Robert DePugh, founder of the ultra-rightist Minutemen, were fervent Identity followers and early proponents of "unorganized militias." During the 1980s, their efforts were carried on by Louis Beam, former Klan Grand Dragon and founder of the paramilitary Texas Emergency Reserve, Glenn Miller and Stephen Miller, organizers of the White Patriot Party, CSA leader Jim Ellison, and James Wickstrom, the anti-Semitic firebrand of the Posse Comitatus.

Today, Beam and Wickstrom are heavily involved in the militia movement as strategists. Numerous other Identity adherents are also involved: Pete Peters, Dave Barlev, John Trochmann, Eustace Mullins, Tom Stetson, James Bruggeman, Earl Jones, Robert Kelly and Paul Hall. Kelly and Hall publish two major Identity/Patriot newspapers—*The American's Bulletin* and *The Jubilee*, respectively.

In October 1992, Identity became firmly established at the vanguard of the growing militia/Patriot movement at an Estes Park, Colo. meeting. The Estes Park



conference was a three-day strategy session involving 160 white activists convened by Pete Peters. This diverse gathering of Klansmen, neo-Nazis, Posse Comitatus partisans, anti-abortion zealots and tax protesters was united by the fatal stand-off at Randy Weaver's Idaho retreat that had occurred just 60 days prior to the meeting.

While non-Identity attendees such as Larry Pratt, director of Gun Owners of America and Steve Graber, former regional director of the conservative Rutherford Institute, were featured speakers, the Estes Park meeting was dominated by Identity leaders Peters, Bean, Richard Butler, Charles Weisman, Chris Temple, John Weaver and many others from "white Israel."

In the three years since the Estes Park meeting, the links between the Identity and militia movements have grown even stronger. Identity pastors and their followers have established active networks throughout the militia/Patriot movement. At an April Identity gathering in Branson, Mo., where Gun Owners of America executive director Pratt appeared, attendees were urged to seek common ground with non-racist Christian fundamentalists through their shared beliefs on abortion, gay rights, home schooling and Bible-based laws.

Bo Gritz, a charismatic former Special Forces com-

*For Identity followers, this is a holy war,  
one they intend to finish.*

mander in Vietnam and one-time running mate on David Duke's Populist Party campaign for President, has been a regular on the Identity speaking circuit since 1990. Gritz denies being racist and anti-Semitic, yet he maintains associations with Identity figures such as Pete Peters, the Colorado-based racist who frequents Aryan Nations functions, Eustace Mullins and Col. Jack Mohr. Gritz has spoken at Peters' *Scriptures For America* Identity "Bible Camps" on at least two occasions and was featured at the First National Identity-Christian Conference in North Carolina. At that 1991 gathering of Klansmen, neo-Nazis and other white supremacists, Gritz shared the podium with Confederate Knights of the Ku Klux Klan Imperial Wizard Terry Boyce and Identity leaders Richard K. Hoskins and Robert Weems.

Despite Gritz's track record on the white supremacist speaking circuit, he enjoys favorable publicity in the national media, where he is often portrayed as a crusty iconoclast. Gritz promotes real estate devel-

opments called "Almost Heaven" and "Shenandoah." Gritz describes these developments as "Christian Covenant Communities." Given Gritz's relationship with Identity and his advocacy of paramilitary training, his "Covenant Communities" are likely to attract like-minded followers.

Whether Identity adherents band together in one location or pursue their apocalyptic beliefs within mainstream communities, the threat from the expanding sect is significant.

Information developed by the Klanwatch Militia Task Force shows that the Identity sect is well-established within the militia movement and its support organizations. As the year 2000 approaches, there is a risk that many in the growing Identity movement will attempt to bring their apocalyptic vision to reality through violence.

"Identity is a movement fueled by religious fanaticism and racism. Its adherents are heavily armed and willing to take violent action," warned Klanwatch's Welch. "Members of Identity are capable of becoming Americanized versions of the anti-government religious extremists seen abroad, a full-scale terrorist underground." ●



Identity pastor  
Pete Peters

MICHAEL MARSH/IN THE COLORADO

*A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed*



THE MILITIAMAN'S NEWSLETTER

# TAKING AIM



VOLUME 2, ISSUE NO. 5, 1995  
JULY

MOM, C/O P O. BOX 1486, NOXON, MT 59853  
(406) 847-2735, or, 2246 voice/fax

## CHAPLAIN SHOT DOWN IN COLD BLOOD

**CHAPLAIN MICHAEL H. HILL  
FEBRUARY 27, 1945 - JUNE 28, 1995**

On Wednesday, June 28, 1995 Michael H. Hill, 50, was shot three times by Sgt. Matt May of Frazzysburg, OH, during what is dubbed by the local gestapo as a routine police stop. Which it may have been.

According to the Cincinnati Enquirer of June 29, 1995 Mike Hill was stopped by Sgt. Matt May because his automobile in which he was traveling did not have valid Ohio license plates. May stated that Hill was brandishing a .45 caliber semiautomatic handgun.

However, Muskingum County Sheriff Bernie Gibson stated that "no officer's life had been threatened."

Also, according to three witnesses Hill was not carrying a handgun. Here is the account of one of the witnesses.

"I, Joseph A. Yacapraro, Jr. was operating my vehicle driv-

ing toward my home in Coshooton County, East bound on State Route 16, and was being followed by Michael H. Hill in his 1972 green American Motors Ambassador, bearing license plate "MILITIA CHAPLAIN", 13-3, also in my car was my older son, Joshua A. Yacapraro, and an associate Larry K. Martz. We arrived into the village of Frazzysburg, Ohio via State Route 16. We were careful to observe all posted speed limits and did travel at least five miles per hour under those posted limits, so as not to provoke the local police to action. As we were about to leave the village limits, we observed a light blue police car parked in the parking lot of the oil field company on the South side of the road, near the east end of the village. As I passed the police car, I observed that the officer was shooting his radar gun toward the east as his arm was extended out of the

driver's side window. The police car then followed Mike's car out of town, as I observed through my rear view mirror. I could see the police car come up close to the rear of Mike's car. I assumed that he was looking at the license plate that Mike had on the rear of the car. After following about one half mile out of the village limits the officer put on his flashing lights so I proceeded up the road about another one quarter to one half mile until I came to a place wide enough to get part way off of the road. There is a 'T' in the road there, in a curve in the road. Mike and the police car went on past me about 100 yards and pulled off to the right side of the road. I could see from my car, that Mike and the officer were both out of their vehicles and were standing in the headlights of the police car between the two vehicles. They were obviously engaged in conversation as I ob-



NATIONS

CLASSIFICATION:  
GENERAL STAFF CORPS

SECURITY/INTELLIGENCE SERVICE  
 POLITICAL INTELLIGENCE EXECUTIVE

STANDARD FIELD INTELLIGENCE REPORT FORM

TO: \_\_\_\_\_

FROM: \_\_\_\_\_

ROUTE TO: \_\_\_\_\_ / \_\_\_\_\_

DATE: \_\_\_\_\_

ACTION REQUEST: \_\_\_\_\_

SALUTE REPORT

S-Size-What was the size of the enemy group observed?

A-ACTIVITY-What was the enemy observed doing?

L-LOCATION Exactly where is the enemy to be found?

U-UNIT -What enemy organization is deployed ? (ADL, JDL John Brown Anti-Klan Committee etc.)

T-TIME-When was the enemy group spotted?

E-EQUIPMENT- What equipment did the enemy deploy? (Picket signs, Anti-Racialist materials,)

Assess enemy intent PEACEFUL \_\_\_\_\_ HOSTILE \_\_\_\_\_

OTHER GENERAL OBSERVATIONS:

they can then compare it with the statements from the three witnesses. If there are any contradictions the FBI will then have the authority to conduct an investigation in which possible civil rights may have been violated

Because of the response and the general uproar that has taken place over this incident, at 5:12 p.m. (est), June 30, 1995, the FBI issued a bulletin to all law enforcement nation-wide to be extremely cautious and that the militia is to be viewed as a threat.

Apparently somebody called in to the FBI office in Denver, CO warning them that one of their associates had mentioned that the militia would be taking action as a reprisal against law enforcement for the murder of Michael Hill.

We were notified of this six page bulletin within a few hours after it's issuance across the National Crime Information Center (NCIC). Here are some of the highlights.

"A possible threat to law enforcement personnel by militia groups.

On July 30, 1995, a telephonic complaint was received at the Denver Field Office of the FBI. The caller, who's unknown reliability, advised that he was informed by an acquaintance of the shooting death of a man, June 29, 1995 by the Ohio State Highway Patrol. The man who was killed was allegedly the chaplain of the Ohio Unorganized Militia (OUM) and is identified as Michael H. Hill.

"The caller further advised that he was informed that this incident has infuriated the militias

## **INTELLIGENCE COLLECTING LESSON**

### **"THE OODA LOOP"**

**Editors Note:** We have had some of our readers ask us why we hardly print on foreign/UN vehicle movement/locations; troop movement/locations; etc. One of the main reasons why is because the majority of the reports when we receive them are already over one month old. We have no possible way to verify or even track the information when it is this old. The following article was written by a militiaman who has had experience in intelligence gathering. He wishes to stay anonymous, for obvious reasons. This should be extremely helpful. So, read carefully and then read it again, until you know it by heart. Thank you.

Few things are "written in stone" regarding collecting information. In fact, innovation in collecting information is very similar to innovation in any capitalistic business - use common sense and some creativity. However, some basic standards and concepts can help.

The OODA loop.

OODA stands for: Orientation, Observation, Decision and Action. It is important to understand that you already do this everyday. Simply put it in terms of information collection. A boxer orients himself to observe his opponent as he maneuvers against his prey - you. You observe his actions then you check for trends - anything repetitive which creates a cycle (i.e. 1..2..3..jab, 1..2..3..jab). You make a decision to act when the cycle has a weak spot. This is the OODA cycle. If your OODA cycle is faster and you cycle faster than your opponent you will most often win. So, if you observe an area that has been idle for a long time and it suddenly becomes active you must tell someone the information so action be taken if warranted (action does not mean violence). Remember, information that gets your attention may not be important to you but it may be very important when added to other information - in this case the action is the reporting. In doing this you will begin to anticipate an opponents actions - as the insiders do now.

**continued on Page 3**

similar to the Ruby Ridge and Waco incidents and that a flash point has been reached and would spill over into Colorado.

The caller advised that the militias were going to start bagging law enforcement, boys in blue, in various skirmishes initiated by angry militia members and sympathizers utilizing ambush hit and run tactics with high powered rifles and scopes. These ambushes allegedly would occur during law enforcement traffic

stops and road blocks.

Contact with Cleveland FBI, who revealed that the June 29, 1995 edition of a local Cleveland newspaper, the Plain Dealer, there appeared an Associated Press article pertaining to the shooting death of an armed man driving a car with home made militia plates.

FBI Cincinnati reported that Hill was stopped on June 28, 1995 by a police officer of Frazeysburg police dept., Frazeys-

burg, OH. After he displayed a hand gun and threatened the officer during a routine traffic stop. The officer shot Hill, who later died from his wounds. It was confirmed that Hill was in fact a chaplain of the Ohio Unorganized Militia.

Law enforcement agencies are requested to advise the nearest office of the FBI regarding any additional information to this incident or any related threat details."

All militia units/ organizations should be on alert themselves for possible law enforcement harassment. You are advised to be extremely cautious and cordial when approached. The militia does not need any more martyrs.

You are also advised to contact your local law enforcement: City, County and State to inform them that they have nothing to worry about from your unit/organization.

If you have any questions concerning this bulletin and/or law enforcement response please call and we will be more than happy to assist you.

The media is having a tough time with Mr. Hill and the militia. It seems he was a Canton, OH police officer for five years and was also a member of the Ohio National Guard.

However, the murderer (let's call him what he really is), had only been on the force for two years and the attorney's involved are now digging up a track record that includes over handedness and possible drug use.

Funeral Services were held at 2:00 pm Sunday, July 2, 1995 at the Watters Funeral Home

**Taking Aim**

Intelligence - continued from page 3

When collecting information regarding anything be very descriptive - even if you don't know what you're observing. An example could be a vehicle with 3 big tire, handle bars, a gas tank, an antenna, with a very colorfully dressed small person driving. This would probably mean a child with a radio riding a recreational vehicle out joy riding. Use the SALUTE format. SALUTE means Size/number of things, Activity observed (be descriptive - what are they doing?), Location (grid coordinate, latitude/longitude or simply an approximate number of miles, feet, meters, etc. from a KNOWN reference point), Unit (who do they belong to or work for?), Time (without a specific time & time ZONE this report is historical and worthless) and Equipment (what kind of equipment - if you don't know again be descriptive, draw a picture or take a photograph).

The information could be meaningful - wouldn't it be a bigger mistake not to tell someone and error trying to do the right thing? Most important - keep calm, cool and collected always. No one wants a plastic/nutty reporter. A matter of fact approach is best regardless of the situation.

One last thing we were told: Anticipate - with the intelligence collected we would like to know what you think this activity is for. In fact, we are having to anticipate what the mainstream media will think of this article as it hits the streets.

## **COMMUNICATIONS SECURITY**

by Paul Stramer

In an article which appeared in the LA Times, Saturday, July 8, 1995, titled *Marines Get A Taste of Urban Warfare Battling "Enemies" at Home*, while describing the training in a mock town the author says: "Marines are taught to infiltrate an urban area, protect themselves from unexpected snipers and take over buildings from enemy defenders - all preferably by surprise, if possible. HAND SIGNALS. RATHER THAN RADIO COMMUNICA-

TIONS. ARE THE RULE. And small-unit initiative is encouraged." (emphasis added)

What does this tell us about Radio in a tactical situation? The professionals know that radio can be an asset and in certain situations it can also be a liability. What decides which it is? Several things should become obvious to anyone with common sense. First: You might just be too darn busy to pay attention to a radio.

continued on page 13

near Woodsfield, Ohio.

Internment at The Golden Nugget Ranch.

A Civil Suit Legal Fund has been set up. For those who

wish to donate may send Cash or Money Orders, made payable to Arlene Hill, to:

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Page Four

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INSTRUCTIONS FOR S.A.L.U.T.E. FORM

The following are guidelines for completion of s.a.l.u.t.e. form. This form is very important and will be used for verifying situations. The more completely this form is filled out, the more accurate our assessment of the situation will be. This information will be passed all over the United States so let's get it right the first time.

1. SITUATION: Brief: Give an overview of the situation and reported status of crisis. Classification will be determined by C.I.C. Commander.
2. SIZE: Brief: This deals with actual number of people involved in the situation. This includes good guys, bad guys, troops, etc...
3. ACTIVITY: Brief: This deals with what the people involved (good guys, bad guys, troops, etc...) are doing at the present time.
4. LOCATION: Brief: THIS IS VERY IMPORTANT. This deals with pinpointing the location of the reported situation, i.e., state, city, county, direction of movement, highways, mile markers etc...
5. UNIT: Brief: This deals with the various kinds of good guys and/or bad guys reportedly involved. If Military get specific unit designations such as shoulder patches etc...
6. TIME: Brief: This is the time and date the incident occurred and list specific time zone. NOT THE TIME SITUATION WAS CALLED IN TO C.I.C. Use Military Time on all C.I.C. Reports.
7. EQUIPMENT: Brief: If aircraft used get type, number, and markings. If ground equipment used get type, number, and bumper markings. Note: We can tell a lot from bumper markings. If rail designation direction and which rail line.

Logged In: Name of personnel taking report.

Time: Time report was taken.

Date: Date report was taken.

ALL REPORTS ARE TO BE TURNED IN TO C.I.C. COMMAND ONCE COMPLETED.

Major Parsons, C.I.C. Commander

# The SEDITIONIST

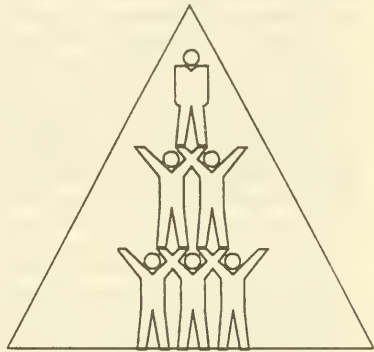
A QUARTERLY JOURNAL OF SEDITIONOUS THOUGHT      LOUIS R. BEAM, EDITOR

ISSUE 12, FEBRUARY 1992: FINAL EDITION

## LEADERLESS RESISTANCE

The concept of **Leaderless Resistance** was proposed by Col. Ulius Louis Amoss, who was the founder of International Service of Information Incorporated, located in Baltimore, Maryland. Col. Amoss died more than fifteen years ago, but during his life was a tireless opponent of communism, as well as a skilled Intelligence Officer. Col. Amoss first wrote of **Leaderless Resistance** on April 17, 1962. His theories of organization were primarily directed against the threat of eventual Communist take-over in the United States. The present writer, with the benefit of having lived many years beyond Col. Amoss, has taken his theories and expounded upon them. Col. Amoss feared the Communists. This author fears the federal government. Communism now represents a threat to no one in the United States, while federal tyranny represents a threat to everyone. The writer has joyfully lived long enough to see the dying breaths of communism, but may, unhappily, remain long enough to see the last grasps of freedom in America.

In the hope that, somehow, America can still produce the brave sons and daughters necessary to fight off ever increasing persecution and oppression, this essay is offered. Frankly, it is too close to call at this point. Those who love liberty, and believe in freedom enough to fight for it are rare today, but within the bosom of every once great nation, there remains secreted, the pearls of former greatness. They are there. I have looked into their sparking eyes; sharing a brief moment in time with them as I passed through this life. Relished their friendship, endured their pain, and they mine. We are a band of brothers, native to the soil gaining strength one from another as we have rushed head long into a battle that all the weaker, timid men, say we can not win. Perhaps...but then again, perhaps we can. It's not over till the last freedom fighter is buried or imprisoned, or the same happens to those who would destroy their liberty.



Barring any cataclysmic events, the struggle will yet go on for years. The passage of time will make it clear to even the more slow among us that the government is the foremost threat to the life, and liberty of the folk. The government will no doubt make today's oppressiveness look like grade

school work compared to what they have

planned in the future. Meanwhile, there are those of us who continue to hope that somehow the few can do what the many have not. We are cognizant that before things get better they will certainly get worse as government shows a willingness to use ever more severe police state measures against dissidents. This changing situation makes it clear that those who oppose state repression must be prepared to alter, adapt, and modify their behavior, strategy, and tactics as circumstances warrant. Failure to consider new methods and implement them as necessary will make the government's efforts at suppression uncomplicated. It is the duty of every patriot to make the tyrant's life miserable. When one fails to do so he not only fails himself, but his people.

With this in mind, current methods of resistance to tyranny employed by those who love our race, culture, and heritage must pass a litmus test of soundness. Methods must be objectively measured as to their effectiveness, as well as to whether they make the government's intention of repression more possible or more difficult. Those not working to aid our objectives must be discarded or the government benefits from our failure to do so.

As honest men who have banded together into groups or associations of a political or religious nature are falsely labeled "domestic terrorists" or "cultists" and suppressed, it will become necessary to consider other methods of organization—or as the case may very well call for: non-organization. One should keep in mind that it is not in the government's interest to eliminate all groups. Some few must remain in order to perpetuate the smoke and mirrors vision for the masses that America is a "free democratic country" where dissent is allowed. Most organizations, however, that possess the potential for effective resistance will not be allowed to continue. Anyone who is so naïve as to believe the most powerful government on earth will not crush any who pose a real threat to that power, should not be active, but rather, at home studying political history.

The question as to who is to be left alone and who is not, will be answered by how groups and individuals deal with several factors such as: avoidance of conspiracy plots, rejection of feeble minded malcontents, insistence upon quality of the participants, avoidance of all contact with the front men for the federals—the news media—and, finally, camouflage (which can be defined as the ability to blend in the public's eye the more committed groups of resistance with mainstream "kosher" associations that are generally seen as harmless.) Primarily though, whether any organization is allowed to continue in the future will be a matter of how big a threat a group represents. Not a threat in terms of armed might or political ability, for there is none of either for the present, but rather, threat in terms of potentiality. It is potential the federals fear most. Whether that potential exists in an individual or group is incidental. The federals measure potential threat in terms of what might happen given a situation conducive to action on the part of a restive organization or individual. Accurate

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*It is the duty of every patriot to make the tyrant's life miserable.*

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intelligence gathering allows them to assess the potential. Showing one's hand before the bets are made, is a sure way to lose.

The movement for freedom is rapidly approaching the point where for many people, the option of belonging to a group will be non-existent. For others, group membership will be a viable option for only the immediate future. Eventually, and perhaps much sooner than most believe possible, the price paid for membership will exceed any perceived benefit. But for now, some of the groups that do exist often serve a useful purpose either for the newcomer who can be indoctrinated into the ideology of the struggle, or for generating positive propaganda to reach potential freedom fighters. It is sure that, for the most part, this struggle is rapidly becoming a matter of individual action, each of its participants making a private decision in the quietness of his heart to resist: to resist by any means necessary. It is hard to know what others will do, for no man truly knows another man's heart. It is enough to know what one himself will do. A great teacher once said "know thyself." Few men really do, but let each of us, promise ourselves, not to go quietly to the fate our would-be masters have planned.

The concept of **Leaderless Resistance** is nothing less than a fundamental departure in theories of organization. The orthodox scheme of organization is diagrammatically represented by the pyramid, with the mass at the bottom and the leader at the top. This fundamental of organization is to be seen not only in armies, which are of course, the best illustration of the pyramid structure, with the mass of soldiery, the privates, at the bottom responsible to corporals who are in turn responsible to sergeants, and so on up the entire chain of command to the generals at the top. But the same structure is seen in corporations, ladies' garden clubs and in our political system itself. This orthodox "pyramid" scheme of organization is to be seen basically in all existing political, social and religious structures in the world today from the Federal government to the Roman Catholic Church. The Constitution of the United States, in the wisdom of the Founders, tried to sublimate the essential dictatorial nature of pyramidal organization by dividing authority into three: executive, legislative and judicial. But the pyramid remains essentially untouched.

This scheme of organization, the pyramid, is however, not only useless, but extremely dangerous for the participants when it is utilized in a resistance movement against state tyranny. Especially is this so in technologically advanced societies where electronic surveillance can often penetrate the structure revealing its chain of command. Experience has revealed over and over again that anti-state, political organizations utilizing this method of command and control are easy prey for government infiltration, entrapment, and destruction of the personnel involved. This has been seen repeatedly in the United States where pro-government infiltrators or agent provocateurs weasel their way into patriotic groups and destroy them from within.

In the pyramid type of organization, an infiltrator can destroy anything which is beneath his level of infiltration and often those above him as well. If the traitor has infiltrated at the top, then the entire organization from the top down is compromised and may be traduced at will.

An alternative to the pyramid type of organization is the cell system. In the past, many political groups (both right and left) have used the cell system to further their objectives. Two examples will suffice. During the American Revolution "committees of correspondence"

were formed throughout the Thirteen colonies. Their purpose was to subvert the government and thereby aid the cause of independence. The "Sons of Liberty", who made a name for themselves dumping government taxed tea into the harbor at Boston, were the action arm of the committees of correspondence. Each committee was a secret cell that operated totally independently of the other cells. Information on the government was passed from committee to committee, from colony to colony, and then acted upon on a local basis. Yet even in these bygone days of poor communication, of weeks to months for a letter to be delivered, the committees without any central direction whatsoever, were remarkable similar in tactics employed to resist government tyranny. It was, as the first American patriots knew, totally unnecessary for anyone to give an order for anything. Information was made available to each committee, and each committee acted as it saw fit.



A recent example of the cell system taken from the left wing of politics are the Communists. The Communist, in order to get around the obvious problems involved in pyramidal organization, developed to an art the cell system. They had numerous independent cells which operated completely isolated from one another and particularly with no knowledge of each other, but were orchestrated together by a central headquarters. For instance, during World War II, in Washington, it is known that there were at least six secret Communist cells operating at high levels in the United States government (plus all the open Communists who were protected and promoted by President Roosevelt), however, only one of the cells was rooted out and destroyed. How many more actually were operating no one can say for sure.

The Communist cells which operated in the U.S until late 1991 under Soviet control could have at their command a leader, who held a social position which appeared to be very lowly. He could be, for example, a busboy in a restaurant, but in reality a colonel or a general in the Soviet Secret Service, the KGB. Under him could be a number of cells and a person active in one cell would almost never have knowledge of individuals who are active in another cell. The value of this is that while any one cell can be infiltrated, exposed or destroyed, such action will have no effect on the other cells; in fact, the members of the other cells will be supporting that cell which is under attack and ordinarily would lend very strong support to it in many ways. This is at least part of the reason, no doubt, that whenever in the past Communists were attacked in this country, support for them sprang up in many unexpected places.

The efficient and effective operation of a cell system after the Communist model, is of course, dependent upon central direction, which means impressive organization, funding from

the top, and outside support, all of which the Communists had. Obviously, American patriots have none of these things at the top or anywhere else, and so an effective cell organization based upon the Soviet system of operation is impossible.

Two things become clear from the above discussion. First, that the pyramid type of organization can be penetrated quite easily and it thus is not a sound method of organization in situations where the government has the resources and desire to penetrate the structure; which is the situation in this country. Secondly, that the normal qualifications for the cell structure based upon the Red model does not exist in the U.S. for patriots. This understood, the question arises "What method is left for those resisting state tyranny?" The answer comes from Col. Amoss who proposed the "*Phantom Cell*" mode of organization. Which he described as **Leaderless Resistance**. A system of organization that is based upon the cell organization, but does not have any central control or direction, that is in fact almost identical to the methods used by the Committees of Correspondence during the American Revolution. Utilizing the **Leaderless Resistance** concept, all individuals and groups operate independently of each other, and never report to a central headquarters or single leader for direction or instruction, as would those who belong to a typical pyramid organization.

At first glance, such a type of organization seems unrealistic, primarily because there appears to be no organization. The natural question thus arises as to how are the "Phantom cells" and individuals to cooperate with each other when there is no intercommunication or central direction? The answer to this question is that participants in a program of **Leaderless Resistance** through phantom cell or individual action must know exactly what they are doing, and how to do it. It becomes the responsibility of the individual to acquire the necessary skills and information as to what is to be done. This is by no means as impractical as it appears, because it is certainly true that in any movement, all persons involved have the same general outlook, are acquainted with the same philosophy, and generally react to given situations in similar ways. The previous history of the committees of correspondence during the American Revolution show this to be true.

Since the entire purpose of **Leaderless Resistance** is to defeat state tyranny (at least insofar as this essay is concerned), all members of phantom cells or individuals will tend to react to objective events in the same way through usual tactics of resistance. Organs of information distribution such as newspapers, leaflets, computers, etc., which are widely available to all, keep each person informed of events, allowing for a planned response that will take many variations. No one need issue an order to anyone. Those idealist truly committed to the cause of freedom will act when they feel the time is ripe, or will take their cue from others who precede them. While it is true that much could be said against this type of structure as a method of resistance, it must be kept in mind that **Leaderless Resistance** is a child of necessity. The alternatives to it have been show to be unworkable or impractical. **Leaderless Resistance** has worked before in the American Revolution, and if the truly committed put it to use for themselves, it will work now.

It goes almost without saying that **Leaderless Resistance** leads to very small or even one man cells of resistance. Those who join organizations to play "let's pretend" or who are "groupies" will quickly be weeded out. While for those who are serious about their opposition to federal despotism, this is exactly what is desired.

From the point of view of tyrants and would be potentates in the federal bureaucracy and

police agencies, nothing is more desirable than that those who oppose them be UNIFIED in their command structure, and that every person who opposes them belong to a pyramid type group. Such groups and organizations are an easy kill. Especially in light of the fact that the Justice (sic) Department promised in 1987 that there would never be another group that opposed them that they did not have at least one informer in. These federal "friends of government" are intelligence agents. They gather information that can be used at the whim of a federal D.A. to prosecute. The line of battle has been drawn. Patriots are required therefore, to make a conscious decision to either aid the government in its illegal spying, by continuing with old methods of organization and resistance, or to make the enemy's job more difficult by implementing effective countermeasures.



Now there will, no doubt, be mentally handicapped people out there who, while standing at a podium with an American flag draped in the background, and a lone eagle soaring in the sky above, will state emphatically in their best sounding red, white, and blue voice, "So what if the government is spying? We are not violating any laws." Such crippled thinking by any serious person is the best example that there is a need for special education classes. The person making such a statement is totally out of contact with political reality in this country, and unfit for leadership of any thing more than a dog sleigh in the Alaskan wilderness. The old "Born on the fourth of July" mentality that has influenced so much of the American patriot's thinking in the past will not save him from the government in the future. "Re-education" for non-thinkers of this type will take place in the federal prison system where there are no flags or eagles, but abundance of men who were "not violating any law."

Most groups who "unify" their disparate associates into a single structure have short political lives. Therefore, those movement leaders constantly calling for unity of organization rather than the desirable *unity of purpose*, usually fall into one of three categories.

They may not be sound political tacticians, but rather, just committed men who feel unity would help their cause, while not realizing that the government would greatly benefit from such efforts. The Federal objective, to imprison or destroy all who oppose them, is made easier in pyramid organizations. Or perhaps, they do not fully understand the struggle they are involved in and that the government they oppose has declared a state of war against those fighting for faith, folk, freedom and constitutional liberty. Those in power will use any means to rid themselves of opposition. The third class calling for unity and let us hope this is the minority of the three, are men more desirous of the supposed power that a large organization would bestow, than of actually achieving their stated purpose.

Conversely, the last thing Federal snoops would have, if they had any choice in the matter, is a thousand different small phantom cells opposing them. It is easy to see why. Such a situation is an intelligence nightmare for a government intent upon knowing everything they possibly can about those who oppose them. The Federals, able to amass overwhelming strength of numbers, manpower, resources, intelligence gathering, and capability at any given time, need only a focal point to direct their anger. A single penetration of a pyramid type of organization can lead to the destruction of the whole. Whereas, **Leaderless Resistance**

presents no single opportunity for the Federals to destroy a significant portion of the Resistance.

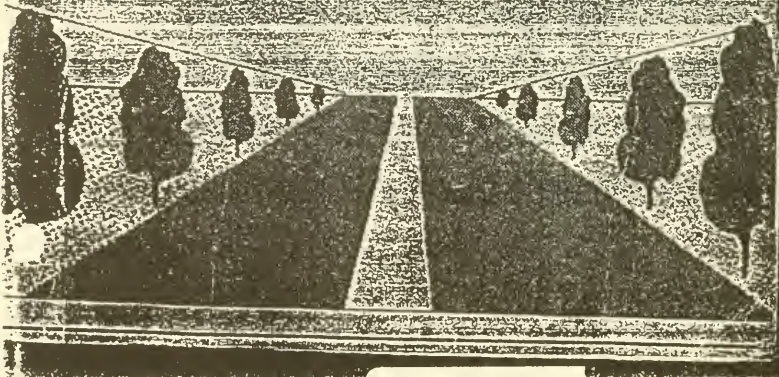
With the announcement by the Department of Justice (sic) that 300 FBI agents formerly assigned to watching Soviet spies in the U.S (domestic counter intelligence) are now to be used to "combat crime", the federal government is preparing the way for a major assault upon those persons opposed to their policies. Many anti-government groups dedicated to the preservation of the America of our forefathers can expect shortly to feel the brunt of a new federal assault upon liberty.

It is clear, therefore, that it is time to rethink traditional strategy and tactics when it comes to opposing a modern police state. America is quickly moving into a long dark night of police state tyranny, where the rights now accepted by most as being inalienable will disappear. Let the coming night be filled with a thousand points of resistance. Like the fog which forms when conditions are right and disappears when they are not, so must the resistance to tyranny be.

*"If every person has the right to defend—even by force—his person, his liberty, and his property, then it follows that a group of men have the right to organize and support a common force to protect these rights constantly." ---The Law. Frederick Bastiat Paris, 1850*



THE ROAD BACK  
TO  
AMERICA



upon restoring order and bringing the population of that country under control, or conquer them politically. It is the purpose of the Resistance to resist the restoration of order and create chaos. The establishment of anarchy is vital to their victory. The order desired by the conqueror produces passivity in the people and destroys their own will to fight. The systematic wrecking of the country's transport will go far in the destruction of order. Fortunately, transportation is a quite vulnerable system from the aspect of sabotage. Various forms of transportation are dealt with below:

Railroads - Rail transport is particularly easy to sabotage. Long stretches of tracks run through desolate and sparsely inhabited areas. The security of these installations is very difficult to maintain. In Figure 12a is illustrated and described a method of mining a railroad track. The frogs, crossovers, and switches are especially vulnerable. An evening spent, destructively, in a rail yard can foul things up for a long time.

In order to create a long delay in repair, mine alternate rail connections for a distance of a hundred yards. Explosives other than dynamite may have their use as well. Substitute 1 pound of TNT for the recommended charge of dynamite.

When explosives are not available, or a sneaky way is desired, derailment devices are available at most railroad supply installations. Any railroad man can tell you about them. They are simple and easy to install. Derailment can also be accomplished by piling obstructions on the rails. A pile of heavy rocks, between the rails and extending over 1 rail, will do. The obstruction should be at least 2 feet high, and 20 feet long.

This takes a lot of hard work and time. In addition, the rock pile may be detected in time to prevent the wreck. High speed, on and off rail, cars may be employed by the enemy to patrol the rural runs of track. They may be armored. In addition, they will most certainly be well armed. There is no very good substitute for explosives that take only minutes to position and arm.

In the rail yards and the roundhouses, the opportunities for sabotage are manifold. Air hoses between cars may be partially cut. Bearings may have a nice grease job with abrasive loaded grease. Couplings may be wedged partially open so that a heavy pull will result in the device opening. A hand brake may be set and jammed before the train gets underway.

Switches may be wedged so they will not open or close. Electric signaling devices may be ruined or altered to give false signals. In switching yards railroad personnel may be overpowered if they are uncooperative and the duties taken over by Resistance people. Havoc can be created by a creative use of the signal system. In many of these yards the lighting is meager. Patrol by protective personnel is made difficult by the long lines of cars parked on the tracks. Explosives may be planted at will. Flatcars carrying loads of vehicles or machinery are vulnerable to demolition.

Engines should not be neglected when using enlightened methods of sabotage. Large charges planted at vital points will make the engine impossible for a repair crew to reconstruct. On diesel jobs, the lube system may be assisted by loading it with abrasives. Even an axe can do a good job on wrecking oil lines and electric cable. Destroy the instrument panels and controls.



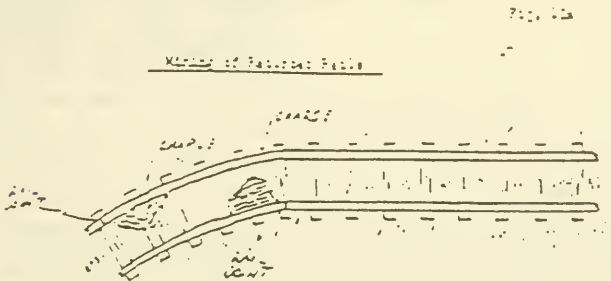
Automotive Transport - In terrain that affords an adequate concealment, enemy vehicles may be hidden by mines and ambushed. In Fig. 12b is illustrated the mining of a road. Timing for detonation of the charges is best accomplished by a device that is triggered by the passage of a vehicle.

Fig. 12a

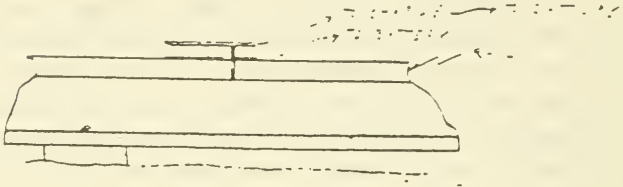
### Mining of Railroad Rails

**Selection of the Site.** Select a site where the visibility of the engineer is restricted, such as just around a curve in the roadbed. The addition to this condition of a steep grade will add to the damage. Another good site is a cut. The jamup will block the cut and make repair efforts more difficult.

**Placement of the Charge.** Position the charges near the rail joints as shown above. Use about four sticks of 60 to 80 percent dynamite, or the equivalent, at each position. Place the charge directly against the rails. Pile stones on top of and inboard of the charge. This will help direct the force of the explosion against the rail at its weakest point.



Arming the Charge. The circuit may be energized by closing a switch manually as the engine passes over the charge, or by having the wheels of the engine pass over a switch device. Such a device may be constructed using two strips of metal about 6 inches long. Separate the strips at one end with a wood block of 3 inches in length and 1/4 inch thick. Sandwich the block and tape it in position. Fasten the wires from the battery, one to each strip.



Secure the device on top of a rail. When a wheel passes over the ends of the section not supported by the block, it will crush them together, closing the circuit and detonating the charges.

Fig. 12c

#### Mining of a Road

Fig. 12b

Selection of the Site. Select a site where the vision of the driver is restricted, such as just around a curve in the road. Place the charges about 15 yards beyond the curve. Note that a side road is also mined. This will prevent following trucks from turning off. Guerilla transport may also wait beyond the mind barrier, ready for es-



# Citizen Soldier

A Manual of  
Community Based Defense

By Robert Bradley

**How to Protect Your Home,  
Family & Freedom  
When the Government Can't.**

## CHAPTER 5

## INTERDICTION OF TARGET SYSTEMS

*So a skillful military operation should be like a swift snake that counters with its tail when someone strikes at its head, counters with its head when someone strikes at its tail, and counters with both head and tail when someone strikes at its middle.*

*Sun Tzu  
The Art of War*

Target systems include:

- Transportation: railroads, highways, water, air.
- Communications: television, radio, newspapers, telephones.
- Manufacturing facilities: weapons, aircraft, vehicles, fuel, ammunition, etc.
- Power nets.
- Fuel systems.
- Military installations and personnel.
- Transportation systems

### Railroads

- Destroy tracks by removing fishplates, loosening tie mounts, offsetting tracks, etc., (in a curve). The next train will derail, tearing up more track and causing damage.
- Tracks and rolling stock can be destroyed with explosives simultaneously.
- Operations must be carried out over a wide area to be effective.

### Highway Systems

Highway systems are easier to repair and have fewer vulnerable points than railroads. Points selected must be harder to reach and should

not allow for short detours around the destruction. Vulnerable points include:

- **Bridges** — there are three parts of a bridge to attack; the abutment, the span, and the intermediate supports. Attacking the abutments is time consuming and requires a lot of labor and explosives. The abutments are attacked with cratering charges or a combination of cratering charges and breaching charges, depending on the thickness of the abutment. The span is attacked using steel cutting or breaching charges depending on its composition (steel or concrete). The intermediate supports, usually made of concrete, are attacked using a breaching charge or counterforce charge.
- **Tunnels** — may be attacked by destroying a vehicle inside the tunnel or with explosives (in large quantities). Cratering charges may be placed over the tunnel, breaching charges placed inside the tunnel, and both charges detonated simultaneously.
- **Roadbeds** — may be cratered or a cratering charge may be placed in a manner to cause a landslide. Also, the roadway may be mined with real or dummy mines or covered with caltrops (metal spikes shaped like a child's "jacks") or nails to temporarily halt traffic. Ambushes and snipers may be used to harass or halt enemy traffic.

### **Waterway Systems**

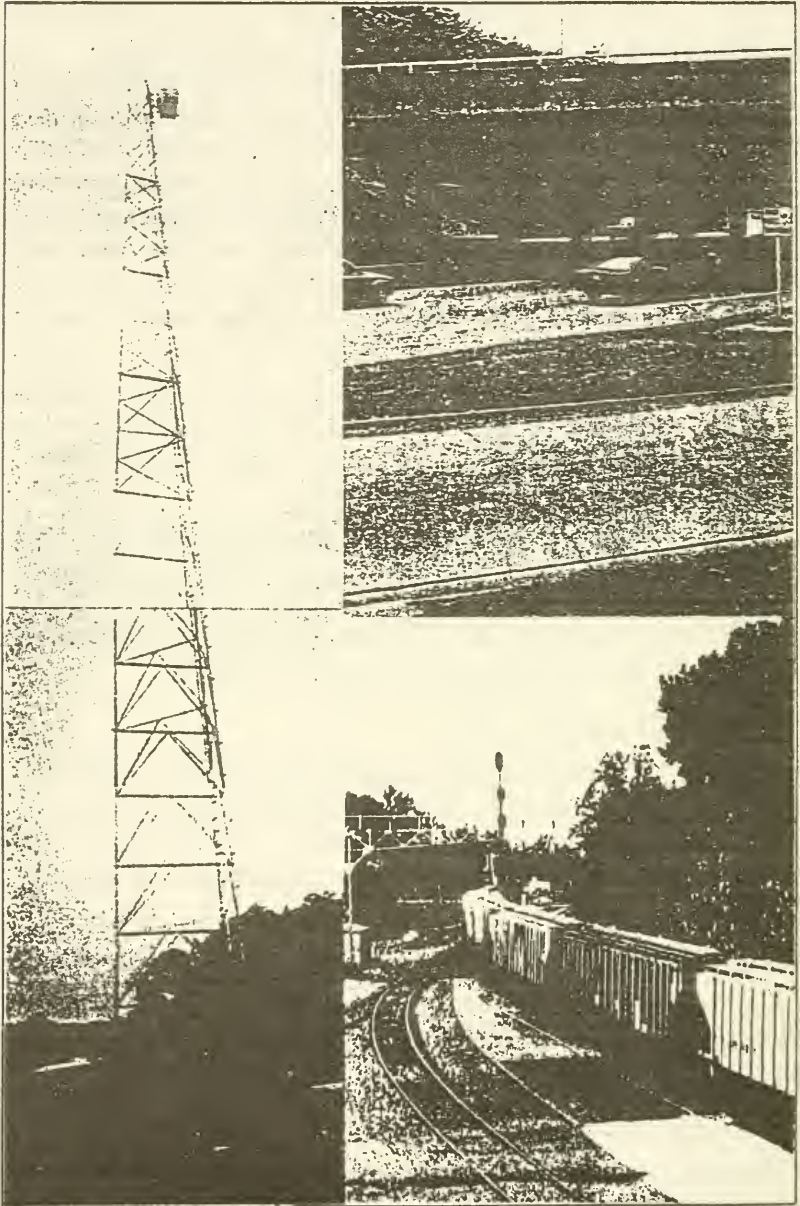
The critical facilities in a waterway system include ports, dams, locks, canals, and related equipment. These systems are usually well guarded. Navigational aids and communication facilities can be attacked, key personnel eliminated, vessels sunk, and bridges dropped to block the waterway.

### **Airway Systems**

Interdict the airway system by attacking navigational and communications equipment, parked airplanes, repair facilities, and key personnel. Fuel depots and terminal complexes may also be attacked.

### **Communications Systems**

- **Television** — stations, transmitters, cable systems, satellite control stations, and towers are all susceptible to attack. Key personnel are vulnerable.



*Figure 5-1 — Examples of Target Systems*

- Radio — frequently transmitters are located some distance from the actual station. Key personnel may be eliminated. Towers may be attacked as with a television system.
- Newspapers — newspapers must be written, printed on paper and then distributed by various means to retail outlets and delivery personnel. A newspaper that takes the side of the aggressor must be destroyed. This may be done by destroying the production facility and interrupting the power supply, interrupting delivery of crucial supplies (like paper), hampering distribution by damaging or destroying trucks, and eliminating of key personnel.

### Power Systems

Power systems provide lucrative targets because there are thousands of miles of unguarded power lines. Interruption of electrical power is hard on the civilian populace. This must be weighed against the possible hindrance that the lack of electricity would be to the enemy.

Power lines may be attacked with explosives, pulled down with vehicles, or shorted out with metal objects (very dangerous). Substations may be attacked with small arms (the transformers are full of lubricant — make a hole, the lubricant runs out, and the transformer blows) or explosives. Repair facilities may be attacked and key personnel eliminated. Generation facilities may be well guarded but will be subject to raids with accompanying demolition (hit the control facilities and generators).

### Water Supply Systems

Water supply systems that supply industries may be attacked by blowing dams, pumping stations, pipelines, and purification plants. Interrupting the water supply to a city or town would impact adversely on the population and may turn them against the guerrillas. This must be weighed against the tactical advantage gained.

### Population Control Systems

Soon after a takeover the occupier can be expected to institute population control measures which may include limits on travel, rationing, curtailing freedom of speech, assembly, and possibly, religion. The occupier will attempt to register and track the movements of the popula-

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tion. These actions call for the use of powerful computers. In order to operate, computers need electricity, a cool, clean environment (air conditioning and a lack of dust), communication links that tie the computers together (with cables, satellites, and microwaves), and trained personnel to operate the computers. The computer's needs are its weaknesses and these must be attacked repeatedly and on a grand scale.

Computer centers will be subject to raids with accompanying demolitions and standoff attacks.

In addition, the power net that supplies the computers may be interrupted, and the key personnel involved in running the computers may be eliminated.



Mr. McCOLLUM. You're quite welcome, Mr. Levin. Mr. Eaton, you are welcome to proceed.

**STATEMENT OF RICK EATON, SENIOR RESEARCHER, SIMON WIESENTHAL CENTER**

Mr. EATON. Thank you, Mr. Chairman and distinguished members of Congress. I am a senior researcher with the Simon Wiesenthal Center, an international Jewish human rights agency that monitors and combats hate groups in the United States and abroad.

For more than a decade, racists, neo-Nazis and other American-based hate groups have been attempting to build a constituency utilizing the cutting edge of technology. Throughout the 1980's and 1990's, extremists have used cable access-television, short-wave radio broadcasts, and satellite television to inject their venom into the mainstream. But whereas a Mark Koerke of the Michigan Militia has been using shortwave radio to broadcast his vehemently anti-Government and sometimes anti-Semitic messages to the public, he and other extremists are now turning more and more to the technology of choice, the superhighway of information.

Cyberspace has suddenly empowered marginal local groups, militias and outright hate groups with the sense that they are part of an increasingly powerful nationwide movement. Over 50 such groups have been identified as using the Internet with more coming on line every week. In addition to the obvious mainstream marketing capabilities, available technology also permits, when desired, anonymity to conduct their activities without fear of reprisal.

Mr. Chairman, let me read from two recent Internet postings.

We need revolution now without delay. The revolution to cleanse our grand nation of undesireables, niggers, beans, Jews and the like, and return the white man to his rightful place atop America. The Oklahoma City bombing was a setup to discredit militias and white activists. We need to begin our fight to eradicate the Federal Government dominated by Jews since the 1930's, beholden to the NAACP and the like organizations. If we do not act soon, we will let America slip into the doldrums of racial equality. I am by no means crazy, just realistic. The white man is superior to all, as I hope you realize, needs to assert his power. I will be leading my militia in southern California against targets in the southwest. Join me to free America.

This was posted on May 7, 1995 to alt.skinheads.

The second one.

The battles are likely to be fought all over the country. If the Federal Government is pressed into a corner, it will react like any other animal in a near-death frenzy. It will strike out wherever and whenever it can. There is also the issue of civil displacement as the urban infrastructure collapses, many will die. Many more will flee to the countryside where they will attempt to pillage for what they need. Because in the past, the Government has erroneously given them entitlements, so they are unable to fend for themselves in any other way. . . . I think you should be able to own anything you want, and if you abuse, you should pay the consequences. Subguns require some training and practice to use correctly. Shotguns are my favorite for up close and personal.

This was posted in July 1995 to misc.activism.militia.

Each week, similar messages calling for revolution and mayhem are posted to the usenet news groups. If this were the extent of the problem, one could almost be willing to write these messages off as a hoax or a crackpot looking for attention. Sadly, it is only the beginning. As recently as Monday, a message was posted encouraging the disruption of universities through the use of homemade button

and pipe bombs. Complete instructions for these explosive devices were included.

In addition to news groups and discussion groups, Patriot Web Sites, the equivalent of an individual's personal stop on the superhighway, have been set up to disseminate information on guns, the new world order, and at least one case, an interdepartmental memo from the BATF. Another site offers a one-stop shopping center for materials on explosives, silencers, smuggling and burglary techniques. The center is currently investigating potentially more dangerous facets of the internet, such as the IRC, the equivalent of a real-time conference conducted online.

In the months prior to Oklahoma City, numerous messages advocating and outlining the formation of militias were posted to the Internet. Some went as far as calling for the infiltration of Government and private organizations, while others urged followers to commemorate April 19 as Waco Day. In the one-half year since, the net has been awash with a variety of lethal recipes, including numerous postings of directions for manufacturing an ammonium nitrate bomb, first posted on March 29, weeks before Oklahoma City, and accurate instructions for making everything from pipe bombs, handgrenades, C-4 plastic explosives, and even Sarin gas. One entitled, "The Patriot Guidebook to a Better America" included many of the above, and an entire manual on sabotage, bugging, deadly chlorine bombs, and instructions on dealing with enemies of the right wing. The disclaimer, of course, says that it was written for informational purposes only.

So how can we approach the superhighway with 30 million users and tens of thousands of on-ramps? First and foremost, we need to enable law enforcement with the mandate and tools to monitor hate and violence-oriented posts. In 1995, it is impossible for anyone to have a complete picture of the hate in America without being online. This is why, in the course of the last 2 years, the Simon Wiesenthal Center has invested thousands of manpower hours to track the 50 hate groups and racist militias that have gone online. Since April, the Simon Wiesenthal Center has given demonstrations to many Federal and local law enforcement agencies. They need the signal that such activities are welcomed by Congress and the community at large.

Secondly, we need more cooperation from the online community. Contrary to popular belief, the Internet and other electronic media are not free. Users contract with a provider to gain access and as such, the providers would be well within their rights to establish a code of conduct by which their clients must abide. The Simon Wiesenthal Center has already drafted a text of a voluntary code of conduct for the online community, which we would be pleased to share with you in the future.

Timothy McVeigh's actions in Oklahoma City turn the fictional, racist, "Turner Diaries" into a book of prophecy. That his alleged act of domestic terrorism was inspired by his favorite book should serve as a reminder that words and speech have consequence. Even as we reiterate our commitment to our cherished first amendment freedoms, Americans have every right to question the implications of a technology which provides to millions of people the how-to hate manuals of the Protocols of the Elders of Zion and the "Turner Dia-

ries," and the domestic terrorism manual, "The Anarchist Cookbook."

Mr. Chairman, we hope these hearings will lead to a collaborative effort on the part of Congress, the online community, and the American people, to ensure that concerns raised today won't turn into tomorrow's tragic headlines. I'd also like to add a personal note. Having done a variety of jobs, including going undercover and meeting many of these extremists in their so-called natural habitat, I can tell you having met with neo-Nazis, I've been to conferences with Sheik Rahman, conferences chaired by the new leader of the Islamic Jihad, when I hear these people speak, when I hear them talking about this, when I hear their violent rhetoric, I take them very seriously, because I know they mean what they say. Thank you.

[The prepared statement of Mr. Eaton follows:]

PREPARED STATEMENT OF RICK EATON, SENIOR RESEARCHER, SIMON WIESENTHAL CENTER

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For more than a decade, racists, neo-Nazis and other American based hate groups have been attempting to build a constituency by utilizing the cutting edge of technology. Throughout the 1980s and into the 1990s extremists have utilized cable-access television, short-wave radio broadcasts and even satellite television to inject their venom into the mainstream.

But whereas a Mark Koerke of the Michigan Militia has been using short-wave radio to broadcast his vehemently anti-government and sometimes anti-Semitic messages to the public, he and other extremists are turning more and more to the new technology of choice, the super-highway of information.

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Posted to alt.skinheads May 7th, 1996—

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Posted to misc.activism.militia July 19th, 1995—

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encouraging the disrupting of Universities through the use of home-made button and pipe-bombs. Complete instructions for these and other explosive devices were included.

In addition to the news and discussion groups "patriot" WEB-sites, the equivalent of an individual's personal stop on the superhighway have been set up to disseminate information on guns, "the new world order," and in at least one case, and inter-departmental memo from the BATF. Another site offers a one-stop shopping center for material on explosives, silencers, smuggling and burglary techniques. The Center is currently investigating potentially more dangerous facets of the Internet such as IRC, the equivalent of a real-time conference conducted on-line.

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Mr. Chairman, we hope these hearings will lead to a collaborative effort on the part of Congress, the on-line community, and the American people to insure that the concerns raised today won't turn into tomorrow's tragic headlines.



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- [Atomic Bomb Secrets.](#)
- [Sarin - what it is, and some clues as to how it's made.](#)
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This site is maintained by [Hobbit](#), and was last updated July 1, 1995.

## HOW TO SHRED A CONSTITUTION

By A. Shortz, [DIN23@aol.com](mailto:DIN23@aol.com)

In the wake of a deep financial crisis, how does a capitalist society maintain its control over the masses? While 80% of the wealth is funneled to the elite capitalist class of society, the other 20% is thrown to the masses to fight for like starving dogs. That this has created wide-spread, rampant crime is inevitable. Then proceed to pump literally tons of CIA Contra-cocaine into ghettos all over America as a lure for desperate people seeking means to support their families. The territorial battling over who will control the business would be the terror tactic used to justify some very unconstitutional atrocities. The people caught in the crossfire would be, and already are ready to give up some or all of their rights to protect themselves against Contra-coke gangs, thus paving the way for illegal search and seizure, random drug testing, identification harassment, outrageous time sentencing, and even forced labor camps. This has already given the U.S. the most crowded prison system in the world. But this is just the tip of the Iceberg. During the Iran-Contra hearing Oliver North was questioned about an agency called FEMA. FEMA stands for Federal Emergency Management Agency and was established to assist local government in declared states of emergency. The question was squelched by Senator Daniel Inouye, chairman of the investigating committee, protesting that this was a sensitive matter of national security. (one wonders what should be so secretive about an agency set up to provide aid in times of emergency) Since then activists have been uncovering information on the subject. FEMA was initiated in 1979 by President Jimmy Carter to streamline first-strike nuclear war fighting capabilities, the agency was established as one element in an elaborate nuclear war fighting system known as "C-Cubed" (for Command, Control and Communicate). FEMA's role was "civil defense" and continuity of government. Relying on computer links to the CIA and the National Security Agency for information, FEMA is technically not supposed to engage in intelligence gathering, however, after Ronald Reagan appointed Luis Guiffrida head of FEMA in 1981, activists in the San Francisco Bay area determined via the Freedom of Information Act that FEMA was in fact closely monitoring the Livermore Action Group, a Berkeley based coalition which organizes non-violent occupations of the federal nuclear weapons lab at Livermore California.

Under the Reagan Administration, FEMA's role expanded beyond dealing with such emergencies as flood, fire, earthquake and nuclear war. The CIA, on the other hand, was primarily concerned with sabotaging national liberation movements in the "third world" nations. So when Reagan appointed Guiffrida head of FEMA, it was understood that there was a new "emergency" that FEMA might have to deal with- Domestic Dissent. A 1981 Department of Defense Directive stated: "In those areas in which martial law has been proclaimed, military resources may be used for local law enforcement. Normally a state of martial law will be proclaimed by the president. However, in the absence of such action by the President, a senior military commander may impose martial law in areas of his command where there has been a complete breakdown in the exercise of government functions by local civilian authorities."

The National Security Council's Lt. Col. Oliver North, who organized Project Democracy (the private spy network which kept Contra insurgency alive in lieu of Congressional funding), drafted a secret contingency plan which called for suspension of the constitution, and turning control of the U.S. over to FEMA in the event of widespread internal opposition to an Invasion of Nicaragua. In 1984 Reagan issued Presidential National Security Directive #52 which authorized FEMA to undertake a secret nation-wide "readiness exercise" called Rex-84 Alpha. Rex-84 Alpha tested FEMA's "readiness" to take command of Defense Department personnel, all 50 state National Guard Units and the newly created "State Defense Forces". The State Defense Forces are actually ultra-right wing "survivalist" paramilitary groups which have been integrated into state law enforcement by legislation in Louisiana, Alabama and Texas. The most ominous element of Rex-84 Alpha was code named "Operation Night Train". Operation Night Train called for FEMA, in cooperation with the Immigration and Naturalization Service (INS), to apprehend

and detain some 400,000 refugees in a six hour period. Rex-84 Alpha established ten detainment centers for interment of the refugees on military bases across the U.S. One of the designated military bases, Camp Krome, Florida; was established as a joint INS/FEMA interrogation center. Rex84-Alpha also called for "deputizing" all Defense Department and State National Guard personnel, thereby making them "civilians". This is a means of getting around the federal law which bars military personnel from participation in domestic law enforcement. (This is a strategy similar to using a "private" spy network of ex-CIA agents to get around the law which barred CIA assistance to the Contras). FEMA has drafted a piece of "stand-by legislation" entitled the Defense Resources Act, to be introduced to Congress in the event of a national emergency. The Act grants the president broad power of personal censorship over both print and broadcast media, power to confiscate personal property, expropriate any industry, dictate prices, wages and interest rates. The Act also outlaws all strikes.

Activists with a solidarity organization called the Pledge of Resistance in Chicago began monitoring activities at the nearby Arlington Heights Army Reserve Base after it was revealed that units from the base had participated in training exercises in Honduras. The Activists found that Arlington Heights is the home of the Green Beret reserve units, a Psychological Operations Battalion (Psyops), and a Combat Electric Warfare Intelligence Battalion (CEWI), which had been trained by the CIA and the National Security Agency at nearby Fort Sheridan. When contacts they had developed on the base informed the activists that starting in 1984 local police personnel from Chicago, Detroit, Milwaukee, St. Louis and other mid-western cities had received training from Arlington, they began to suspect a link to the martial plan.

The activists reason that elite military units training local police personnel can only mean preparation for domestic martial law or counter insurgency. The activists point out that the Arlington Units are precisely those which would be at the forefront of the FEMA plan and the Green Berets to seize control. CEWI to provide intelligence on who to detain and where to find them, and Psyops to control the media and create propaganda. If indeed such training is taking place in Arlington, then it is probably also taking place at other military bases near metropolitan areas throughout the country. Activists in New York City see a possible link to the FEMA plans for mass detainment in a plan to house the urban homeless in military bases. The Pentagon has been slow to move on the plan, which is advocated by the National Coalition for the homeless. Even if FEMA does not actually have a hand in the plan to house the homeless in military bases, it is part of the same trend of population evacuation, detainment and management. During the Gulf War, New York City press ran an article on the "War Room" at One Police Plaza (New York City Police central office). This was a monitoring room connected to remote, mobile camera units around the city to track war protest action and potential terrorist activity. Later findings suggest that this "war-room" is connected to the FEMA headquarters under Mt. Weather in Virginia (i.e. New World Order Headquarters). In August 1990 in Humboldt Co. California, about 300 to 400 G.I.'s backed by a dozen Black Hawk Helicopters, dressed and fully armed for battle were deployed and fanned down on maneuvers through the back woods. Local residents were terrorized when G.I.'s kicked in doors and put automatic rifles to their heads in front of their children. As it turns out, they were in fact searching for an enemy the believed to be dangerous, a harmless medicinal herb known as marijuana. In the fall of 1990 congress tried to pass a bill that would allow local government authority to imprison people in military style boot camps on suspicion of drug use for up to one year. While in these camps inmates would be forced to perform labor operations for corporations able to make donations to the "drug-war". This work could easily include sorting and handling of dangerous chemical or waste products. All labor would, of course, be without pay.

Today with rising unemployment, tax increases, inflation, S&L scandals and insider trading, domestic turmoil is inevitable. Some activists suggest a federal crackdown to maintain law and order in times of deep recessions. When local governments run out of money to fight the so called "drug war" the President can declare a state of emergency thus eliminating the constitution and implementing FEMA as the new government. Humboldt Co. California certainly suggest such a trend. If this happens the CIA and the



Pentagon will have succeeded in terrorizing citizens (via the Contra- cocaine gangs, and social program cuts) into accepting the New World Order police state.

There is obviously a coup happening right under our noses in this country and the CIA and the Intelligence Community have done a great job of keeping us ignorant to the facts. If we don't wise up now to what is going on we might wake up one morning and look out our windows to see a New World Order Nazi Germany knocking down our front doors. WISE UP! SEEK THE FACTS NOW!

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**The MCW Digest needs submissions!**

If you have written articles such as the above, send them to [Ironk @ Delphi.com](mailto:Ironk@Delphi.com). All confidence will be maintained if so desired.

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Return [HOME](#)

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Newsgroup: misc.activism.militia Article: 8020  
 Approved: militia-request@stypc.com (997fb02e2b8d9b29360032b5716d16e)  
 From: mike@paranoia.com (Mike Chapman)  
 Organization: Overcome by Paranoia  
 Return-Path: <root@villa.fc.net>  
 Path: news.deltanet.com:news.deltanet.com:lunet1n1.uu.net:salliemaeinewsfeed.internetmc1.com:howland.reston.ans.net:iswride  
 Newsgroups: misc.activism.militia  
 Date: Tue, 10 Oct 95 15:37:51 GMT  
 Message-ID: <813339471\$3296@stypc.com>  
 Subject: "IM" anti-social???  
 Lines: 42

I want to smoke marijuana. I own guns. I like to be left alone to do my own thing. I don't believe in overwhelming socialism. These things to the NWO make me antisocial. I am just not willing to do my part they say. I don't see the bigger picture and the bigger obligations.

Yet look at the children of the New World Order. America today is in a sad, sad state, culturally. Everyone is rude. Very few people worry about anticipating and avoiding conflicts or infringing on the free movement of others.

Time and time again we here stories of crowds of people standing by and watching someone be beaten or raped and ignoring their cries for help. That is antisocial - in fact, it is so heinously immoral that those people are worth nothing. All people with the attitude that their social obligations are fulfilled through the IRS, and that the police are the ones to help those under attack, are criminals themselves. They are more than antisocial; they are valueless, self-serving subhumans.

The NWO claims to be all about social responsibility, but it is the opposite. It is the destruction of society and its replacement with a machine.

These subhuman subjects of the NWO must be spared, however, even though their crime is so great. They have been brainwashed. True victory is defeating this occupation government and showing the rest of America where it has gone wrong.

On the other hand, there can be no forgiveness of the direct perpetrators of this tyranny. They are not misled at all, but have intelligent and truly evil minds. If they do not step down through peaceful confrontation and thereby force a civil war, none should be spared. They must be made to pay by bullet or imprisonment.

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E . . . . D                               Citizen Chapman, Esq.
X . . . . I ##*****{#####}=====() Sic Semper Tyrannis
O . . . . E ## //#####                Have a hempy day!
N ***** ! # bVi // [ ]              Founder, misc.activism.militia
  
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Newsgroup: alt.engr.explosives Article: 3674  
 Path: news.deitanet.com!news.deitanet.com!uunet!ln2.uu.net!psinntp!psinntp!psinntp!news1.h1.usa.pipeline.com!usenet  
 From: ra@usa.pipeline.com(PAUL NEHIB)  
 Newsgroups: alt.engr.explosives  
 Subject: RDX Recipe(USE EXTREME CAUTION)  
 Date: 9 Oct 1995 17:57:28 GMT  
 Organization: Pipeline USA  
 Lines: 26  
 Message-ID: <45bnq6\$m06@news1.usa.pipeline.com>  
 NNTP-Posting-Host: pipe2.h1.usa.pipeline.com  
 X-Newsreader: Pipeline USA v3.1.0

To make RDX all you have to do is go out to your local camping supply store and buy some Hexamine tablets. You can make Hexamine by mixing Formaldehyde, Distilled water and Concentrated Ammonia. Nitrate the Hexamine in a bath of pure Nitric Acid, about 500gs. Add 70gs of Hexamine and keep the temperature about 25c. After you've got all the Hexamine in your ready to move on, man this is fun! Let the solution stand at 25c for about fifteen minutes before slowly raising the temp to about 55c. Keep the temp mercury at 55c for about five minutes then cool the goody down to 33c. After this let the goody sit for fifteen minutes then add the solution to about four times it's volume in water. When all the RDX has precipitated, filter and treat the goody with a neutralization bath and filter the stuff again. After the semi-fun part is over the real fun begins... now you're ready to make C-4. Mix a good nine parts of RDX with about one part of good ole vasoline and you've got yourself some Napalm. (I accept no responsibility for what you do with this info).

—  
Booming delights, Plastique Man

—A—narchy is alive'n'well!

—Me—

Anarchist Revolutionary Party, Texas.

—  
All opinions expressed are the Party's so don't bitch.

—  
I aM a CyBeRcReEp AjnD y|Ou AjrE a NjeWb.

Newsgroup: alt.politics.nationalism.white Article: 11458  
 From: dblack@jbx.com (Don Black)  
 Subject: Louis Beam's "Leaderless Resistance"  
 Date: Wed, 12 Jul 95 14:43:20 GMT

In article <DBJ7w.ACP@cunews.carleton.ca>,  
 sdumes@chat.carleton.ca (Steve Dumas) wrote:

>The article for which I am searching was written by Louis Beam and deals  
 >with the notion of "leaderless resistance." It was written in a publication  
 >titled "The War Eagle: A Voice and Forum for Revolutionary Pan-Aryanism." I  
 >understand it has subsequently appeared in a number of other publications.  
 >Would it be possible for someone to either email it to me, or get it  
 >to me some other way?

Louis is getting credit for inspiring all kinds of people nowadays. Here's the article

#### LEADERLESS RESISTANCE

excerpted from The Seditonist, Issue 12, Feb. 1992  
 by Louis R. Beam

The concept of leaderless resistance was proposed by Col. Ulius Louis Amoss who was the founder of International Service of Information in the late 1940s, located in Baltimore, Maryland. Col. Amoss died more than 40 years ago, but during his life he was a tireless opponent of Communism, and was a skilled intelligence officer.

Col. Amoss first wrote of leaderless resistance on April 17, 1962. His theories of organization were primarily directed against the threat of eventual Communist takeover in the United States. The present writer, with the benefit of having lived many years beyond Col. Amoss, has taken his theories and expounded on them.

Col. Amoss feared the Communists. This author fears the federal government. Communism now represents a threat to no one in the United States, while federal tyranny represents a threat to EVERYONE. The writer has joyfully lived long enough to see the dying breaths of Communism, but may unhappily remain long enough to see the last dying gasps of freedom in America.

In the hope that, somehow, America can still produce the brave sons and daughters necessary to fight off ever-increasing persecution and oppression, this essay is offered. Frankly, it is too close to call at this point. Those who love liberty, and believe in freedom enough to fight for it, are rare today; but within the bosom of every once great nation, there remains secreted the pearls of former greatness.

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They are there. I have looked into their sparkling eyes; sharing a brief moment in time with them as I passed through this life. Re'ished their friendship, endured their pain, and they mine. We are a band of brothers native to the soil, gaining strength one from another as we have rushed headlong into battle that all the weaker, timid men say we can not win. Perhaps not... but then again, perhaps we can. It's not over till the last freedom fighter is buried or imprisoned, or the same happens to those who would destroy their liberty.

Barring any cataclysmic events, the struggle will yet go on for years. The passage of time will make it clear to even the more slow among us that the government is the foremost threat to the life and liberty of the folk. The government will no doubt make today's oppressiveness look like grade school work compared to what they have planned in the future. Meanwhile, there are those of us who continue to hope that somehow the few can do what the many have not.

We are cognizant that before things get better they will certainly get worse as government shows a willingness to use ever more severe police state measures against dissidents. This changing situation makes it clear that those who oppose state repression must be prepared to alter, adept, and modify their behavior, strategy, and tactics as circumstances warrant. Failure to consider new methods and implement them as necessary will make the government's efforts at suppression uncomplicated. It is the duty of every patriot to make the tyrant's life miserable. When one fails to do so he not only fails himself, but his people.

With this in mind, current methods of resistance to tyranny employed by those who love our race, culture, and heritage must pass a litmus test of soundness. Methods must be objectively measured as to their effectiveness, as well as to whether they make the government's intention of repression more possible or more difficult. Those not working to aid our objectives must be discarded, or the government benefits from our failure to do so.

As honest men who have banded together into groups or associations of a political or religious nature are falsely labeled "domestic terrorists" or "cultists" and suppressed, it will become necessary to consider other methods of organization, or as the case may very well call for: non-organization.

One should keep in mind that it is not in the government's interest to eliminate all groups. Some few must remain in order to perpetuate the smoke and mirrors for the masses that America is a "free democratic country" where dissent is allowed. Most organizations, however, that possess the potential for effective resistance will not be allowed to continue. Anyone who is so naive as to believe the most powerful government on earth will not crush any who pose a real threat to that power, should not be active, but rather at home studying political history.

The question as to who is to be left alone and who is not, will be answered by how groups and individuals deal with several factors such as: avoidance of conspiracy plots, rejection of feeble-minded malcontents, insistence upon quality of the participants, avoidance of all contact with the front men for the federales - the news media - and, finally, camouflage (which can be defined as the ability to blend in the public's eye the more committed groups of resistance with mainstream "kosher" associations that are generally seen as harmless).

Primarily though, whether any organization is allowed to continue in the future will be a matter of how big a threat a group represents. Not a threat in terms of armed might or political ability, for there is none of either for the present, but rather, threat in terms of potentiality. It is potential the federales fear most. Whether that potential exists in an individual or group is incidental. The federales measure potential threat in terms of what might happen given a situation conducive to action on the part of a resistive organization or individual. Accurate intelligence gathering allows them to assess the potential. Showing one's hand before the bets are made is a sure way to lose.

The movement for freedom is rapidly approaching the point where, for many people, the option of belonging to a group will be non-existent. For others, group membership will be a viable option for only the immediate future. Eventually, and perhaps much sooner than most believe possible, the price paid for membership will exceed any perceived benefit. But for now, some of the groups that do exist often serve a useful purpose either for the newcomer who can be indoctrinated into the ideology of the struggle, or for generating positive propaganda to reach potential freedom fighters. It is sure that, for the most part, this struggle is rapidly becoming a matter of individual action, each of its participants making a private decision in the quietness of his heart to resist: to resist by any means necessary.

It is hard to know what others will do, for no man truly knows another man's heart. It is enough to know what one himself will do. A great teacher

once said "know thyself." Few men really do, but let each of us promise ourselves not to go quietly to the fate our would-be masters have planned.

The concept of leaderless resistance is nothing less than a fundamental departure in theories of organization. The orthodox scheme of organization is diagrammatically represented by the pyramid, with the mass at the bottom and the leader at the top. This fundamental of organization is to be seen not only in armies, which are, of course, the best illustration of the pyramid structure, with the mass of soldiery (the privates) at the bottom responsible to corporals; who are in turn responsible to sergeants, and so on up the entire chain of command to the generals at the top. But the same structure is seen in corporations, ladies' garden clubs, and in our political system itself. This orthodox "pyramid" scheme of organization is to be seen basically in all existing political, social, and religious structures in the world today, from the Federal government to the Roman Catholic Church.

The Constitution of the United States, in the wisdom of the Founders, tried to sublimate the essential dictatorial nature pyramidal organization by dividing authority into three: executive, legislative, and judicial. But the pyramid remains essentially untouched.

This scheme of organization, the pyramid, is not only useless, but extremely dangerous for the participants when it is utilized in a resistance movement against state tyranny. Especially is this so in technologically advanced societies where electronic surveillance can often penetrate the structure, thus revealing its chain of command. Experience has revealed over and over again that anti-state political organizations utilizing this method of command and control are easy prey for government infiltration, entrapment, and destruction of the personnel involved. This has been seen repeatedly in the United States where pro-government infiltrators or agent provocateurs weasel their way into patriotic groups and destroy them from within.

In the pyramid form of organization, an infiltrator can destroy anything which is beneath his level of infiltration, and often those above him as well. If the traitor has infiltrated at the top, then the entire organization from the top down is compromised and may be traduced at will.

An alternative to the pyramid form of organization is the cell system. In the past, many political groups (both left and right) have used the cell system to further their objectives. Two examples will suffice. During the American Revolution, "committees of correspondence" were formed throughout the Thirteen Colonies. Their purpose was to subvert the government and thereby aid the cause of independence. The "Sons of Liberty," who made a name for themselves by dumping government taxed tea into the harbor at Boston, were the action arm of the committees of correspondence. Each committee was a secret cell that operated totally independently of the other cells. Information on the government was passed from committee to committee, from colony to colony, and then acted upon on a local basis. Yet even in those bygone days of poor communication, of weeks to months for a letter to be delivered, the committees, without any central direction whatsoever, were remarkably similar in tactics employed to resist government tyranny. It was, as the first American Patriots knew, totally unnecessary for anyone to give an order for anything. Information was made available to each committee, and each committee acted as it saw fit.

A recent example of the cell system taken from the left wing of politics are the Communists. The Communists, in order to get around the obvious problems involved in pyramidal organization, developed to an art the cell system. They had numerous independent cells which operated completely isolated from one another and particularly with no knowledge of each other, but were orchestrated together by a central headquarters. For instance, during WWII, in Washington, it is known that there were at least six secret Communist cells operating at high levels in the United States government (plus all the open Communists who were protected and promoted by President Roosevelt), however, only one of the cells was rooted out and

destroyed. How many more actually were operating, no one can say for sure.

The Communist cells which operated in the U.S. until late 1991 under Soviet control could have at their command a leader who held a social position which appeared to be very lowly. He could be, for example, a busboy in a restaurant, but in reality a colonel or a general in the Soviet Secret Service, the KGB. Under him could be a number of cells, and a person active in one cell would almost never have knowledge of individuals who were active in other cells; in fact, the members of the other cells would be supporting that cell which was under attack and ordinarily would lend very strong support to it in many ways. This is at least part of the reason, no doubt, that whenever in the past Communists were attacked in this country, support for them sprang up in many unexpected places.

The effective and efficient operation of a cell system after the Communist model is, of course, dependent upon central direction, which means impressive organization, funding from the top, and outside support, all of which the Communists had. Obviously, American patriots have none of these things at the top or anywhere else, and so an effective cell organization based upon the Soviet system of operation is impossible.

Two things become clear from the above discussion. First, that the pyramid form of organization can be penetrated quite easily and it thus is not a sound method of organization in situations where the government has the resources and desire to penetrate the structure, which is the situation in this country. Secondly, that the normal qualifications for the cell structure based upon the Red model does not exist in the U.S. for patriots. This understood, the question arises "What method is left for those resisting state tyranny?"

The answer comes from Col. Amoss who proposed the "Phantom Cell" mode of organization which he described as Leaderless Resistance. A system of organization that is based upon the cell organization, but does not have any central control or direction, that is in fact almost identical to the methods used by the committees of correspondence during the American Revolution. Utilizing the Leaderless Resistance concept, all individuals and groups operate independently of each other, and never report to a central headquarters or single leader for direction or instruction, as would those who belong to a typical pyramid organization.

At first glance, such a form of organization seems unrealistic, primarily because there appears to be no organization. The natural question thus arises as to how are the "Phantom Cells" and individuals to cooperate with each other when there is no inter-communication or central direction?

The answer to this question is that participants in a program of leaderless resistance through "Phantom Cell" or individual action must know exactly what they are doing and how to do it. It becomes the responsibility of the individual to acquire the necessary skills and information as to what is to be done. This is by no means as impractical as it appears, because it is certainly true that in any movement all persons involved have the same general outlook, are acquainted with the same philosophy, and generally react to given situations in similar ways. The previous history of the committees of correspondence during the American Revolution shows this to be true.

Since the entire purpose of leaderless resistance is to defeat state tyranny (at least in so far as this essay is concerned), all members of phantom cells or individuals will tend to react to objective events in the same way through usual tactics of resistance. Organs of information distribution such as newspapers, leaflets, computers, etc., which are widely available to all, keep each person informed of events, allowing for a planned response that will take many variations. No one need issue an order to anyone. Those idealists truly committed to the cause of freedom will act when they feel the time is ripe, or will take their cue from others who precede them. While it is true that much could be said against this kind of

structure as a method of resistance, it must be kept in mind that leaderless resistance is a child of necessity. The alternatives to it have been shown to be unworkable or impractical. Leaderless resistance has worked before in the American Revolution, and if the truly committed put it to use themselves, it will work now.

It goes almost without saying that Leaderless Resistance leads to very small or even one-man cells of resistance. Those who join organizations to play "let's pretend" or who are "groupies" will quickly be weeded out. While for those who are serious about their opposition to federal despotism, this is exactly what is desired.

From the point of view of tyrants and would-be potentates in the federal bureaucracy and police agencies, nothing is more desirable than that those who oppose them be UNIFIED in their command structure, and that EVERY person who opposes them belong to a pyramid style group. Such groups and organizations are easy to kill. Especially in light of the fact that the Justice (sic) Department promised in 1987 that there would never be another group to oppose them that they did not have at least one informer in. These federal "friends of government" are ZOG or ADL intelligence agents. They gather information that can be used at the whim of a federal D.A. to prosecute. The line of battle has been drawn.

Patriots are REQUIRED, therefore, to make a conscious decision to either aid the government in its illegal spying (by continuing with old methods of organization and resistance), or to make the enemy's job more difficult by implementing effective countermeasures.

Now there will, no doubt, be mentally handicapped people out there who will state emphatically in their best red, white, and blue voice, while standing at a podium with an American flag draped in the background and a lone eagle soaring in the sky above, that, "So what if the government is spying? We are not violating any laws." Such crippled thinking by any serious person is the best example that there is a need for special education classes. The person making such a statement is totally out of contact with political reality in this country, and unfit for leadership of anything more than a dog sled in the Alaskan wilderness. The old "Born on the Fourth of July" mentality that has influenced so much of the Aryan-American Patriot's thinking in the past will not save him from the government in the future. "Reeducation" for non-thinkers of this kind will take place in the federal prison system where there are no flags or eagles, but an abundance of men who were "not violating any laws."

Most groups who "unify" their disparate associates into a single structure have short political lives. Therefore, those movement leaders constantly calling for unity of organization, rather than the desirable Unity of Purpose, usually fall into one of three categories:

They may not be sound political tacticians, but rather, just committed men who feel unity would help their cause, while not realizing that the government would greatly benefit from such efforts. The Federal objective, to imprison or destroy all who oppose them, is made easier in pyramid organizations.

Or, perhaps, they do not fully understand the struggle they are involved in, and that the government they oppose has declared a state of war against those fighting for faith, folk, freedom, property and constitutional liberty. Those in power will use any means to rid themselves of opposition.

The third class calling for unity, and let us hope this is the minority of the three, are men more desirous of the supposed power that a large organization would bestow, than of actually achieving their stated purpose.

Conversely, the LAST thing federal snoops want, if they had any choice



in the matter, is a thousand different small phantom cells opposing them. It is easy to see why. Such a situation is an intelligence nightmare for a government intent upon knowing everything they possibly can about those who oppose them. The Federals, able to amass overwhelming strength of numbers, manpower, resources, intelligence gathering, and capability at any given time, need only a focal point to direct their anger [ie Weaco]. A single penetration of a pyramid style organization can lead to the destruction of the whole. Whereas, leaderless resistance presents no single opportunity for the Federals to destroy a significant portion of the resistance.

With the announcement of the Department of Justice (sic) that 300 FBI agents formerly assigned to watching Soviet spies in the U.S. (domestic counter-intelligence) are now to be used to "combat crime," the federal government is preparing the way for a major assault upon those persons opposed to their policies. Many anti-government groups dedicated to the preservation of the America of our Forefathers can expect shortly to feel the brunt of a new federal assault upon liberty.

It is clear, therefore, that it is time to rethink traditional strategy and tactics when it comes to opposing state tyranny, where the rights now accepted by most as being inalienable will disappear. Let the coming night be filled with a thousand points of resistance. Like the fog which forms when conditions are right, and disappears when they are not, so must the resistance to tyranny be.

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Don Bleck

Stormfront BBS: 407-833-4986 (PO Box 6637, West Palm Beach FL 33405)  
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## On Tactics and Strategy for USENET

by Milton John Kleim, Jr.

USENET offers enormous opportunity for the Aryan resistance to disseminate our message to the unaware and the ignorant. It is the only relatively uncensored (so far) mass medium which we have available. The State cannot yet stop us from "advertising" our ideas and organizations on USENET, but I can assure you, this will not always be the case. NOW is the time to grasp the WEAPON which is the INTERNET, and wield it skillfully and wisely while you may still do so freely.

Crucial to our USENET campaign is that our message is disseminated beyond "our" groups: alt.politics.nationalism.white, alt.politics.white-power, alt.revolution.counter, alt.skinheads, and to a certain extent, alt.revisionism.

We MUST move out beyond our present domain, and take up positions on "mainstream" groups.

Each USENET "cyber guerilla" must obtain a listing of all Net News groups that are available on their system, and search through the list for groups suitable for our posts.

Find groups that require "tailored" messages: rec.groups concerning food would be suitable for our "kosher tax" message; alt., soc., and talk. groups concerning politics and American society would be suitable for our message about the Jewish-controlled media.

Find groups that are suitable for organizational and literature advertisements: talk.politics.guns should have regular posts explaining how to order suppressed books; rec.radio.shortwave should have regular posts of the American Dissident Voices schedule; alt.music.groups should have regular posts about Resistance Records.

Create posts that are succinct and self-sustaining. By "self-sustaining," I mean the post should be ideologically clear, with adequate information to assist the curious to find the "proof" they seek. An example is in the "kosher tax" issue: DON'T post something complaining about paying more so Jews can keep kosher. Post something that directs the curious to their cupboard to "prove" our contentions, with reasons why they should be concerned about the issue.

Remember: volume and regularity. Make sure at least one article that articulates well one or more of our ideas remains on "our" groups AT ALL TIMES, even if it is only a short reply to the Enemy.

When a newbie sympathetic to us visits "our" groups, and discovers no posts expressing views which should be characteristic of the group, he or she will become discouraged, possibly never to return, and disheartened that White resistance is apparently non-existent. PREVENT THIS!

Furthermore, when a newbie posts a message sympathetic to us, CONTACT THEM IMMEDIATELY! Welcome them to the group, and offer them information about our activities. If they are worthy of our comradeship, consider recommending them for ANA subscribership. If we fail to contact newbies, they could also become discouraged by this as well, assuming the White Net resistance doesn't care about them and/or is incompetent. I built my personal mailing list of over 80 dedicated activists largely through this means. As the Net grows, more and more people sympathetic to our Cause will journey onto it, and we need to greet them.

Except on "our" groups, avoid the Race issue. Side-step it as much as possible. We don't have the time to defend our stance on this issue against the comments of hundreds of fools, liars, and degenerates who, spouting the Jewish line, will slaughter our message with half-truths, slander, and the ever-used sophistry.

If a newbie or a lurker who seems sincere inquires about racial science, deal with them ONLY via e-mail. Offer them information as your knowledge permits, referring them to scientific works if you are not widely-read enough to sustain a decent discussion with them about it.

Avoid engaging in non-productive debates with enemy activists. It is often difficult to distinguish between the Enemy's dedicated lackeys, and the misguided who are merely parroting what the Jewmedia has taught them. The former are to be ignored, though it is understandably difficult to endure their cheap insults. The latter should be dealt with in a polite, sincere way. Few are "converted" solely by reason, but one who is open to new ideas and the facts can be guided in the right direction by reasonable, respectful argumentation.

Sophistry, the art of using false logic to make ridiculous ideas appear to be thoroughly sound, is our opponents' number one weapon. DENY THEM THEIR WEAPON! Deny them full use of their bag of dirty tricks by controlling the debate that ensues from our posts. Simple minded (not to imply unintelligent) lurkers will be discouraged if they are confused by sophistic gibberish -- which is of course why the Enemy uses that tactic. In some cases, you may want to "regulate" how widely your posts are distributed; when appropriate, manually cancel your posts to prevent unnecessary debate.

Remember: our overall USENET strategy must be to repeat powerful themes OVER AND OVER AND OVER. We cannot compete with the Jewmedia, of course, as our propaganda dissemination is but a very small fraction of the everywhere pervasive leftist

propaganda. However, our ideas possess an energy that truth alone contains. Our ideas, when matched one to one with the chimera of the Jews, overwhelm theirs with ease, because OURS ARE IN SYNC WITH REALITY. One well-written message containing our ideas has much greater "bang for the buck."

Remember: our target is either the lurkers who are in agreement with us but do not know how to convert their feelings into action because of their ignorance of the Movement's resources, or those lurkers who have a predisposition towards our Cause but have never been exposed to an objective version of our ideas because of Jewsmidia misrepresentation and/or inability to satisfy their curiosity about us.

IMPORTANT: While we should all admire his perseverance, NEVER, EVER, do "the Gannon," and spam groups with messages totally unrelated to the group's focus. You will fail in your efforts, as you will infuriate some and generate contempt in nearly all of the group's readers, who may read other groups you would target. You could also lose as your access, as a flood of hate-mail pours into your system administrator's mailbox.

Tailor your messages for each group. Our ideology has myriad facets, and the well-informed activist can extract something to fit onto just about every group.

Don't use unnecessary "overkill" -- if a "grenade" will do the job, DON'T use a "nuclear weapon." Of course, overkill can be a useful controversy generator and attention-getter, and occasionally there is a sound use for this tactic, but, if you post a message so inappropriately provocative and/or pompous, it will diminish your effectiveness.

If you have the time and money to spend, monitor the Enemy's groups, such as soc.culture.jewish, and other groups where his ideas have complete reign, such as soc.culture.german. Watch for material that would be of use to us, such as news of enemy mailing lists or FTP and WWW sites. Relay such information to your comrades, possibly via the ANA. Much can be freely learned from the Enemy through this manner.

WARNING: Be aware that EVERYTHING you post will be seen by the Enemy. All of your posts may be catalogued and archived for future use by the Enemy, either by self-appointed "Net police" like the notorious Ken Mcvay, or by lurkers from the so-called "Anti-Defamation League."

DO NOT EVER post a message that advocates or supports an illegal act or activity. Be assured that any message you post that even hints of direct action will be archived! If you explicitly advocate illegality, such an expression will surely be used against you, possibly immediately, by the Secret Police. The First Amendment still guarantees a wide variety of political expression, and explicit advocacy of unlawful behavior is NOT necessary. If your understandable anger builds to a point where you must say SOMETHING, express your feelings by quoting the fourth clause of the Declaration of Independence and the ninth article of the Bill of Rights.

If possible, coordinate your activities with your comrades. It would be especially helpful if a "combat information center," to borrow a Navy concept, were to be established under a reliable, competent organizer. This person would not "issue orders," but would take note of who's doing what and where they're doing it. The "CIC" could make recommendations for which activities and which "fronts" needed attention.

Remember: SUSTAINED, electronic "guerilla warfare," "hit and run" style, using short, "self-contained" posts is a major component of our struggle. Put your Net access to good use, today and EVERY day!

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Mr. MCCOLLUM. Thank you very much, Mr. Eaton. I am going to yield myself 5 minutes. Then we'll go for a 5-minute round of questioning with this panel.

Mr. Lieberman, there seem to be based upon Dr. Smith and Dr. George's testimony who preceded this panel, varying degrees of violent tendencies among the groups that some may call militias. I would assume that there are also hate groups out there that are not militias and some that don't have violent traits. How do you define a militia as we are now using it today? It has been battered particularly since the Oklahoma City bombing as a terminology. But I am very concerned about how we define it, and see if we can't all sing off the same sheet of music. Could you do that for us, or try to?

Mr. LIEBERMAN. Sure. I think it is very important to think of the militia movement and individual militia groups as operating on a continuum. I mean, to a certain extent some of these groups are self-defining, if they call themselves a militia group or include the word militia in their title, they have been characterized or are subject to the categorization of being put into this militia movement. But it certainly is a continuum, Mr. Chairman. We are talking about people that are promoting improved understanding of constitutional rights, all the way to the end of those that are planning for guerrilla warfare against the U.S. Government, who believe that that day is inevitable, when there will be a need to take up arms.

I think that any labeling can be dangerous in terms of legislation that might impact on groups that are called militia groups. That is why any legislation, State or local or Federal, must be targeted to conduct, that is illegal conduct, as opposed to any appellations or names of organizations.

Mr. MCCOLLUM. So you would concur that we are right to focus on those that are violent or prone to violence, those that are anti-Government, prone to demonstrating that in some outward conduct? Is that a fair assessment?

Mr. LIEBERMAN. Absolutely.

Mr. MCCOLLUM. Does the rest of the panel generally agree with that? I don't want to get too broad-based in this question. I want to be sure that we all talk off generally the same sheet of music if we can. Mr. Stern.

Mr. STERN. Yes. I have a little bit of a different slant. I mean Mr. Lieberman is right. There are a lot of folks that describe themselves as militias. If you look at Sam Sherwood's in Idaho, for example, he calls himself a militia. He is different from his neighbors in Montana, because they primarily do not train with weapons. They show up in uniform, they have meetings. But then you go down a couple of layers when you are talking about cell structure and there may be these offshoots from the larger group that are in fact gaining and training.

So for me when I talk about militias, I don't mean people that get together and want to go in target practice. I don't mean people that want to go hunt. I mean people that are preparing for war with the Government. I mean private armies that are coming together for the purpose of getting ready for combat. That is what I mean by militia.

Mr. MCCOLLUM. Mr. Levin or Mr. Eaton, do you disagree with that or have any further elaboration you want to make on that definition?

Mr. LEVIN. I generally agree. I would like though to interject a point with regard to covering not only the activities but also the structure. Under the Constitution, we have a right to regulate associational relationships to the extent that there's a compelling State interest. In our Texas case, the Federal court found that the existence of a private army was a case where governmental regulation was clearly appropriate. I say private army because it is a more clear term than militia. The mere existence of a private army, regardless of what their particular activity is, is a threat. Based on that, and based on the Texas statute, we were able to put out of business the Texas Emergency Reserve.

I do think though that there is a spectrum, as Mr. Lieberman said, and our concentration should certainly be on those that are doing something that is criminally punishable. That means either participating in training to foment civil disorder, or being a part of an association that is military in structure. For instance, I can't go out today and start my own medical association, because I don't have an M.D. There are plenty of associations that are regulated based on the threat of harm to society emanating from their structure or membership. I think private armies represent one such group.

Mr. MCCOLLUM. Is there a number of people that would have to be associated with this before you call it a private army, or could it be two or three people, or how do we define the size of the group? How do you define a private army?

Mr. LEVIN. For the purposes of the paramilitary training statutes, groups as small as two or three could come under the law's rubric. I think generally what we would have to do is look at the structure that currently exists with the so-called leaderless resistance. As I said, they tend to operate in autonomous cells, maybe five to eight people. There is a command structure. If there's some kind of a military organization to it, if they rely on military type of equipment or military type maneuvers.

The Texas court found that there was no problem of vagueness in defining it. I think that's something that's—

Mr. MCCOLLUM. Excuse me, go ahead. How many States have private army, antiprivate army laws or unsanctioned private army laws? Do you have any idea?

Mr. LEVIN. Forty-one States have applicable statutes, but there are two types of these laws. We have those States with both the paramilitary training statutes and with the anti-militia statutes, which I'm calling the organizational type statutes. There are seven of those that have both. There are 17 States with only the antimilitia laws. Another 17 States have paramilitary training statutes.

Mr. MCCOLLUM. Thank you. I don't want to take up more of my time, but I want to let Mr. Eaton have a chance, if he wishes, to comment on any of this.

Mr. EATON. Yes. Only to say that I would agree with Mr. Stern. Other than the fact that you can not, if you have a paramilitary organization or a private army, certainly that constitutes a militia.

The danger of anti-Government forces that may not be organized, as you will hear from your later panels, are still prone to violence and getting what they want in a particular way. For that reason, they have to be considered in the equations.

Mr. MCCOLLUM. Thank you. Mr. Schumer, you are recognized.

Mr. SCHUMER. Thank you, Mr. Chairman. I am going to try to whip through a bunch of questions here. I have a whole series, so I'd ask just some by yes or no.

I take it everyone on this panel agrees there should be more Federal involvement in the effort to contain this violent extremism? Does everyone agree with that?

Mr. STERN. Absolutely.

Mr. SCHUMER. Let the record show everyone is shaking their head yes. Second, as you know earlier today I mentioned the legislation that I am introducing with Congressman Conyers to help combat violent extremist groups, focusing on criminal actions basically using the method we used in the FACE law for that.

Do you think this kind of Federal involvement makes sense? I know a couple of you mentioned it. Mr. Stern did. Mr. Lieberman did. What about Mr. Eaton and Mr. Levin?

Mr. LEVIN. With specific regard to the overall legislation, I think that that concentration on action is responsible. Under the Brandenburg case law, the Supreme Court case law, if there is criminality or imminent calls for lawlessness, that can certainly be punished. To the extent that this law is certainly content neutral, that aspect is certainly fine. Furthermore, it addresses an area where federal jurisdiction makes sense.

Mr. SCHUMER. OK. Thank you. Mr. Eaton.

Mr. EATON. Given the fact that the Federal Government is the primary target and that means Congress as well, I believe, that the Federal Government should be involved.

Mr. SCHUMER. Yes. OK. Well, I certainly have been a target. Let me ask you this, whoever on the panel. Do you think it is likely that there will be more incidents like Oklahoma City in the future? Who wants to take that? Mr. Levin.

Mr. LEVIN. Yes, there will be more of these acts of terrorism. We have just issued a threat advisory to law enforcement agencies. We didn't call it a warning. We didn't make a big deal about it. We didn't put out a press release. But we thought based on a couple of things, first, the increasingly violent rhetoric that is out there. Second, we have found an escalation in tangible threatening activities by anti-Government groups, many of which were directed against law enforcement. Basically, we see a volatile combination here with an increase in the vitriolic rhetoric of these movements coupled with threatening activities like terror plots and surveillance that we find disturbing. So based on that, we came up with some guidelines for law enforcement to follow. I don't want to appear alarmist, but based on the rhetoric, the movement's intense ideology that glorifies violence and justifies it, and the access to technology, poisons, bombs and weapons, I think that the threat is a substantial one. If you look at some recent instances where explosives and viral agents were stolen, I think that represents an illustration of what the future holds.

Mr. SCHUMER. Right. There are other kinds of terrorism that we are beginning to hear about and I would like to ask you about too. One is, Mr. Levin, and I'll ask both questions and then let you finish up. You had mentioned material like poison and contagious bacteria. I'd like to know what any of the other panelists know about that, and have Mr. Levin elaborate. I would find if some of these extremist groups were getting hold of things like contagious bacteria or poison very troubling.

The second, and this one is reminiscent of what has happened among the extremists in the antiabortion movement, is ways to paralyze the Federal Government, law enforcement, et cetera, and this would be paper terrorism. Paper terrorism is when these extremists groups just deluge a certain office with so much paper, Government mails and other documents, that they become totally paralyzed and unable to act, which again is troubling because the purpose is paralysis.

Can you folks comment on either of those two phenomena?

Mr. STERN. First, there was an incident in Ohio with a gentleman connected with the Aryan Nations who was arrested shortly after the Oklahoma City bombing, and fuses and other things were found. In his glove box there were three vials of bubonic plague that he was able to get from mail order by saying he was a lab technician, which he wasn't.

Mr. SCHUMER. Has it ever been used? Have these things ever been used to our knowledge?

Mr. STERN. I'm not aware of any use. I know there have been plans going back to the 1980's, some of the groups that you heard about earlier this morning, that talked about poisoning and so forth. De Pugh, who was the head of the Minutemen, going back to the 1960's, was a trained chemist. He used to talk about he could destroy an army with just one vial.

Mr. SCHUMER. But we do have evidence of one person getting bubonic plague?

Mr. STERN. One person in Aryan Nations. Right. In terms of the paper terrorism, I think that's something that is very important that has been overlooked. It is more than just sort of junk mail.

Mr. SCHUMER. Asserted attempt.

Mr. STERN. It's more than just volume. What this is is it again goes back to the Posse ideology, the common law courts and so forth. There are a lot of public officials—in Washington State, I don't think there is one county without having on its court some type of common law lien filed. These folks have this fiction, again, that the way they can create these liens against public servants that have done them some harm. They get a lien, they go and they serve it and they file it in the bank. Basically what that does, then they try to write off, you know, pay their taxes, buy things off of these liens, as crazy as that sounds. So that has been harassing local officials who can't go then and buy houses.

Mr. SCHUMER. What they are doing is, they are filing suits of one sort or another against Government officials to harass them, intimidate.

Mr. STERN. Also serving warrants for common law courts. You will hear about some of that from Montana. They say, you have to come to my court. You are going to be tried for treason. There's a

history of folks talking about trying for treason. Linda Thompson was talking about coming and arresting Congress 13 months ago, and arresting and trying Members of Congress for treason. So that's again the papers that are served.

Mr. MCCOLLUM. Thank you, Mr. Schumer. Mr. Coble, you are recognized for 5 minutes.

Mr. COBLE. Thank you, Mr. Chairman. Gentlemen, good to have you all with us. You know, gentlemen, in this country we are blessed with a system of laws that should assure the peaceful resolution of disagreements. That sounds good, but it doesn't always work that way. A law enforcement officer comes to a home to properly serve a summons, and he is met with violent criminal resistance. Not only is that offensive to me, it is unlawful. A group of thugs and hoodlums in Los Angeles in response to an unpopular jury verdict decide to conduct a riot and destroy the town. Not only is that offensive to me, it's unlawful. So sometimes our system does not address all these problems harmoniously.

Mr. Levin, you touched on a good point in your concluding remarks when you said, I am paraphrasing. As we go about responding to some of these groups that are offensive and unlawful, we have to be extremely careful in not trampling upon rights that are guaranteed to them and to us as well.

The words "militia," "a private army," "army," "group," these are vague. I am not defending folks, these screwballs who are trying to kill everybody in sight with whom they disagree, but down in my part of the country, a group that could come together with firearms could be called a hunting club, and could be properly called a hunting club.

So, Mr. Chairman, I think we are going to have to proceed cautiously and deliberately as you have pointed out previously, as we go about addressing these problems. I would be glad to hear from you all as I conclude. It seems to me, gentlemen, that the test—I don't mean to simplify this, but the test ought to be not whether you or I feel threatened, but rather whether individuals and/or organizations have made specific threats to reasonably cause us to feel threatened. I think that probably is the key. Now having said that, what say you all to that?

Mr. LEVIN. If I could respond to that, Congressman. I think one of the things that is important, as I said before, I happen to agree with you on your general point. That is, we have to be very careful that we don't trample rights. We don't want to go after people because their ideas might be unpopular. We certainly don't want to go after legitimate hunting clubs, athletic competitions, et cetera. But I think there is a fundamental difference by definition of these types of private paramilitary groups. As the court found in Texas, there are legitimate content neutral criteria which one could come up with to determine what is a paramilitary organization: how is it structured? do they drill with weapons? what kind of things do they do? how is the leadership command maintained and enforced?

For instance, if I am going to grab a basketball or a rifle down in Alabama, a lot of people like to go target shooting, I don't say, "I'm the chief and we're going to do X, Y and Z, and we're subject to drill at certain times" and things like that. I mean there are le-



gitimate common sense criteria which we can apply in a content neutral fashion.

It's certainly true that the Government can and frequently does regulate all kinds of associational activities, even in the absence of a specific threat. So for instance as I said, I couldn't get together with my friend Michael Lieberman today and start a medical association and start treating patients, even if we don't advocate violence, because that would be a threat to society, at least based on my limited medical knowledge. I think similarly, we must remember that the Government can regulate certain types of groups in an array of situations. We can regulate how many people are in this room at the time. There are a whole bunch of legitimate content neutral methods which can be used to regulate private armies. First, by the organizational structure. Second is by what kinds of activities, such as paramilitary training, that these entities do that we seek to proscribe. Thank you.

Mr. STERN. If I could just respond briefly. I agree with you. We have to be careful about what we're defining and what we are saying is the problem. Obviously folks getting together to be a hunting club is no problem. To me it's a problem if I know there is somebody in the neighborhood that's a hunting club where the target they are practicing to hunt for is human beings who happen to be Federal employees primarily. To me, that is something that is beyond hunting. That is planning for something that ought not to be able to be legalized.

Mr. COBLE. Mr. Stern, you or I, it would be no problem. But I am worried about maybe a zealous practitioner with whom it might be a problem. Oh by gosh, there's a group here armed with guns. That is what I want to avoid.

Mr. STERN. That is why you have training, that is why you have grand juries. For any type of law, you have to be careful on how it is put together.

Just one other additional comment about something I should share that has been haunting me since April 19th, for whatever it is worth. I remember seeing the reaction to the Oklahoma bombing when people thought it was Middle Eastern terrorists the first couple of days. Then it was Timothy McVeigh and Terry Nichols were arrested. The difference in some ways of the attitude or the reaction. I have asked myself this question. If it had turned out to be Middle Eastern terrorists and they had been patterned on the same type of activity that we see in the American militia movement, you know, 10,000 to 40,000 armed folks in communities, primarily Middle Eastern, and they were talking about war with the Federal Government, I wonder what the different response would have been.

On the other hand, if it had been black folk associated with a primarily black movement that had been responsible for Oklahoma City and 10,000 to 40,000 armed black men practicing with the rhetoric that Mr. Eaton was talking about, about war with the Government shooting public officials, would we be dealing with this differently. I think we have to basically say that it's the same type of threat. It is probably even a worse threat when it's seen as in the mainstream by people that basically look like the majority.

Mr. McCOLLUM. Thank you, Mr. Coble. Mr. Scott, you are recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, the gentleman from North Carolina had so many of the same questions I did, because if you look at a hunt club, you can have a structure. You can have a president of a club, vice president, secretary, treasurer and meetings at certain times. If you have a legal organization like that, whose primary purpose is hunting legal game, how do you differentiate that from a military organization, a militia that's organized for the purpose of just drilling and being otherwise legal.

Mr. STERN. The draft legislation the American Jewish Committee has proposed since 1986, it defines a paramilitary company organization as an organized group of persons resembling or akin to a military organization. The operative language is trained and armed for the purpose of engaging in combat warfare or sabotage. Trained and armed for the purpose of engaging in combat, warfare or sabotage.

Mr. SCOTT. I'm sorry.

Mr. STERN. It's in the packet.

Mr. SCOTT. What was the or? Combat or what?

Mr. STERN. Or sabotage. Combat, warfare or sabotage.

Mr. SCOTT. Conspiracy to commit sabotage, is that not a crime?

Mr. STERN. But there may not be a particular plan to carry out a particular object in terms of the conspiracy, but if you are training because you want to go and blow up Government, without having a specific target, I don't think you should be able to train for that in a private army. I don't think you have to wait for a particular conspiracy to hatch.

What we're saying is the training for it and the organization for having the private army is the problem.

Mr. LEVIN. May I just interject on that? Also the mere presence of these types of organizations can be very intimidating, such as in North Carolina, where they were intimidating black citizens. To the extent that there might be some marginal overlap between laws is not problematic. For instance, we have never thrown out drunk driving laws because someone could also be punished under reckless driving statutes, because we are trying to deter a more narrowly defined threat with drunk driving laws. I think as long as we apply this in a responsible manner, these edges can be worked out. I'll give you an example.

There is a law against giving legal advice without having passed the bar in a particular State. Well there are certain subjects on law related topics that I can talk about, and there are certain things that if I were to speak a little bit more, would constitute legal advice. So there are all kinds of activities and associations that the Government limits. I think if we can limit my ability to talk about law related subjects, we can certainly distinguish between legitimate hunting clubs and armed private paramilitary groups who are generally trying to threaten and intimidate people.

Mr. SCOTT. So if a group gathers and people are intimidated, that ought to be illegal?

Mr. LEVIN. No.

Mr. SCOTT. This is a very fuzzy line, because if you have a hunting group that is training without a mindset of hatred and people

are not intimidated that's OK. If people are intimidated and they are doing the same thing, that is bad. Without the criminal predicate of a crime being committed or an eminent crime being committed under the Supreme Court decision.

Mr. STERN. I tend to disagree with that interpretation. In other words, it is not based on the reflection of the people in the community in terms of how they perceive the activities. It's the intent of the actors. Again, as everybody here has said, the fine tuning of the language is always part of the legislative process. The point is that people should be able to get together with guns for legitimate purposes. They should not be able to get together for guns for the purpose of having a private army to practice war with the Government.

Mr. SCOTT. But you can have a private army for the purpose of having a private army as long as you have nice intents? Or is it just the development of an army that we are aiming at, content neutral, ROTC for example?

Mr. EATON. Congressman—

Mr. STERN. There are veterans—I mean, you don't want to get to the point where you are outlawing American Legion veterans from meeting or getting together or drilling for old time sake.

Mr. SCOTT. We have the same argument on flag burning. If the American Legion burns the flag, that's OK.

Mr. STERN. What we're saying is for the part of the intent—

Mr. SCOTT. If a hippie burns the flag then you want to criminalize it.

Mr. LEVIN. If I could just try and address that. If I were to give my colleague over here secrets from the Government, not knowing that he was a spy for a foreign government with the intent to give him aid and comfort, that would not be a crime. If I had the intent of that, of rendering aid to a foreign government, that would be a crime. So certainly if someone intends their organization to be a paramilitary private army, that would certainly be probative of a violation of that kind of statute. But there are exemptions for legitimate hunting clubs and athletic competitions. As long as those exemptions are based on the threat posed to public safety and not the political ideology of the group, they are constitutional.

Mr. SCOTT. Mr. Chairman, I think that line is where we're going. I don't see how you can, based on what I have heard, I don't see how it can be done content neutral. Thank you.

Mr. MCCOLLUM. Thank you very much. Mr. Barr, you are recognized for 5 minutes.

Mr. BARR. Thank you, Mr. Chairman. Mr. Chairman, I apologize for not having been here the entire time. We do have mark-up in another committee on important legislation. I'll try to be here as much as I can.

I just picked up a document here, I guess it's Mr. Stern's document, and turned to exhibit A, and immediately am struck with a question. What State has a regularly organized military force?

Mr. STERN. Which page are you looking at?

Mr. BARR. The very first line of your—I don't know what this is.

Mr. STERN. I think what the intention is there is the National Guard.

Mr. BARR. I'm not asking for intention. I am just curious, OK? You use the term regularly organized military force of a State. What State of this Union has a regularly organized military force?

Mr. STERN. I believe most of the States have National Guards units.

Mr. BARR. That's what you mean by it? The National Guard unit?

Mr. STERN. That's what we mean, the National Guard, the State military force.

Mr. BARR. I think probably some Federal laws might disagree with that. I don't think those are considered regularly organized military forces of a State, but I'm glad you at least came up with something there.

I am just struck that you all are on an awfully slippery slope which strikes me as odd, given the long history of work that you all have done in the area of strengthening and protecting civil liberties. I am just flabbergasted that you all are here so cavalierly dealing with what you consider rough edges, oh these details can be worked out.

These details that arise when you look at what you all are trying to do here are more than just details. They are more than just rough edges. They go I think to the very heart of what we are in a free society. I just think you all ought to be a little more careful about getting up on that slippery slope.

We have heard earlier testimony today, I mean there are groups all over the political spectrum, black, white, left, right, all over the place. When I look at a list of groups here that we saw earlier, I see groups here that clearly engage in violent acts. That already is against the law. I am just struck as I've been up here just the last several months in this Congress that there are so many people on both the left and the right, and apparently you all are part of this group that are just in a pellmell rush to outlaw more activity, to cut off people from doing things that we disagree with, and there apparently are a lot of allies who you have in this Congress in both parties. I just think that given the fact that we already have very very extensive criminal laws in this country that do protect us against acts of violence or conspiracies to commit acts of violence, I just think it is rather strange that organizations such as yours, which are normally such zealous champions of civil liberties, and are very skeptical of granting more and more authority to central Government authorities, is involved in this. I do not know, frankly I do not understand why, because it really seems to me to go against the grain of what you all have stood for.

I also, again as I have done in other hearings that we have had, whether it is with the administration officials or private witnesses, pointed out the vast power that the Federal Government already has. In the recent cases that have come up, whether it's the World Trade Center bombing, whether it's a list of environmental wackos out there bombing or burning, or whether it is Oklahoma City, the Government has a very good track record of being able to go after these groups to find them and to prosecute them under laws that are very, very extensive already.

It's not really a question. I would just really caution you all not to just jump onto this slippery slope, because it is very slippery indeed.

Mr. STERN. Congressman Barr, if I could just respond. I am afraid we are being misunderstood, so I want to address it for a second. All of us have very strong respect for civil liberties, for the first amendment, for people to say whatever they want. I mean all of us come from that tradition. Many of us have spent many years litigating that, just precisely for that point.

The point being for us is that there is a qualitative difference between people getting together and using the normal processes, writing their Congressmen, free speech, assembly, whatever, to state their case, and doing it as part of an armed unit that exists in affecting real people's lives in real neighborhoods. The first amendment implications that concern me are the fact that there is a tuggish level in many parts of American today that is reminiscent of what the Ku Klux Klan was doing in the 1960's. People are afraid to speak their minds. People are afraid to show up at meetings. People are afraid to run for office.

Mr. BARR. If I could just ask one real quick question though, and again looking at apparently your piece of legislation here. What you are trying to get at here is already against the law. I mean no group now can go out there and arm itself or train for the purpose of engaging in sabotage. I mean it is against the law to do that, for example.

Mr. STERN. My understanding of the law is it's against the law to form a conspiracy to do that, for people to train for that general purpose. In other words, to have combat—

Mr. BARR. Well, when you have a group of people and you are talking here about groups, that is by definition two or more.

Mr. STERN. Right, but I'm saying the intent.

Mr. BARR. If two or more people train or arm themselves in order to commit sabotage, they have violated current Federal law.

Mr. STERN. If they have a particular plan and a particular target. What we are talking about is people training for that broad purpose, without the necessity of having a selection of a target.

Mr. MCCOLLUM. Unfortunately we have to go vote. There will be a series of two votes here. As soon as they are completed, which should be about 20 minutes or so, we'll be back. This committee is in recess.

[Recess.]

Mr. MCCOLLUM. We can complete this panel. I apologize for the delay involved here. I believe we should have a little while before the next vote, which should get us to the next panel. I know they have been waiting for quite a while.

The Subcommittee on Crime's hearing will come to order. I believe that when we left off, we had not had Mr. Bryant to have an opportunity as a regular panelist of our subcommittee to ask, and Mr. Nadler wants to, so Mr. Bryant you are recognized for 5 minutes.

Mr. BRYANT of Tennessee. Thank you, Mr. Chairman. I apologize. I heard each of you gentlemen testify, and then had to leave for a few minutes during some of the questioning. But I did want to make a point. I understand Mr. Coble touched on or maybe made

a better point than I will make, but there is more than a fine line between an actual threat and one's subjective feelings. This is not my original thought that there is more than just a fine line between groups that call themselves militias and lawfully possess firearms, and those who engage in criminal activities. The Constitution sets a very clear distinction between the two categories. The test is not whether you or I feel threatened, but rather it is whether an individual or organization has made specific threats.

I think a couple of you have pointed out very well that there is a balance to what you are saying, that we don't want to go too far the other way and get into abrogating the constitutional guarantees of speech, association. You know, many believe there is a constitutional right to possess a gun. That sometimes is a difficult choice to make. Being out of a law enforcement background, I agree with you, we don't need to sit back and wait and have the bomb go off in Oklahoma City. It would be nice if we could find out ahead of time and prevent that crime. But there is where you get into some grey area in how far the government can go. I know the Attorney General has some guidelines out.

Do any of you have any recommendations as far as changes you would suggest be made to those guidelines or comments on those guidelines? Because I think that really delineates for the Federal authorities under her control what they can do ahead of time and what they can't do.

Mr. EATON. I have one, Congressman. That is, in talking to both people at Federal agencies and with some people that I understand were involved in creating those guidelines, that recently it seems that the Federal agencies have been staying well with under the ceiling of those because they are afraid to do their job in one way or another, and they need to have that clarified and be given the opportunity to do their job comfortably without fear of legal retribution and the like. Just in the case of militias, as Brian stated, that Morris Dees contacted the Attorney General last October and said these militias are out there, they are armed or dangerous. What was the reaction? It seemed that they didn't know any more six months later on April 19th than they did at that time.

In a previous hearing here, Congresswoman Slaughter stated she asked for a briefing on militias from the FBI. They sent out two guys in November. They didn't know any more six months later in May. So we need to allow these people to do their jobs and find out what is going on. It does not mean they are infringing anybody's rights by knowing what the state of affairs is.

In the case of for example, the Michigan Militia, this issue, the question came up as to what is a group and what would constitute illegal activity. Well, the manual of the Michigan Militia states that they are forming a force to be there in the event that the Federal Government can not meet its obligations. Well, who is going to make that decision? Is Norm Olson or one leader of the Michigan Militia going to send out all these guys, saying the Government is not doing their job, so now is our time to take over. I am not sure that I like to think that one person out there is thinking that way and they are going to make that decision.

Mr. BRYANT of Tennessee. Do you have any explanation, you alluded to perhaps litigation, why our law enforcement at the Fed-

eral level is well below the Attorney General's guidelines on enforcement? Do you have any explanation? Why are they like that?

Mr. EATON. I don't have any specific answers for you on that, only the different individuals that I have spoken with here in Washington and places around the country tell me the same thing. On some, they would like to open investigations or like more information, but they are very, very hesitant. Maybe some of the other panel members do have some.

Mr. STERN. I don't know that the problem is, from the way I view it, is the guidelines per se. To me, it's not the question of how liberal or how conservative they are viewing the guidelines and what they could do under it. To me the problem is again the lack of a specific piece of Federal law that says thou shalt not have private armies. If you have that on the books, then it becomes clear if people do things like John Trochmann does, says, "I'm the head of this militia group, we're going to war with the Government. Here's the literature. Here's how we're training. This is what we're going to do." It is clear then you can open up a file. The problem again is not the guidelines for them, but having the strong Federal predicate like you would for a bank robbery or any other garden variety crime that comes under Federal jurisdiction. To have a private army, if it should be outlawed, would be clear to these folks in terms of how they are going to operate.

Mr. BRYANT of Tennessee. May I ask one real quick question?

Mr. MCCOLLUM. Yes, Mr. Bryant.

Mr. BRYANT of Tennessee. I have not seen either Mr. Nadler's bill or Mr. Schumer's bill. I'll just ask you which you prefer over the other.

Mr. STERN. I am speaking on behalf of an organization as a process to specifically affirm pieces of legislation. We have not done that with either bill yet. I can tell you that both of them seem to be heading in the right direction to addressing the fact that this is a problem that needs Federal intervention. I would like to see it even plainer. Again, we have draft legislation as well. We are not absolute wedded to the language, but the basic point is that you shouldn't have people running around saying that they are private armies in the community regardless of what their ideology is, regardless of anything. There should be no private armies, period. We'd like to see that ban.

Mr. MCCOLLUM. Thank you, Mr. Bryant. Mr. Chabot, do you wish to question this panel?

Mr. CHABOT. No thank you, Mr. Chairman. I did want to state I had another meeting I had to run to. I found very interesting the testimony I did hear. I will review the testimony of the gentlemen in written form that I was not here for. In the interest of time, I'll pass the next question.

Mr. MCCOLLUM. Thank you, Mr. Chabot. Mr. Nadler, do you wish to question this panel?

Mr. NADLER. Thank you. I do. I have, as you know, introduced two bills to deal with this problem. I would like to just summarize them and ask you for the comments on the constitutionality and wisdom and intelligence, of each of them.

One seems almost the same as the AJ Committee bill. I think you may have defined it a little better. The first bill makes it a

crime to belong to a paramilitary organization and defines the paramilitary organization as two or more individuals acting together, organized a military or paramilitary structure, knowingly possessing firearms, explosives, et cetera, or providing or participating in training in these weapons with the intention that such weapons or techniques be used unlawfully to oppose the authority of the United States or any State or for any other unlawful purpose.

Your draft says essentially the same thing. Simply, it outlaws membership in a paramilitary organization and defines it as an organized group of persons formed in a military pattern and trained and armed for the purpose of engaging in combat warfare or sabotage. Looking at this, I think that your definition of trained and armed for the purpose of engaging in combat, warfare, sabotage may be a superior one to what I had written about unlawfully opposing the authority of the Government. Let me ask you the following specific question, going back to what Mr. Scott was asking.

Do you believe that this is a sufficient predicate, and do you think the courts would hold this as a sufficient predicate, to distinguish speech from action, unlawful speech from illegal action? I would maintain that when you talk about engaging in combat warfare or sabotage or intention of such, it becomes fairly easy as a matter of fact to distinguish from testimony, if a hunting club is training on how to shoot moose is very different from a group that's teaching infiltration techniques, how to eliminate pill boxes, how to shoot tanks and engage in combat. That would be the test as to whether you are a paramilitary organization or not.

So let me first get your comments on this bill, all of you. Then I will get to my second bill.

Mr. STERN. My background also includes I was a criminal defense attorney and appellant attorney for many years. So let me tell you, whatever version of any bill that is passed, I am sure somebody defending somebody that's charged under it will challenge it for various reasons.

From my point of view in trying to be impartial about the language, I think that both the languages of both bills would be sustained by a court. I think it is easy to make those distinctions in a factual matter to present to a jury in terms of the different types of activity. I would certainly expect in a criminal trial the defense attorney to try to characterize the type of behavior in a certain way. But you are again not talking about ideas. You are talking about behavior. It becomes clear when you are planning with mines, you are talking about making C-4 explosives, you are talking about—if you're talking about shooting tanks, it's different than talking about moose.

Mr. NADLER. Thank you. Mr. Lieberman.

Mr. LIEBERMAN. Well, Mr. Nadler, we have not taken a position on H.R. 1544, in part because H.R. 1899 followed not long after. We were very comfortable with the approach that you had adopted in H.R. 1899. If you want me to wait then I'll wait.

Mr. NADLER. We'll come to that in a minute. Mr. Levin.

Mr. LEVIN. Again, we went over 1899. But if I could just make a comment with regard to it. You know, in 1886, the Supreme



Court addressed the issue of paramilitary organizations in *Presser v. Illinois*.

Mr. NADLER. In 1886?

Mr. LEVIN. 1886. When the Supreme Court upheld the State's statute outlawing private armies. I think that the elements that you put in the bill are well thought, clearly constitutional, and for that we reason we believe 1899 is a good and much needed piece of legislation.

Mr. NADLER. Thank you.

Mr. EATON. Congressman, not being an attorney, I don't think it would carry much weight, but I would go along with Mr. Stern.

Mr. NADLER. Thank you. Let me quickly, I hope, ask about the second bill the same question. The second bill, the bill is on the civil disorder statute which now says whoever teaches or demonstrates to any other person the use, application, of firearms, explosives, et cetera, knowing, having reason to know, or intending the same to be unlawfully employed in a civil disorder which will do terrible things is illegal. This bill adds training. So you don't have to be the instructor in a paramilitary group. You can also be one of the trainees. It also adds as a predicate, having the intent to violate chapter 13, which means that the purpose of the paramilitary group is to deprive people of their civil rights. It also changes the definition, of a Government employee. The current law is confined to a Government employee enforcing the criminal law; a district attorney, law enforcement personnel. This bill would protect any Government employee doing his lawful duty, so a forestry ranger, et cetera.

Could you comment especially on the constitutionality of the first part, regarding trainees? Let me just amend the question. The American Civil Liberties Union, I notice that their written testimony, says that this provision would implicate too broad a category. If one person was sitting at home reading a book about how to make a molotov cocktail and then thought better of using it, this bill would implicate him. So could you comment on that?

Mr. STERN. I think that it is specifically appropriate to deal with issues of somebody training in that type of context as opposed to thinking about training. Again, the context, in the living room reading a manual thinking about I'm going to train, and practicing for it. If somebody is part of a group that is being trained, I don't see any difference in terms of the constitutionality of that.

Mr. NADLER. So you do not see the slippery slope?

Mr. STERN. I don't see the slippery slope. If you can get the leader of a group for doing illegal act, then the participants in the group of the act so defined would be under it as well.

Mr. LIEBERMAN. H.R. 1899 has a track record. It makes it a little bit easier to say with confidence that it would be upheld as constitutional. The underlying statute, the Federal Civil Obedience Act has been upheld by a couple different Federal courts of appeals with regard to teachers. Trainees, if it's following the same standards, obviously logically one could say would also fit into that category.

We also know that the State legislative initiatives that this parallels have not been challenged successfully, have been found to be useful at the State level. That is very important as well.

The final point would be just on why to enact Federal legislation. In a sense, Mr. Bryant, responding to some of the issues that you had raised as well, there is a utility to have parallel Federal jurisdiction in a couple of these areas, the area that Mr. Schumer has identified and the area that you have identified, Mr. Nadler. Because there may be circumstances, and I think the next panel will illustrate dramatically that there are circumstances, where law enforcement officials are intimidated or may lack the firepower to confront, or the political will, or in some cases sympathize with these groups, and therefore, the State legislative initiative would not be effectively utilized, and it would take the abilities and resources of the Federal Government to ensure a remedy.

Mr. MCCOLLUM. Mr. Nadler, go ahead for one brief question.

Mr. NADLER. One brief question, and I'll direct it at anybody. Of the two bills that I have introduced, one building on the civil disorder statute by saying trainees are subject to it also, and the other essentially outlawing paramilitary organizations as defined, which is akin to the bill that you had drafted. Which do you think is a better idea to do the job, or should we do both? Is there any difference?

Mr. STERN. I'll bring it back to our committee and we'll get you an answer.

Mr. LIEBERMAN. I think that we can say with confidence that H.R. 1899 is a constitutional approach. It certainly does meet some of the criteria that subcommittee members have talked about in terms of filling a loophole in the law that exists currently. It has a constitutional basis. There are parallel statutes that have not been successfully challenged at the State level.

Mr. NADLER. You are not so confident about the other one?

Mr. LIEBERMAN. I think it doesn't have the same kind of track record. When you have two Federal courts of appeals that have looked at a Federal statute and upheld its constitutionality, you can have a fair degree of confidence that it is constitutional.

Mr. LEVIN. If I could just diverge a little bit from my friend Michael there for a moment. Yes, 1899 does have that track record and I think it is very effective and clearly constitutional. But I think we are talking about the availability of a one-two punch here. Again, going back to the 19th century prohibitions military style organizations. Now you might have to work with some of the language, but the concept itself is clear and many States have these antimilitia laws as well.

Mr. NADLER. So you would do both?

Mr. LEVIN. I would definitely enact both. By the way, you can ban membership in certain types of groups in very limited circumstances when there is that intent to further illegality. That is why no liability would fall upon the innocent person at home who is merely reading the book.

Mr. NADLER. Thank you very much.

Mr. MCCOLLUM. Thank you very much. I want to thank the panel, Mr. Lieberman, Mr. Stern, Mr. Levin, and Mr. Eaton, for spending the time with us today. It's a very important topic. We're going to dismiss you at this point. We'll call up the next panel. Thank you again.

I would like to introduce the third panel today of witnesses. We will put the names up on the panels as they come forward. I will introduce all of you at one time, though. Our first witness to this panel is Ted Almay, superintendent of the Ohio Bureau of Criminal Identification and Investigation, a unit that provides scientific and investigative assistance to local law enforcement agencies throughout the State of Ohio. Mr. Almay has been with the Ohio Bureau of Criminal Identification and Investigation for over 12 years, serving as both an agent and supervisor in the areas of special investigations and narcotics enforcement.

Our second witness is Patrick Sullivan, sheriff of Arapahoe County in Colorado. Sheriff Sullivan has over 30 years of local law enforcement experience, beginning at the Littleton Police Department in 1962. He has been with the Arapahoe County Sheriff's Office since 1979 and was appointed sheriff in 1983.

Our third witness is Nicholas Murnion, Garfield County attorney in Jordan, MT. Mr. Murnion has been with the county attorney's office since 1979, and also runs a private practice with emphasis on the State probate real estate corporation and civil litigation.

Our final witness on this panel is Karen Mathews, clerk recorder for Stanislaus County, CA. Elected in June 1990, Ms. Mathews is responsible for all elections in Stanislaus County, as well as county records, including property document recordings, birth, death, marriage licenses, passports and notary bonds. She currently serves on several legislation committees for statewide elections and recorder issues.

I might note that come close to 2:00 or a little before it, the chairman is going to have to step out. Somebody else will assume the gavel up here on our side of the aisle. I apologize for that, but there is a meeting, a business meeting for one of the major reconciliation bills that I have to deal with for a brief period of time.

I do want to take note at this point, since I might not be here at the conclusion of the testimony, that as I understand it, because of a pending criminal trial, Ms. Mathews, you have been requested by the U.S. attorney to keep your remarks limited to your statements. That means to my colleagues that they are not really free to ask you a lot of questions. You are free to volunteer what you want to, but we can't—this is a very strange rule. We don't usually get that opportunity, or you don't get that opportunity. But we don't get to ask you questions. The rest of the three gentlemen who are there don't get that same privilege. We get to question you.

I am going to go in the order in which I have introduced you. You may feel free to summarize your testimony. We will take it all for the record without objection, as you have submitted it to us or as you may supplement it.

Mr. Almay, please proceed.

#### **STATEMENT OF TED ALMAY, SUPERINTENDENT, OHIO BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION**

Mr. ALMAY. Thank you, Mr. Chairman. Good afternoon. I am Ted Almay, superintendent of the Ohio Bureau of Criminal Identification and Investigation, under the office of the Ohio attorney general, Betty D. Montgomery. I am here this afternoon to discuss several recent events that Ohio law enforcement has had in

confrontational issues with various militia type groups, and particularly issues we've had to deal with concerning the One Supreme Court of the Republic of Ohio.

I also please want to stress that our bureau only investigates individuals who are alleged to be involved in the commission of crimes. The attorney general of Ohio has taken a strong stance not to investigate or maintain data on any type of group activity of a political nature or free speech.

The Ohio Unorganized Militia is mentioned both in our Ohio Constitution and Ohio Revised Code. The basic premise was that all citizens between the ages of 18 and 65 would serve in the Ohio Unorganized Militia in the event of a war, where the Army, the National Guard, and Army Reserve would be deployed, citizens could be called into action to defend the State borders against a possible invasion. This brief mention in both the constitution and our criminal code has heeded some credibility to the Ohio Unorganized Militia today. It is believed that presently we have about 500 members of the Ohio Unorganized Militia. It is also believed that that number has increased since the Oklahoma City bombing.

However, also recently it appears that the Ohio Unorganized Militia is becoming just that, very unorganized. They tend to be in a state of disarray, primarily due to leadership disputes within the organization. They not only resent Government influence, but apparently they have problems with taking directions from their own internal leadership and have caused a number of splinter groups to come about.

Out of all this disarray, the Unorganized Militia in Ohio has had conflict with Ohio law enforcement, particularly because of this lack of leadership. I want to discuss several incidents that have happened in Ohio recently. The first time that we became aware of their activities was in July 1994 in a very rural part of southern Ohio, the county sheriff received a call of automatic weapons fire in the middle of the night. When they responded, he was confronted with approximately 15 people dressed in camouflage fatigues. They stated they were a gun club. After further investigation, it was discovered that the Ohio Unorganized Militia was conducting night maneuvers in automatics weapon training at that site.

In January 1995, we received information that the militia movement was looking for a way to bring national attention to their cause. A discussion was held about the possibility of kidnapping a county sheriff or county common pleas court judge in Ohio in a rural county relatively close to one of our larger metropolitan areas adjacent to a media market. When it became known that law enforcement was aware of this plan, it dissolved very quickly.

In March 1995, we also had an incident with a militia member, Joseph Mann, who was conducting a training seminar in his home for militia recruits. Mr. Mann was demonstrating the safety mechanism of the new Ruger P-85 semiautomatic pistol. He did this by chambering around, putting the weapon to his head, putting the safety on and pulling the trigger. However, he failed to properly set that safety, shot himself in the head and died at the scene.

In June 1995, agents from ATF along with the Parma, OH, Police Department, a suburb of Cleveland, attempted to serve a

search warrant for Federal weapons violations. Unbeknownst to them, the subject had left the house prior to their coming and notified the Ohio Militia. We had approximately 10 militia members in vehicles communicating by CB radio, who took up an outer perimeter type position. When approached by law enforcement, they advised that they were there to monitor the activities and the actions of ATF.

Most dramatically, on June 25, 1995, the Frazeytsburg, OH, Police Department, which is a very small three- or four-man department in rural eastern Ohio, conducted a traffic stop on a subject named Michael Hill. Mr. Hill was the chaplain for the Ohio Militia. He was also the chief justice of the so-called One Supreme Court, and was coming back from a militia meeting. Mr. Hill had removed his Ohio license plates, replaced them with a homemade cardboard tag on his car that read, "Ohio Militia Chaplain." When he was stopped by the officer for that violation, Mr. Hill said that he was a sovereign human being, and sped away. A brief chase ensued. When Mr. Hill stopped again, he exited his vehicle, drew a 45 caliber pistol, pointed it at the officer who fired and killed Mr. Hill at the scene.

As the militia continues to unravel and splinter within Ohio, we have had in the last 90 days a large problem with a group known as the One Supreme Court for the Republic of Ohio. Its membership is comprised mostly of militia members. They base their jurisdiction as a common law court, citing the 1933 Bank Emergency Act in which the Federal Government, in order to fix the banking crisis in this country, took certain rights from the States, particularly in the area of commerce and banking. Officially, this act has never been repealed. The common law court believes that the Federal Government is still acting under this state of emergency, and uses this as a basis to take rights away from the States and her citizens.

To declare this publicly, most members will file what is called a motion of quiet title. They come before the One Supreme Court, which meets every other Tuesday at a bingo hall in Columbus. They come before themselves with their birth certificate and two witnesses to testify that they were not born in Washington, DC. The belief is that if they were born in Washington, DC, the Federal courts have jurisdiction over them, but not if they were born in the States. Once the court believes that they were born in the United States, not in Washington, they issue a motion of quiet title. The person then must run an ad in a local newspaper for 3 consecutive days and declare themselves a sovereign human being. Thus, exempting themselves from all laws: Federal, State and local.

The belief is that the State or the Federal Government has taken States rights away, and therefore, all the laws on our current books do not apply to them. This is particularly alarming because this affects not only law enforcement, but also the banking profession, particularly in liens and foreclosures, of course the IRS and taxes, as well as licensing and regulatory boards.

As you can imagine, sooner or later most of these people will have contact with law enforcement and end up in a court of jurisdiction within Ohio. Once this happens, whether on a criminal or civil matter, the court is deluged with literally dozens of meritless

motions. Most of these motions come from a book published by Gene Schroder, a citizen of Colorado, with fill in the blank type legal motions. They will challenge everything from the constitutionality of the court, to the jurisdictional issues, and change of venue moving the case from a court of jurisdiction to the One Supreme Court for the Republic of Ohio.

Once the judge ultimately deny these motions, the typical response are threats and intimidation upon the judge and/or his family. The Ohio chief justice, Tom Moyer of our supreme court, sent a survey out to our judges. He found 22 jurisdictions that have had filings in the last several months. Several judges reporting threats. Currently we have one judge under police protection for himself and his family as a result.

In addition, several of the One Supreme Court members and some of their splinter groups have indicted several officials publicly. You will see that as early as last night, this document was received by the Ohio attorney general. It indicts Betty Montgomery, the attorney general for the crime of perjury. If you note on the first page, the last paragraph, "The degree of your crime is capital in nature and set forth in the U.S. Constitution fifth amendment. Anyone committing a capital offense is to be executed."

This is in response to a constituent correspondence that her office received. We had an administrative assistant and her correspondence is attached, simply replied that we don't have jurisdiction, please contact the local attorney. And this is their response, that they have now indicted attorney general and her administrative assistant for perjury.

The One Supreme Court has also drawn serious media attention. We had the ABC show "20/20" in Columbus last week, and filmed the One Supreme Court interactions, as well as most major newspapers in Ohio have presently been running stories about them. The concern of course is if a select group of individuals exempt themselves from our laws, and as this spreads in the media, the concern of other people selectively doing the same. As mentioned earlier today, of course these groups use the Internet computer system on an hourly basis, flood the market with information.

It is our belief that this movement is going to dissolve itself in a matter of time.

Mr. NADLER. I'm sorry, what?

Mr. ALMAY. Dissolve itself. As the militia movement is beginning to unravel, we feel that as the court of record fail to recognize these people and their beliefs, that it is just a matter of time that the frustration level builds. The vast majority of people will walk away. However, there are certainly a core group of extremists. Their beliefs need to be considered.

The next thing that we are in strong concern of will be the trial of the alleged bomber, Timothy McVeigh. It is our understanding from talking to militia members and court members, should McVeigh be convicted, the belief is that of course it is a Federal conspiracy to frame a militia sympathizer for this crime. If he is acquitted, it was a Federal conspiracy to charge him in the first place and that he would be acquitted of those charges. So we view that as a lose-lose situation.

In conclusion, I wanted to state that even though you hear testimony about this is a Federal problem and these people are angry at the Federal Government, and that is certainly true, their contact is with State and local law enforcement agencies. Normally they may not ever see an ATF agent or an FBI agent, but they certainly will see the sheriff's deputies stopping them for traffic violations, State law enforcement serving warrants, and we're the ones that deal with them on a day to day basis.

We are all in agreement that the first amendment rights of all citizens must be protected and they are paramount to our survival. I would also argue that we have a system of change. That is exactly what we are doing today. The bills that you introduce and debate are all about changing our system. We have a system that works very well. The fact that people can selectively exclude themselves from the laws of this country and then challenge us as law enforcement to do something about it, is appalling. It is very important that as law enforcement, we not become intimidated by these people. It is our job to protect and keep other people from being afraid. If we ourselves are intimidated, then we have a serious problem.

The irony of the situation is that while these people cry for patriotism, they have chosen to exclude themselves from selective laws, while screaming to us that the rights under the Constitution must be protected. I thank you for this opportunity to be here today. I am sure that the panel will answer any questions you have.

[The prepared statement of Mr. Almay follows:]

PREPARED STATEMENT OF TED ALMAY, SUPERINTENDENT, OHIO BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION

Good morning, I am Ted Almay, Superintendent of the Ohio Bureau of Criminal Identification and Investigation under the Office of the Ohio Attorney General, Betty D. Montgomery. I am here this morning to provide testimony in regards to recent confrontations that Ohio law enforcement have been involved in with domestic threat groups.

The Ohio Unorganized Militia is named in both the Ohio Constitution and the Ohio Revised Code. The original premise that all citizens between the ages of 18 and 65 were in the Ohio Unorganized Militia relates to the minute-man concept that in the event of war, and the armed forces were deployed overseas, there would be no militia to defend our state borders if an invasion was to occur. This brief mention of the Unorganized Militia has given credibility to the present day militia and its belief that they must defend Ohio against government whose elected officials have committed treason by breaking their oath of office to support and defend the constitution.

It is believed that current militia membership in Ohio is approximately 500 members, which has doubled since the Oklahoma City bombing. In recent weeks, it appears, however, that the militia is becoming even more disorganized as members become disenchanted with the political beliefs and frustration as government fails to meet their demands. The state command level of the Ohio Unorganized Militia is all but disbanded and the county level groups are in a general state of disarray, primarily over internal leadership disputes. Due in part to the lack of organization and leadership, Ohio law enforcement has had several confrontations with militia members.

In July 1994, a rural county sheriff's office received a complaint of automatic weapons fire in the middle of night. Upon arrival, the sheriff was confronted by several people dressed in camouflage fatigue uniforms who claimed to be a "gun club". After further investigation, it was determined that the Ohio Unorganized militia was conducting night training maneuvers.

In January of 1995, information was received that the militia movement was looking for a means to draw national media attention to their cause. A plan was discussed that involved charging a local sheriff or judge with treason and arresting them in a rural county adjacent to a media market. Local militia members were di-

rected to determine the location of their electoral officials' private residences and work locations. When it became known that law enforcement was aware of this plan, it dissolved.

In March of 1995, a militia member, Joseph Mann, was conducting a training seminar of the new Ruger 9mm pistol to a group of Militia recruits in his home. In an effort to demonstrate the safety mechanism, Mann loaded the weapon and put it to his head and pulled the trigger. The safety was not set properly and Mann died at the scene in front of his training class.

In June of 1995, Agents from ATF along with the Parma Police Department were attempting to serve a search warrant on weapons violations at the local residence of an alleged militia member. The man had left the house prior to the search and notified the militia. Approximately ten members came in vehicles and communicated via CB radio. They advised ATF that they were present to "monitor the situation."

On June 25, 1995, militia member Michael Hill was stopped for a traffic violation in rural Frazesburg, Ohio. Hill had removed his Ohio license plates and replaced them with homemade militia tags. Hill told the officer he had no right to stop him and sped away. After a brief chase, Hill stopped again and exited his vehicle. Hill then drew a .45 caliber semi-automatic pistol and pointed it at the officers, who fired, killing Hill.

It should be noted that Hill was the self-proclaimed Chaplain of the militia, chief justice of the so-called "one supreme court" for the republic of Ohio, and a former Canton police officer.

As the militia continue to unravel, a relatively new and disturbing group calling themselves the "one supreme court" has arisen. This small but radical group is comprised mostly of former or current militia members. They have based their jurisdiction as a common law court from the 1933 Bank Emergency Act instituted to restore America's financial crises. This emergency act gave the federal government power over the states to regulate commerce and banking, along with the Federal Reserve Board. This state of emergency has never officially ended, and the common law court movement use this language as a foundation for their beliefs. This notion that the federal government has taken away the rights of citizens of each state for its own benefit, is their call to action.

To state their cause publicly, their members will file a motion of "quiet title" with the one supreme court, and declare themselves "sovereign human beings." To do this, the person must appear before the "court" with their birth certificate and two witnesses to swear that the subject was born in the United States, but not born in Washington DC. They believe that the federal courts have original jurisdiction in Washington DC, therefore, if you are born there, the federal government has jurisdiction over you. Once the witnesses have testified and the birth certificate examined, a motion of quiet title is granted. The subject declares himself a sovereign human being exempt of all state, federal, and local law.

The concept is that the federal government, by removing state's rights have influenced all law by forbidding the people to have a voice in government since parts of the constitution have been suspended by the bank act of 1933. The persons must then run a newspaper ad for three consecutive days to declare themselves sovereign and alert local government and law enforcement that they have no jurisdiction over them. This includes the IRS, all courts of record, the banking profession, specifically including foreclosures and liens. Also included is law enforcement, especially in the area of traffic enforcement as this violates their right of free passage, licensing boards, and virtually any government regulated industry. Once a person is charged criminally or becomes involved in a civil matter, their eagerness to file dozens of meritless motions prevail. Gene Schroder of Colorado has published a book of fill-in-the-blank type motions that challenge every aspect of the proceeding from the constitution issue of jurisdiction to a change of venue to the one supreme court. These documents put a tremendous strain on the legal system, and upon ultimate failure can result in attempts to intimidate and even threaten judges. According to a recent survey conducted by Chief Justice Tom Moyer of the Ohio Supreme Court, 22 judges reported recent filings from this group. In addition, several judges have received threats and one judge has received police protection for himself and his family as a result of his denying these motions.

In addition, the constitutional study group of the one supreme court has "indicted" several people for treason, including all members of the Ohio Supreme Court. To date, no known action to serve the indictments, other than by mail has occurred.

The one supreme court has also drawn significant media attention and most major newspapers in Ohio have run stories. In fact, the television program 20/20 filmed the court in Columbus earlier this month. There is concern among law enforcement that as the media displays the actions of a small group of people who



have elected to exclude themselves from the law, more individuals may selectively ignore current law and the judicial system. It is important to note that these groups are closely linked via the Internet computer network, and events that occur anywhere in the nation can be twisted and sent out within minutes.

It is my belief that this movement will dissolve as its members become frustrated with the lack of progress and government's refusal to acknowledge their beliefs. The next major concern, however, will be the trial of Timothy McVeigh. If convicted they will claim a government conspiracy to frame a militia sympathizer. If acquitted, we anticipate that they will still claim a conspiracy to indict him and discredit their movement. These dates will be added to the list of Waco, Ruby Ridge, and in Ohio, the Frazysburg shooting of Mike Hill.

In conclusion, the First amendment rights of all citizens are paramount to our survival. There is a system of change that has been present for over 200 years and every piece of legislation that you debate in these chambers is about change. The process is slow to provide time for thought and discussion. If the militia and common law courts have the support they claim, then they should work within the system. Until such time as the law is changed, no American has the right to selectively exclude themselves from the laws that protect us all. The irony of this situation is that these individuals under the cry of patriotism have chosen to exclude themselves from selected laws while screaming that their rights under the constitution must be protected.

Thank you for this opportunity to appear before you, and I will be happy to answer any questions.

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PETITION FOR REDRESS OF GRIEVANCE, OCTOBER 26, 1995

Authority: U.S. Constitution, Art. 1, Bill Of Rights; right to petition government for redress of grievance, Ohio Constitution, Art. 1 Sec. 3; Citizens right to petition government.

Re: U.S. Const. 1st. amend., The right to petition all government agencies for redress of grievance. O.R.C. 2921.44 Dereliction of Duty [A], [B]. O.R.C. 2921.32, Obstruction of Justice [A][1][2][5], Communicate false information to any person which both of you have engaged in jointly. O.R.C. 2905.03, Unlawful restraint. O.R.C. 2905.11, Extortion [A] [1][5]. O.R.C. 2921.45, Interfering with civil rights. [A]. Ohio Const. Art 15, Sec. 7, Oath of Office, U.S. Const. Art. 6 Cl. 2 & 3.

Attn. Attorney General—Betty D. Montgomery, Administrative Assistant—Marlene M. Jablonka

Petitioners: 17 signed.

The seditious statement by both of you in the signed confession bearing the name Betty D. Montgomery, Attorney General and Marlene M. Jablonka, Administrative Assistant, dated Sept. 1, 1995 in trying to give lawful status to a privileged class of nobility [attorneys] which U.S. Const. Art. 1 Sec. 10 forbids to be practiced in any state. Since both of you are under oath to the U.S. Const. and Ohio Const. Art. 15 Sec. 7.

We the petitioners have caught you in the commission of a crime, which is the act of perjury. The case being, that the perjury you have both committed is against the highest authority, being the U.S. Const. and the Ohio Constitution. The degree of your crime is capital in nature as set forth in the U.S. Const. 5th. Amend, and anyone committing a capital offense is to be executed.

Whereas you Betty D. Montgomery and Marlene M. Jablonka both have been caught in the commission of a crime, that being violating O.R.C. 2921.44, Dereliction of Duty. [A] No law enforcement Officer shall do any of the following; [2] Fail to prevent or halt the commission of an offense or to apprehend an offender, when it is in his power to do so alone or with available assistance. [B] No law enforcement, ministerial, or judicial officer shall negligently fail to perform a lawful duty in a criminal case or proceeding. Whereas both of you are caught in the commission of the following crime, O.R.C. 2921.45, Interfering with civil rights. [A] No public servant, under color of his office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.

You and your accomplice under the color of the office of Attorney General took a course of action whereas you stand guilty of the act of conspiracy, and further you stand in violation of the Ohio Const. Art. 1 Sec. 11. By your confession and full knowledge that you stand in violation of the Ohio Const. Art. 15 Sec. 7, Oath of Office, and you are fully obligated by that oath as is your administrative assistant to take action whenever necessary to preserve the citizens constitutional right to petition for a redress of grievance. Your signed confession is proof positive you have

chosen to enter into the conspiratorial treason of all those mentioned that you acknowledged receiving.

Whereas we have found both of you committing the criminal offense set forth in O.R.C. 2921.32, [A] [1] [2] [5], Obstructing Justice. [A] From your signed confession anyone can conclude by your silence "for after all you should know the law", that you do hinder the discovery, apprehension, prosecution, conviction, and punishment of crime, so therefore you are their assistants. [1] You are guilty of harboring and concealing the persons. [2] You have become the medium, thereby which both of you are providing the means of avoiding discovery or apprehension. [5] You have communicated false information to my person on [behalf of all the signed petitioners].

Whereas the signed confession dated Sept. 1, 1995, by both of you have caught you engaged in the act of insurrection against the U.S. Const. 1st. Amend. Right to petition all government agencies for redress of grievances. The only other explainable terminology to fit the conduct of both of you is incompetency and ineptitude. If this is the case, tender your resignation immediately!!

We the petitioners inform both of you that there will be a maximum dissemination through this nation in regards to this petition and that you are fugitives of justice, and any citizen is vested by the O.R.C. 2935.07 and O.R.C. 2935.04 to place both of you under citizens arrest.

We the petitioners now advise you and in accordance with the U.S. Const. Art. 1 Sec. 7 Cla. 2, and the Ohio Const. Art. 2 Sec. 16, where both Constitutions require that you move on this matter within ten [10] days, or you have lost absolute jurisdiction on this matter, and we the petitioners will take action in the Ohio General Assembly for articles of impeachment from office against both of you as set forth in Ohio Const. Art. 2 Sec. 23, 24.

(28 petitioners signed)

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ATTORNEY GENERAL  
BETTY D. MONTGOMERY,  
*Columbus, OH, September 1, 1995.*

DANIEL HELMAN,  
*Lisbon, OH.*

DEAR MR. HELMAN: Thank you for sending our office a copy of your Petition of Redress of Grievance Directed Toward the Ohio Supreme Court.

In Ohio, the Attorney General serves as legal counsel and advisor to state officials, state agencies, boards and commissions, and the Ohio General Assembly. Accordingly, we are unable to intervene on your behalf in this matter. I suggest that you talk with a private attorney for advice and possible assistance.

Thank you again for writing. I'm sorry that we are unable to directly assist you, however, I hope the above information will be helpful.

Sincerely,

MARLENE M. JABLONKA,  
*Administrative Assistant.*

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#### PETITION FOR REDRESS OF GRIEVANCE

Authority: U.S. Constitution, Article 1, Bill Of Rights; right to petition government for redress of grievance. Ohio Constitution, Article 1 Section 3; Citizens right to petition government.

1. Re: Ohio Supreme Court conduct in regards to—Walton V. Judge [1992] 64 Oh. St. 3D 5641 [No. 90—2246 Submitted July 8, 1992—Decided Sept. 2, 1992] Warranting the following criminal charges against the chief justice an the other members, Sweeney, Holmes, Douglas, Wright, H. Brown and J.J. Resnick, members of Wyandot County Court of Appeals [No. 16—90—24], Judge of the Court of Common Pleas and the prosecutor of said county, and all others under oath involved in this matter.

2. We the Petitioners say each and every one of you are guilty of overt acts of treason by the denial of Citizen Walton's U.S. Constitution 1st. Amendment right to petition elective and appointive governmentally constituted bodies and thereby you have engaged yourselves in acts of war, against every citizen of this nation, as stated in U.S. Constitution Art. 3 Sec. 3. We the Petitioners further find you have committed other acts of crime, such as the following:

A. You have willfully engaged in non-recognition of the U.S. Constitution as being the supreme law of the land—this being true, you stand in violation of the U.S. Constitution Art. 6 Cls. 2 and 3, which elevates your criminal wrong doing to capital offenses as described in the 5th, Amendment thereof.

B. All of you have violated the Ohio Constitution, Art. 15 Sec. 7, your oath of office, and are guilty of capital crimes against the State of Ohio and it's citizens.

C. Each and every one of you are guilty of being in violation of the Ohio Constitution art. 1 Sec. 16, Denial of Redress in Courts.

D. The Ohio Constitution Art. 2, Sec. 1 has found all of you willingly and willfully in acts of usurpation of power not delegated to the judicial branch, by changing the Ohio Revised Code wording, through judicial decree, which is defined as the Act of Tyranny in the Declaration of Independence, which states "He has [all of you] combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his [your] assent to their [your] acts of pretended legislation:

E. The Ohio Constitution Art. 1 Sec. 18 entitled—Suspension of Laws.—No power of suspending laws shall ever be exercised, except by the General Assembly. This being the case, there is no such law enacted to suspend the right to petition, therefore you are all in violation of Ohio Constitution Art. 1 Sec. 18. So thus far it should be quite clear in anyone's mind that you are all engaged in acts of revolution, insurrection, anarchy, treason, sedition and in direct acts of rebellion against the lawful authorities, the U.S. and Ohio Constitutions.

We the Petitioners, and being witnesses as well, testify that each and every one of you are engaged in overt acts of treason, in that you are levying war against we the citizens of the United States of America. We shall no longer tolerate the miscreant and recreant acts of belligerency, by all of you who seek to subject us to the status of slaves. The conduct pursued by all of you makes it obvious to all the oaths to the U.S. and Ohio Constitutions are shams to cover up your recreance. We find all of you guilty of obstruction of justice in that you seek to undermine the authority of the Grand Jury to look into all criminal offenses under their jurisdiction as per O.R.C. 2939.08—Duty of Grand Jury.

We the Petitioners demand an immediate revocation by the Ohio Supreme Court of it's unconstitutional action and restore to every citizen their right to petition any and all grand juries, thus abolishing the titled nobility class of frocked priest and priestess and the evil practice of the Bench Bar Conspiracy.

We the Petitioners further state that failure to redress this matter within the 10 days allotted in the U.S. Constitution Art. 1 Sec. 7 Cls. 2 and the Ohio Constitution Art. 2 Sec. 16 after which time all of you will have lost jurisdiction in this action.

We the Petitioners will follow the due process outlined in the Ohio Constitution art. 1 Sec. 3 and petition the Ohio General Assembly in pursuance of The Ohio Constitution Art. 2 Sec. 23 Impeachment, and Sec. 24—Who shall be impeached, before the Standing Judiciary Committee for the reasons below.

- a. Nonfeasance of Office
- b. Misfeasance of Office
- c. Malfeasance of Office
- d. O.R.C. 2921.45 Dereliction of Duty
- e. O.R.C. 2921.45 Interfering with Civil Rights
- f. O.R.C. 2905.03 Unlawful Restraint
- g. O.R.C. 2939.08 Duty of Grand Jury
- h. O.R.C. 2921.32 Obstructing Justice
- i. Ohio Constitution Art. 4 sec. 17 Judges removable
- j. U.S. Constitution 1st. Amendment

We the petitioners, being citizens of the United States of America and the State of Ohio, herewith seal this petition with our signatures that appear below under the heading of petitioners.

Mr. McCOLLUM. I appreciate it very much, Mr. Almay, your testimony and your coming today.

Mr. Sullivan, you are recognized.

#### STATEMENT OF PATRICK J. SULLIVAN, SHERIFF, ARAPAHOE COUNTY SHERIFF'S OFFICE, LITTLETON, CO

Mr. SULLIVAN. Mr. Chairman, and members of the committee, my name is Pat Sullivan. I am the sheriff of Arapahoe County. It's a county of 435,000 people on the south and east suburbs of Denver, CO. It extends out onto the plains some 70 miles. So we have both urban and rural law enforcement issues to deal with. We have about a staff of 450 people, about 250 volunteers to deal with our law enforcement issues. We have two jails, close to 1,000 prisoners.

In 1993, the officers of the county sheriffs of Colorado discovered that as many as 30 of our 62 sheriffs had liens filed with the county clerk and recorder on their private residence. They did not do this to any of the large urban sheriffs. This is very much targeted at the rural sheriffs, the vast majority of it coming out of the issue of doing foreclosure sales and tax sales on Federal farm loans. In talking with these sheriffs, we learned that county prosecutors, county court judges, district court judges also were discovering liens on their homes. The latest discovery was just three weeks ago when one of our neighboring county court judges went to get a home improvement loan, and discovered a million dollar bogus lien filed on his private residence. That blocked that home loan. The judge had to acquire legal counsel to proceed to court to get the lien removed from his title.

In 1993, I approached the assistant special agent in charge of the Denver division of the FBI, Joe Lewis, to see if we could get some assistance in determining who these people were, what groups they were, and how we might be able to respond to all these liens being filed. As has been mentioned here today, there's the Attorney General guidelines, and the FBI cited the Attorney General guidelines as a reason that they could not investigate and assist us in determining what these domestic groups were and what they were doing.

I went to Colorado Attorney General Gale Norton to seek her assistance. The attorney general assigned a prosecutor and an investigator to form a task force made up of investigators from the large sheriffs' offices and police departments in the metropolitan area. They conducted an investigation into this whole process and the intimidation of our judicial system, particularly in the rural part of Colorado, and indicted 11 leaders of a group we know as We the People on felony charges, including securities fraud, conspiracy, criminal impersonation, and theft. This group is based on Fort Collins, and has been active in all 50 States and two provinces of Canada.

In 1994, the Attorney General Norton issued a consumer alert, warning Coloradans to be aware of the unrealistic claims by We the People. The indictment charges that from early 1993 and continuing into this year the organizers and operatives of We the People held meetings at locations around Colorado and the Nation with attendance of up to several hundred persons per event and told of a class action lawsuit against the U.S. Government that entitled taxpayers and citizens to be awarded millions of dollars each.

According to the indictments, the defendants told the citizens that the lawsuit, *Baskerville v. Federal Land Bank*, the U.S. Supreme Court ruled that the IRS, the Federal Reserve, and the entire national banking system was unconstitutional. As a result, anyone who paid taxes, had a bank account, or even used currency was owed millions of dollars. All listeners had to do to share in this award was to file a claim. We the People allegedly claim that they were authorized to write and file such claims and would do so for a 300 dollar fee. The indictment charges that over 1,500 Coloradans paid to file these claims.

Court records reveal that the *Baskerville* case and another case brought by the organization's leader, Roy Schwasinger, and re-

ferred to by We the People pitchmen, were dismissed without trial because they had no legal basis. Attendees at the meeting allegedly were told that the inquiries at the court would do them no good because the court records were sealed to prevent the information from destabilizing the country. Organizers also allegedly reported that some of the award would be funded from \$600 to \$800 trillion that the U.S. Military Delta Force Team had recovered from overseas.

Defendants named in the indictments included organizer ring-leader Roy Schwasinger, Bruce Baird, and the list goes on, who were convicted of Federal felonies in Texas for filing false liens and claims against the property of Government officials. Mr. Baird has been convicted of similar charges in the State of Colorado and Fort Collins. Other defendants named in the indictment were Gary Widman and Barbara Ludlum of Colorado. This pair are already in custody on charges filed last October for interfering with the task force investigation and trying to intimidate public officials by filing false liens against the property of officials involved in investigating We the People.

Others indicted by the State grand jury included Scott Hildebrand, Norm Tuttle, Delton Evers, Russel Landers, Dana Dudley, and Julie Willems. Schwasinger was indicted by a Federal grand jury in Iowa, where citizens lost over one million dollars. Because the alleged criminal acts occurred throughout Colorado, the district attorneys of Colorado in the effected jurisdictions asked the attorney general to prosecute the case. Keep in mind, the sheriffs went to the attorney general to get help. Now the DA's are now asking the attorney general to prosecute the cases. For her efforts in leading these investigations and two successful prosecutions, Attorney General Gale Norton had a lien filed on her home, and had to go to court last month to get the bogus lien removed, to clear the title to her home.

In addition to We the People, Colorado law enforcement has crossed paths with the Patriots and the Constitutionals, who do not recognize much of the U.S. or Colorado governments. They do not register their motor vehicles with the Colorado Department of Revenue. Instead, they create their own Allodial drivers license and motor vehicle license plates. Here is an example of one of them. Kingdom of Heaven Ambassador, displayed on their motor vehicle in place of a Colorado registration. One that is at least more closer to home for us is allodial title recorded at Arapahoe County, CO, clerk and recorder, displayed on their vehicle instead of Colorado motor vehicle registration.

They do not register their motor vehicles with the Colorado Department of Revenue. Instead, they create their own Allodial drivers licenses and motor vehicle license plates, and display them in places that require Colorado license plates. Deputy sheriffs, Colorado State patrol troopers, and municipal police officers stop these vehicles, impound them for failure to register the vehicle, and failure to present a valid Colorado drivers license. For their efforts, these police officers, their supervisors, chiefs or sheriffs, plus the district attorney are sued in Federal court and State court for a wide range of alleged constitutional and criminal violations of these Patriots and Constitutionals rights.

I have four such suits pending against me and my deputies, the county and the district attorney. In the past 2 years, these groups have issued United States of America Federal Order Citizens Warrant for Citizens arrest for many Colorado public officials, to include sheriffs, judges, the Colorado Attorney General Gale Norton, Colorado Secretary of State Natalie Meyer, Colorado Governor Roy Romer, and the Colorado District U.S. Attorney Mike Norton.

These warrants have been issued, as mentioned by the prior witness, by the Supreme Court One of Colorado, which had its last meeting late in August, August 19th and 20th in 1995 in Canyon City, CO, for the purpose of bringing new indictments on all the judges in the State of Colorado and all the representatives in the Colorado Legislature. Sheriffs have had to face confrontations with these barriers of citizens arrest warrants to include information on plots to transport arrested sheriffs and judges to South Dakota. Their arrest warrants say that most of the people listed are released on their own recognizance. They chose one sheriff from Otero County, CO, and the chief district court judge in Otero County, CO, to be taken into custody and transported for trial to South Dakota.

Sheriff Eberle of Otero County, through our intelligence, learned of this, knew the people involved. Called them in, had a discussion with them and asked them if they tried this, which one of them wants to die first. That ended that. There was no attempt to take the sheriff or the judge into custody. But that judge, that district attorney in that county and that sheriff have liens on their homes and their rental properties.

We feel we stopped the sale of the 300 dollar claims in the *Baskerville* case, but this week our banks are receiving fraudulent certified bankers checks in large amounts drawn on the Bank of Butte and Antaconda, MT. These large checks are being paid to try to keep State law foreclosure on rural real estate, usually farm loans. The language on the checks, such as citing uniform credit code sections are identical language for people selling the claims in the *Baskerville* case and the suits against Government officials. We can not overlook these deliberate violations of Colorado Motor Vehicle Code by these tax protestors, by enforcing Colorado law equally for all drivers. Our police officers and deputies are significantly intimidated, threatened, and find themselves going to court for doing their job correctly under U.S. and Colorado law.

Members of the committee, these personal attacks threaten the functioning of our judicial system throughout the United States. Their misuse of the Federal and State court systems threatens our very nation of people living under the law, determined by our representatives to Congress and our State legislatures.

In Colorado, this involves our chief district court judge, Federal district court judge, as well as our appellate courts, our district courts. Judge Kerrigan of our Federal district court has been involved in this repeatedly, where he has issued cease and desist orders, only to be followed by new motions and having to respond to those. His latest one, in violation of his cease and desist order, was a motion filed to take the judge's, the district attorney, the district attorney's staff, the sheriff and his staff, to be committed for men-

tal health evaluations. These are filed with the courts. They take up court time. They have to be responded to.

My recommendation, where we may need some help, is taking a look at the Uniform Credit Code. There is no notice required when these liens are filed. There is no way the clerk and recorders in many instances in Colorado say that they can refuse these to file them. So we may need either Federal or State legislative assistance in looking at abuse of the Federal judicial system, abuse of the State judicial system, and maybe abuse of some of the civil process in terms of liens and the use of the Uniform Credit Code or consumer code, used to intimidate, I feel to try to neutralize the effectiveness of the judicial system, particularly in our rural areas where they lack the resources to really stand up to these kind of activities.

I am available for questions, and thank you for inviting me.  
[The prepared statement of Mr. Sullivan follows:]

PREPARED STATEMENT OF PATRICK J. SULLIVAN, SHERIFF, ARAPAHOE COUNTY,  
SHERIFF'S OFFICE, LITTLETON, CO

Mr. Chairman and Members of the Committee: My name is Patrick J. Sullivan, Jr., County Sheriff of Arapahoe County, Colorado, a county of 435,000 people who reside in the south and east suburbs of Denver, Colorado. Arapahoe County extends some 70 miles out on the Colorado plains thus giving it a mix of both urban and rural law enforcement issues for our full-time staff of 450 and 250 volunteers. I have been Sheriff for over twelve years.

In 1993 we, the officers of the County Sheriffs of Colorado, Inc., discovered that many of our rural sheriffs had liens filed with their County Clerk and Recorder on their homes as well as any other real estate they owned, such as a rental dwelling.

These liens apparently were the result of these sheriffs performing their statutory duty of conducting tax sales on foreclosed defaulted Federal Farm loans in 1991, 1992, and 1993, and continuing into 1995.

In talking with these sheriffs, I learned that County prosecutors, County Court Judges, and District Court Judges were also discovering liens on their homes. The latest discovery was by one of our own local County Court Judges who applied for a home improvement loan just three weeks ago and had the loan denied because of one of these bogus Constitutionalist liens filed with the County Clerk and Recorder without his knowledge.

In 1993, I approached the Assistant Special Agent in Charge (ASAIC) of the Denver Division of the F.B.I. for assistance in determining who these groups were and how we might stop these bogus liens from tying up the rural judicial system of Colorado. The F.B.I. ASAIC stated that due to U.S. Attorney General Guidelines, they could not help us investigate domestic groups that we feared were attempting to shut down the judicial system in rural Colorado.

I next went to the Colorado Attorney General, the Honorable Gale Norton for help. General Norton appointed a Task Force made up of a lawyer and an investigator from her staff and investigators from four other metropolitan law enforcement agencies.

This Task Force presented the results of their investigation to a State-Wide Grand Jury called into session by Attorney General Norton.

The Grand Jury indicted eleven (11) leaders of a group known as We the People on felony charges including securities fraud, conspiracy, criminal impersonation and theft. The Fort Collins, Colorado-based organization has been active in all fifty (50) states and has allegedly bilked Coloradans out of more than \$385,000.

In 1994, Attorney General Norton issued a consumer alert warning Coloradans to beware of unrealistic claims by We the People.

The indictment charges that from early 1993 and continuing into this year, the organizers and operatives of We the People held meetings at locations around Colorado, with attendance of up to several hundred persons per event, and told of a class action lawsuit against the United States Government that entitled taxpayers and citizens to awards of millions of dollars each.

According to the indictment, the defendants told citizens that in the lawsuit, *Baskerville v. Federal Land Bank*, the U.S. Supreme Court ruled that the IRS, the Federal Reserve, and the entire national banking system were unconstitutional. As a

result, anyone who paid taxes, had a bank account, or even used currency was owed millions of dollars. All listeners had to do to share in the award was file a claim. We the People allegedly claimed to be authorized to write and file such claims, and would do so for a \$300 fee. The indictment charges that over 1500 Coloradans paid to file claims.

Court records reveal that the *Baskerville* case and another case brought by organization leader Roy Schwasinger and referred to by We the People pitchmen, were dismissed without a trial because they had no legal basis. Attendees at the meetings allegedly were told that inquiries at the court would do no good because court records were sealed to prevent the information from destabilizing the country. Organizers also allegedly reported that some of the award would be funded from 600 to 800 trillion dollars that a U.S. military "Delta Force" team had recovered from overseas.

Defendants named in the indictments include alleged organization ringleaders Roy Schwasinger, Bruce Baird, and Joseph Mentlick, Jr. Schwasinger has previously been convicted of federal felonies in Texas for filing false liens against the property of government officials. Baird has been convicted of similar charges in state court in Ft. Collins. Two other defendants named in the indictment were Gary Widman and Barbara Ludlum of Colorado. The pair were already in custody on charges filed last October [1994] of interfering with an investigation and trying to intimidate public officials by filing false liens against the property of officials involved in investigating We the People. Others indicated by the state Grand Jury include Scott Hildebrand, Norman Tuttle, Delton Evers, Russel Landers, Dana Dudley, and Julie Willems. Schwasinger was indicated by a Federal Grand Jury in Iowa where citizens lost over \$1 Million.

Because the alleged criminal acts occurred throughout Colorado, the district attorneys of the affected jurisdictions asked the Attorney General to prosecute the case.

For her efforts in leading this investigation and two successful prosecutions, Attorney General Gale Norton had a lien filed on her home and had to go to court last month to get the bogus lien removed to clear the title to her home.

In addition to We the People, Colorado law enforcement has crossed the paths of the Patriots and the Constitutionalists who do not recognize much of the U.S. or Colorado governments. They do not register their motor vehicles with the Colorado Department of Revenue; instead, they create their own "Allodial" driver's licenses and motor vehicle license plates and display them in place of the required Colorado license plates.

Deputy Sheriffs, Colorado State Patrol Troopers and municipal police officers stop these vehicles, impound them for failure to register the vehicle and failure to present a valid Colorado Driver's License.

For their efforts these police officers, their supervisors, Chiefs or Sheriffs plus the District Attorney are sued in Federal and State Court for a wide range of alleged Constitutional and criminal violations of these Patriots' or Constitutionalists' "rights".

I have four such suits pending against me and my deputies, the County and the District Attorney.

In the past two years these groups have issued "United States of America Federal Order Citizens' Warrant for Citizen's Arrest" of many Colorado public officials to include sheriffs, judges, Colorado Attorney General Gale Norton, Colorado Secretary of State Natalie Meyer, Colorado Governor Roy Romer, and Colorado District U.S. Attorney Mike Norton.

Sheriffs have had face-to-face confrontations with these bearers of Citizen Arrest Warrants to include information on plots to transport arrested sheriffs and judges to South Dakota.

Sheriffs have been met with armed resistance in executing eviction orders issued by the Colorado courts.

We feel we stopped the sale of \$300.00 claims in the *Baskerville* case but this week our banks are receiving fraudulent Certified Bankers Checks in large amounts drawn on a bank in Montana.

The language on the checks—such as citing Uniform Credit Code Sections (3-415) are identical language for people selling the claims in the *Baskerville* case and suits against government officials.

We cannot overlook these deliberate violations of Colorado Motor Vehicle Code by these tax protestors by enforcing Colorado law equally for all drivers, our police officers and deputies are significantly intimidated, threatened and find themselves going to court for doing their job correctly under U.S. and Colorado law.

Members of the Committee, these personal attacks threaten the functioning of our justice system throughout the United States. Their misuse of the Federal and State



court systems threatens our very nation of people living under the law determined by our representatives to Congress and State legislatures.

These abuses regularly cross state lines and therefore come under the jurisdiction of this Subcommittee.

Thank you for your attention to these troubling issues.

Mr. MCCOLLUM. Thank you very much, Sheriff Sullivan, for your testimony.

Mr. Murnion, how do I pronounce that? I probably am not doing it right.

Mr. MURNION. Murnion.

Mr. MCCOLLUM. Murnion.

Mr. MURNION. That's close.

Mr. MCCOLLUM. I've tried, but I didn't quite get it right. Please proceed with your testimony.

**STATEMENT OF NICKOLAS C. MURNION, ATTORNEY,  
GARFIELD COUNTY, JORDAN, MT**

Mr. MURNION. Thank you, Mr. Chairman. It is an honor to be allowed to come from Garfield County, MT, the Big Sky State and come out here and address you on this very important issue that is affecting my constituents. I want to assure you that although you hear about the Militia of Montana and Freemen and different groups in Montana, that we are still a very good place to visit, and we are going to take care of these groups. It's a very small percentage of our population.

I want to thank you for the comments the committee has made today, especially Congressman Schumer. I have not had the pleasure of meeting, but I believe your comments, in my opinion, hit the nail on the head. This is a serious issue. It is one that I have been living with for a couple of years.

Mr. SCHUMER. Mr. Murnion, I visited Montana this summer with my wife and daughters, and we had a great time and were treated very, very well. So if I'm treated well, probably everybody would be.

Mr. MURNION. I'm glad you had a good experience. Before I get into telling you my story, I do want to explain where I live at. I live in eastern Montana. Most people like western Montana, it has a lot of mountains and trees and things. We still have some trees and we have a big old lake, but we're in the central part of eastern Montana. We are a very rural county. We have cattle, sheep and wheat, are our products. We have 1,500 people in a county that's about 2 million acres. The average ranch is about 10,000 acres. So we have a lot of land and very few people. They are good hard-working people. Our town is 500. That is where I live at. We have one sheriff and one deputy. I am a part-time county attorney. So that sets the stage for the problem or the dilemma that we're in.

On September 28, 1995, five men moved from Roundup, MT, to Garfield County, MT, in the dark of the night in a six vehicle convoy, armed to the teeth, and joined the five fugitives that had been residing in my county for about a year or year and a half. That made a bad situation very very much worse. All 10 of these so-called Freemen are fugitives. They are wanted on State and Federal charges and have been. Some of them have been on the run since April 1, 1994. They now reside on five residences located in about a 5-square-mile area on land that they no longer own. I even brought along a newspaper, in case you want to see where it's at,

that shows some of our beautiful State and our county. It shows some of the tactical problems in trying to go out here in this Big Sky area and try to arrest people that are living in five separate households.

In this area here, they have basically set up their own government that they call Justus Township. If the committee wants to see that, it's available. By the way, that's the first time I've been on the front page along with the Pope, so I was especially honored.

The charges, just to give you a flavor for what these people have done, is that five of them are charged with threats and other improper influence in official and political matters, which is an offense in Montana that talks about threatening harm to a person or to his spouse or his child or his parent or sibling or to the person's property with the purpose to influence the person's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant, party official or voter. This is a statute that we recently enhanced in the last legislature to basically deal with these types of groups.

Five of these Freemen are charged with this offense. Three are charged with the impersonation of a public servant, which is also a felony in Montana. One is charged with the solicitation of kidnapping, which I'll talk about later. Six are charged with the offense of criminal syndicalism, a felony, which is an offense that goes back to the turn of the century. Apparently, I am the first prosecutor in Montana to convict someone under this offense, but I believe it's the closest thing that Montana has to a domestic terrorism statute.

A person commits the offense of criminal syndicalism if he purposely or knowingly organizes or becomes a member of any assembly, group or organization which he knows is advocating or promoting the doctrine of criminal syndicalism, which is the advocacy of crime, malicious damage or injury to property, violence, or other unlawful methods of terrorism as a means of accomplishing industrial or political ends. I argued successful in court that the one defendant I convicted met every element of that offense.

Two of the Freemen also will be charged with armed robbery and felony assault in connection with an incident that occurred on October 2 of this year, in which a TV-camera crew was robbed of \$50,000 worth of camera equipment at gunpoint by six of the Freemen. Two ladies and a man confronted by six Freemen in three four-wheel drive vehicles. They had AR-15's and shotguns and rifles and pistols. They were jacking shells into the shotguns and it was a very bad situation. They robbed these people of their equipment.

One of the Freemen is also under investigation for the theft of 70,000 dollars' worth of grain that he is preventing his son from transporting off of the property. This son purchased this property at a sheriff's sale to try to preserve a piece of the family farm that his father was losing for him. Now his father is preventing him from meeting his banking obligations by use of force, preventing him from coming back and loading that wheat up.

The Freemen also told his own son that if law enforcement wants a war, they will get a war. That's the kind of attitude that we're getting. This is a situation that they have made clear that if we attempt to arrest them, it will result in violence.

They have again, as I have mentioned, organized their own government, which they call Justus Township. They have appointed officers, including a chief justice and various marshals. They are conducting Freeman classes for the last couple of weeks, which about 25 individuals from other States, such as California and different places, are coming in to learn how to set up their own government, and file liens and create the same chaos they have created in our county. In fact, I feel a little bit guilty, because I believe these two gentlemen are dealing with some of the same people from my county. It's like a cancer that has spread to their States.

They are being taught how to file liens against public officials as a means of retaliation and with the expectation that they will receive millions of dollars. They actually believe they are going to hit the jackpot on this.

I have included an addendum to my written testimony, which is the January issue of *Taking Aim*, a publication put out by the Militia of Montana, that to date has the best description of how to be a Freeman that I've found. I thought that was good information.

Now although the establishment of their own government and the filing of liens in my opinion is a very activist—these people are taking actions, whereas other groups have talked about this for years, their other beliefs do mirror other groups, including the Posse Comitatus, Christian Identity, and the We the People movement. We the People, Roy Schwasinger, put a seminar on for these people back in 1992. So I know that he was involved.

Freemen believe that the United States is a Christian Republic, governed by biblically derived common law, not statutory law. They also believe that the Constitution under the 14th amendment has two types of citizenship, one of which excludes Jews and people of color. They also believe that women are second-class citizens.

The Freemen buy into the common conspiracy theory that the IRS and the Federal Reserve Bank and other Federal agencies are controlled by a conspiracy, which will eventually lead to a one world government under the United Nations. Also similar to the Posse Comitatus, they advocate pro se lawsuits and the filing of common law liens. The Freeman's message seems to have the most appeal to those who are in the most desperate situations financially. In the case of Garfield County, it appealed to those farmers who had not been successful and were facing foreclosure. It gave them a convenient scapegoat.

The message of the Freemen also gave them a scapegoat to blame for their problems, but it also gave them the promise of winning millions of dollars. In the process of attempting to obtain something for nothing, they have taken every opportunity to threaten, harass, and intimidate public officials, bank officials, you name it, and others who would stand in their way.

My personal dealings with the Freemen commenced in January 1993, when three of them came to my office and demanded that I prosecute the Farmers Home Administration for fraud. I told them I was a pretty powerful part-time county attorney in Montana, but I wasn't sure I had that much authority. They really didn't want me to prosecute, because they wanted an excuse to send me a lien, which they did about 3 days later. It was demanding that I pay them \$500 million in minted silver, a check would not suffice ap-

parently. That went on for about a year. We basically tried to ignore them as best we could. They could exercise their first amendment rights, whatever.

But starting on January 27, 1994, they went over the line. At that time, 36 of the Freemen came into our courthouse and basically took over the courtroom for about an hour. They set up the Supreme Court of Garfield County/Comitatus. Writs of attachment were issued at that time against the property of certain judges and lawyers. We were involved in a divorce proceeding that one of the Freemen was objecting to.

It is ironic that 3 months prior to that, the same group of Freemen took over a courtroom in Lewistown, except at that time, the judge was present. He was forced to leave.

On March 2, they went a little farther. They appointed one of themselves as their own justice of the peace for Garfield County. That was an office that existed in Garfield County. That gave us the opportunity to consider that an impersonation of a public servant. The newly appointed justice of the peace commenced sending summons, legal looking documents to employees of the Small Business Administration, and to a lawyer representing GMAC to appear in their court. These are very legal looking documents, generated on laser printers with computers, that even to the lawyer that received them thought they appeared that someone might take them seriously.

Mr. CHABOT [presiding]. Excuse me, Mr. Murnion. I don't want to interrupt you here, but we have got to vote. Would it be possible to wrap up in the next 2 or 3 minutes with your testimony or would you like to complete your testimony when we come back from the vote?

Mr. MURNION. If possible, I'd like to have about another 5 minutes.

Mr. CHABOT. OK. We have to be able to vote. So we'll have you finish up when we come back. Then we'll get to Ms. Mathews. So we're going to recess for a few minutes here to go over and vote, and we'll come back. We're not quite sure if it is one vote or two, so it will probably be 10, 15 or 20 minutes. But we will reconvene as soon as we can get back. Thank you.

[Recess.]

Mr. CHABOT. There may be other members coming back from the last vote. That was the last vote on the floor.

I might note for all those that testified today, your written statements will be in the record and other members will have access to those following the hearing. There are a number of flights out of here as well, too. So I would encourage members of the panel to probably summarize their statements, if at all possible at this time.

Mr. Murnion, would you like to continue?

Mr. MURNION. I'll try to finish up very quickly.

Mr. CHABOT. Thank you.

Mr. MURNION. Just to summarize the other things that have happened against me personally is that, on March 8, 1994, a bounty was actually issued by the Freemen for \$1 million against myself. I have a copy of the bounty. The significance of that is that they, when contacted, indicated that they were serious about it, that a bounty hunter would come and take advantage of it, that I

would be arrested, along with my sheriff, and if I was convicted, I would be hung by them.

There was a sale on April 14, 1994. Prior to that sale, we had rumors by the sheriff that sharpshooters would come in and kill seven officials. We had threats against the courthouse.

In June 1994, we had subpoenas issued against, among other people, our two Senators who appear in the Freeman's grand jury. July 15, I had 45 jurors contacted that were threatened prior to a Freeman trial.

In February 1995, we convicted the first person of the first Freeman for criminal syndicalism. The week before he was to be sentenced was a big week in Montana. We had the mayor of Cascade depositing money orders from the Freeman and declaring Cascade to be a common law jurisdiction. We had threats that our judge and the prosecutor would be kidnapped by a group from Roundup. That was communicated to me. And, then, on March 3, several individuals appeared in Roundup with assault rifles, pistols, \$80,000 in cash, physical constraints, walkie-talkies, and they were arrested.

Prior to their arrest, one of them was observed walking pass the judge's chambers. One of those members had a map on him that was a map of my house.

The threats which I have received throughout this ordeal have included threats to be kidnapped, grabbed, arrested, hung, and shot. I've been told that I'm the number one on their list; the sheriff is number two. The day after the move to Garfield County, a threat was received by a Californian to my secretary that was threatening to remove us from our space if we didn't agree with their belief. The threats have intensified since this group conversion in Garfield County.

To sum up, we are facing a violent confrontation in Garfield County; we have 10 fugitives with warrants living in 5 houses. It's a situation that has grown worse with time. It's going to be very difficult. For over 10 months, I've been asking for some assistance to arrest these people and we haven't got it, frankly. We are now faced with the monumental task of trying to assemble an efficient law enforcement force to effectuate the arrest. I believe bloodshed is inevitable, and that's because that they've converged, are united, and have a kind of a mob hysteria.

I will tell you that I believe the solution to these groups is that they must be prosecuted for the crimes that they commit, and that it must be done as expeditiously as possible. It's very simple. And I have had three different trials involving eight different individuals and we have prosecuted and successfully convicted all of those individuals, and we've only had one that has chosen to stay with the group. There is hope. You can get these people out from the clutches of these leaders if you take them through the criminal justice system.

Finally, I do want to make one comment in conclusion that I believe this committee could be very helpful with. All summer I watched the hearings concerning Federal law enforcement. It appears to me that they've been roughed up pretty severely for some actions that occurred at Ruby Ridge in Waco, and maybe that was right; maybe it was wrong. I think it's time to give our Federal law

enforcement some encouragement to go in and do their job when there's Federal crimes involved.

It appears to me that, before we get any help in Garfield County, I think it's going to be easier to get 20,000 troops to Bosnia than it is to protect my 1,500 people in Garfield County.

Another way of looking at it, I guess, is that we spent a lot of money to investigate things like who's the unibomber and where is he. Well, I know where my guys are. They're hold up and they've committed crimes.

If we located the unibomber and he went behind in his cabin and said I've got an SKS now and I'm an extremist, I don't believe we would sit there and not go in and arrest him. And, yet, we in Garfield County are faced with a situation of not being able to effectuate these arrests. And so, law enforcement, and especially the Federal law enforcement, needs to have some words of encouragement to go in and do their jobs.

Thank you.

[The prepared statement of Mr. Murnion follows:]

PREPARED STATEMENT OF NICKOLAS C. MURNION, ATTORNEY, GARFIELD COUNTY,  
JORDAN, MT

On September 28, 1995 five men including the leader of the movement known as the "Freemen" moved by convoy of six vehicles in the dark of night from Roundup, Montana to a location in Garfield County located 130 miles away. The effect of the move was to allow the five freemen from Musselshell County jail to join five freemen residing in Garfield County and thereby create a very dangerous situation for Garfield County. All ten of these Freemen are wanted on various State and Federal charges. The effect of this convoy in the middle of the night was to make a bad situation much worse. These wanted men are now residing in five residences located in about a 5 square mile area of land which they no longer own. The Freemen have made it very clear that any attempt to arrest them will result in violence.

Five of the Freemen are charged with Threats and Other Improper Influence in Official and Political Matters, a felony, as specified in §45-7-102, M.C.A. Three are charged with the impersonation of a Public Servant, a felony, as specified in §45-7-209, M.C.A., One is charged with Solicitation of Kidnapping, a felony. One is charged with Obstructing a Peace Officer, a misdemeanor. Six are charged with the Offense of Criminal Syndicalism, a felony, as specified in §45-8-105, M.C.A. A person commits the offense of Criminal Syndicalism if he purposely or knowingly organizes or becomes a member of any assembly, group, or organization which he knows is advocating or promoting the doctrine of criminal syndicalism which is the advocacy of crime, malicious damage or injury to property, violence, or other unlawful methods of terrorism as a means of accomplishing industrial or political ends. Criminal Syndicalism is the closest thing that we have in Montana to domestic terrorism. Two of the Freemen are currently under investigation for armed robbery and felony assault in connection with an incident that occurred on October 2, 1995 in which a TV camera crew was robbed of their camera equipment at gun point by six of the Freemen. One of the Freemen is under investigation for the theft of \$70,000 worth of grain that he is preventing his son from transporting off of the property which the son purchased at a sheriff's sale. This Freemen has told his son that if law enforcement wants a war they will get a war.

The Freemen have attempted to organize their own government which they call "justus township" and have appointed officers including a chief justice of the supreme court and various marshals. They are also conducting freemen classes to which approximately 25 out of state individuals are coming on a weekly basis to learn the mechanics of how to set up your own government in other States. They are also being taught how to file liens against public officials as a means of retaliation and with the expectation that they will receive millions of dollars as a result. (For a more detailed review of the concepts of how Freemen establish their own government and seek retribution by filing liens as addendum has been attached which is the January issue of "Taking Aim", the publication put out by the Militia in Montana). Although the establishment of their own form of government within a county and the process of filing liens is somewhat unique to this group, their other beliefs seem to mirror other groups including the Posse Comitatus, Christian Identity and

the "We the People" movement. The Freemen believe that the United States is a Christian republic governed by Biblically derived common law, not statutory law. They also believe that the Constitution under the 14th Amendment has two types of citizenship one of which excludes Jews and people of color. The Freemen buy into the common conspiracy theory that the Internal Revenue Service and the Federal Reserve Bank and other Federal Agencies are controlled by a conspiracy which will eventually lead to a one world government under the UN. Also similar to the Posse Comitatus they advocate pro se lawsuits and the filing of common law liens. The Freemen message seems to have the most appeal to those who are in the most desperate situation financially. In the case of Garfield County it appealed to those farmers who had not been successful and were facing foreclosure. The message of the Freemen not only gave them a scapegoat to blame for their problems but also the promise they would win millions of dollars by adopting the Freemen procedures. In the process of attempting to obtain something for nothing they have taken every opportunity to threaten, harass and intimidate public officials and others who would stand in their way.

My dealings with the Freemen commenced in January of 1993 when three of them demanded that I prosecute the Farmers Home Administration for fraud. The result of my failure to so prosecute was my first lien filing of \$500 million. On January 27th of 1994 36 freemen took over the Garfield County Courthouse and set up the "Supreme Court of Garfield County/comitatus. Writs of Attachment were issued at that time against the property of certain Judges and lawyers involved in a divorce proceeding. Three months prior this same group of Freemen took over a courtroom in Lewiston except that the Judge was present and was forced to leave. On March 2, 1994 a Freemen was appointed as justice of the peace. This newly appointed justice of the peace commenced sending summons' to employees of the Small Business Administration and a lawyer representing GMAC to appear in his court. Documents were generated by laser printers and resembled legitimate court documents. On March 8, 1994 a bounty was issued by the Freemen for \$1 million against myself, the sheriff, the district judge, a lawyer and two bank officials for anyone who would arrest and bring us before the freemen's court. Although ludicrous sounding on its face, when contacted concerning it the freemen indicated that this bounty was being faxed world wide and that someone would be "hungry enough" to take advantage of it. The person identified as a constable was contacted by the Sheriff concerning the bounty. When asked what would happen if one of us was turned in, the Sheriff was informed that we would be tried by a jury composed of freemen and if convicted the penalty would be death by hanging. The constable further indicated that the hanging would not take place on a gallows which would be a waste of taxpayers money but would consist of a hanging from the bridge. A Sheriff's Sale was held on April 14, 1994 which was the apparent target of the bounty issued of \$1 million. Prior to the sale rumors were received by the Sheriff that sharp-shooters would be sent to Jordan on that day to kill seven officials. Other threats included the bombing of the Courthouse. In June of 1994 subpoenas were issued against both Senators from Montana, Supreme Court Justices of Montana, the Attorney General of Montana and our District Judge commanding that they appear before the Freemen's grand jury. On July 15, 1994 45 jurors which were to sit on the first trial of five freemen charged with impersonation of a public servant received a Writ mailed from the Freemen making threats against them and their property if they convicted the freemen.

The Freemen have also filed a mountain of documents which attempted to arrest, subpoena, place liens for millions of dollars, and impose sentences of death against every public official they came in contact with. I have characterized these activities as a form of "paper terrorism" in my trials of the Freemen.

In February of 1995 the constable listed on the bounty was convicted for the offense of Criminal Syndicalism. One week prior to his sentencing of March 2, 1995 threats were received by me that a Judge and a prosecutor would be kidnapped by a group out of Roundup. The week of the sentencing the Mayor of Cascade deposited a money order printed by our Freemen and declared that the City of Cascade to be a common law jurisdiction. On March 2, 1995 under very heavy security the freemen convicted of Criminal Syndicalism received the maximum prison sentence of 10 years and was designated as a dangerous offender. On March 3 in Roundup, Montana 7 individuals appeared with assault rifles, pistols, constraints, walkie-talkies, \$80,000 in cash and were arrested on weapons charges. Prior to their arrest one of them was observed walking past the Judge's Chambers.

The threats which I have received throughout this ordeal have included threats of being kidnapped, grabbed, arrested, hung and shot. The day after the move to Garfield County a threat was received by a Californian to my secretary threatening to remove anyone from their space who didn't agree with the Freemen's beliefs.

Those threats have intensified since the group has converged on Garfield County. In addition to the V camera crew that was robbed at gun point with shotguns, AR-15's, rifles and pistols present, a Polish journalist was also run off at gun point and a gun discharged into the air.

We in Garfield County are now facing a very unique situation. We have ten wanted men armed to the teeth who are not going to be arrested without a confrontation with law enforcement. We are a county of one sheriff and one deputy with barely enough means to defend ourselves. The solution to the problems presented by the freemen is relative simply. They must be prosecuted for the crimes they commit and it must be done as expeditiously as possible. I have been involved in three trials of the Freemen over the past year and a half and have obtained convictions of eight defendants. For over ten months I have been asking for assistance from the Federal and State authorities to arrest the leaders of the Freemen who prior to September 28th were residing in plain view in a cabin in the hills outside of Roundup, Montana. I was given assurances that these men would be brought to justice. We are now faced with the monumental task of trying to assemble a sufficient law enforcement force to effectuate the arrests of the ten fugitives. At this time I believe that bloodshed is inevitable. Prior to September 28 when the Freemen were separated I had hope that a peaceful resolution was still possible. When the convoy was allowed to reach Garfield County on September 28 that hope has faded. I also strongly believe that this is a Federal crime issue. The leader of the Freemen is a man who has been wanted on an IRS warrant for over four years. The Freemen are now exporting their brand of terrorism to people in other States. I have received calls from Wisconsin, Ohio, California and others that have similar situations. I believe this group has declared war on our form of government. They are in open insurrection. They even threaten people who pilot airplanes through their air space. They kill wildlife as a means of stocking up on food. The movement is also cult-like in the sense that neither brothers, sisters, nor sons and daughters can talk sense into their relatives who are involved in the freemen movement. They appear to be completely brainwashed in the ideology promulgated by the leaders of the movement. They live in the mythical word of common law which only they can interpret. It's an "Oz-like" world where they are trying to indoctrinate innocent people into taking the yellow brick road to see the wizard and the wizard is promising them no more laws to abide by and a pot of gold besides. But as ludicrous as it sounds they believe it completely and are apparently willing to defend it with guns and their lives. It is a tragedy that will have only one ending and that ending will not be peaceful.

[From the Militiaman's Newsletter]

#### REESTABLISHING OUR CONSTITUTIONAL FORM OF GOVERNMENT—SELF-GOVERNMENT—THE SOLUTION AND THE PLAN

I have been studying and researching Constitutional Law for over ten years; testing theories in the courts; rescinded my contracts with the State and Federal Governments; spent my time in jail, never finding a solution to the problem. Sure I have found solutions to a few of the symptoms of the problem, but have never been able to get remedy or find a cure to the problem.

The patriot movement, for years, has been trying to find a solution to the problems. Since patriots are fiercely independent, they couldn't agree on anyone solution. Consequently, decades have been spent on defining and redefining the "problem", literally beating it to death without finding the solution.

Finally after years of searching for a solution to the problem I had the pleasure of spending a couple of days during the third week of January with some men who have been researching for many years the way our nation was formed and how our founding fathers established government at all levels: National, State, County and Local. These men call themselves: "Freemen".

For years I have been asking people "if the enemy shut off the car, pulled the keys, and handed them to you, could you even start the car, let alone drive it?" These men can honestly say "yes" to both questions.

#### SELF-GOVERNMENT

No one ever thought about going back to the basic building block of government: the "county," where it all began. Remember the town hall meetings. The People came together, debated and solved their problems. These were the days of the "elisors."

Elisors were the "electors or choosers" (see Webster's 1828. Black 1st, or Blackstone's Commentaries). When things went awry, yesterday's Daniels stepped for-



ward into the breach. True men, with integrity, who loved truth and justice would make things right, no matter what the cost (sounds like today's patriots). The men served on grand and petit juries; they served the great Writs in the name of the People. This was especially true when the Sheriff refused or failed to act. "All that is necessary for evil to thrive \* \* \*" but then you remember that one, don't we?

The "elisor solution" as we will call it, is being revived. It was never eliminated, repealed or removed from America's fundamental law. Coupled with, yes the justices' supreme court (elisors' court) at the county level. Not the elite privileged. Titled Nobilities of the State Supreme Court: now filled with those who are part of the "problem" and servants, not of the People, but of corporate America. Just a plain all simple supreme court at the entry level. Go to your law libraries in your state. Find you early state law books and look for section which talk about three district courts — the supreme court, the district or superior court of the county, and the Supreme court of the State of \_\_\_\_\_. There are generally two supreme court references. Why? Because these are two separate, distinct and exclusive courts. We has the Daniels' of old, this justice court" would be the three or more county commissioners or supervisors. But they're mostly representing the special monied interests. Always remember the corrupt "problem." Offices today, are filled with politicians, NOT statesmen. Are we then stymied and back to square one, No, there is a way around \* \* \* God always provides a solution; and the freeman will never lost their court. We never lost the supreme court at the county level. Its just been concealed by statutes and procedures (and other establishment rabbit trails) to the point where it is easily over looked.

If the sheriff won't act, and the commissioners won't open their supreme court, and the judges' won't convene a grand jury \* \* \* you always have had the Right to form a township. That's the solution.

With an Ad Hoc committee that's a few good men), you can appoint a Notary, then a clerk, the two justices' of the peace, and finally, two constables to execute their edicts or precepts (orders stemming from the sovereign) of the justices' courts. You can have multiple townships in one county, depending on the size and number of township/precincts. In early law, each township was separate and exclusive. They still are. For example, in the country of Montana, each county must have "at least two townships," this would also require "two constables." Therefore, Montana would have 112 Justices' of the Peace, and 112 constables to serve the People as their courts of justice. The statutory scheme eventually renamed them Precincts. Each of the township/precincts have always had the Right to form their own local government, under local control.

That was the basic concept or building block of a self-governing People under the Law of God. Ah! the birth of a new big government? Not if we mind the store this time. You probably shouldn't pay these folks that much . . . that's probably where we went wrong in the first place. If they start asking about dental plans, eye care, and paid benefits, it might be better to look elsewhere, or refer them to Hillary. It shouldn't take that long to correct the problem with the sitting county commissioners. After convening a grand jury to really investigate local corruption, those "folks," that's the good ole boy club, made up of politicians, attorneys and judges should be occupying the "gray bar hotel." With new elections coming, influenced by the elisors, perhaps we might even find "statesmen" who would actually serve their fellow man—with a love for dignity, honesty, truth, justice and the Law. Sounds almost like the American Union which our forefathers envisioned and established with Divine Providence; Christian ideals, economics and principles; and Nature's Law; all blended together to bring peace, prosperity and happiness to a People who would accept responsibility, accountability and be self-governing. The price of freedom has always been eternal vigilance.

We have an obligation to be the light of the world, the role model; and if we are, perhaps we won't have to be the most expensive "policemen of the world."

We were supposed to be a self-governing People. A responsible, accountable People under God. But only a People strongly rooted in Christian Faith and Law can make that system work. All others will fail, We will fail again and again, if we forget the lessons of history. We must have a strong rock foundation to build on. Read the Bible as a history text. It's about a People who were disobedient, who went to sleep, who allowed the legalistic factions to infiltrate their lives and government. In each instance, it was not long before they found themselves in bondage. Sound familiar? We have forgotten history's tough lessons several times in our past and have paid dearly each time. Truly there is nothing knew under the sun. And, this is the method.

If this sounds too good to be true, it's not. Justus Township, Montana state is alive and well today. They have reinstated the common law, their own justice court, Notary, Clerk and Constable, just as it was in the 1890's. All of their instruments,

documents and documentation has been certified with the secretary of state. Babylon, the establishment, is in a state of confusion.

#### METHOD

This outline serves as a brief outline or overview of the "nuts and bolts" of the method; it is not intended to replace the training period of approximately four (4) days which is normally required to reach the concepts necessary to fully implement this system of law at the county level. The training is intended to enable the elisor to return to his Township and both set up their Common Law system and in turn teach his community the essentials of reviving Rights in Law and their own self government. "We the People" are "sovereign."

I. Ad Hoc Committee (of elisors) is established:

(a) Notary Public is designated and certified on the county level; serves as a Justice, Clerk and/or Prothonotary.

(b) Committee studies, researches and becomes articulate in the problem, solution and methods to correct the problem.

(c) Committee establishes the township under Notarial Seal and minutes of their meetings; using special appointments and special elections (look up "special").

(d) Township appoints two (2) Justices' of the Peace and two (2) constables.

(e) Township officers, justices' and constables' then go to the county commissioners' and present the "problem" and propose a peaceful resolution through a self-governing, responsible, accountable local government under existing law and the Common Law. Notice and Demand is given to Commissioners'.

Township continually studies CC, commercial law and commercial liens for enforcement of their edicts, precepts and attachments' should this remedy become necessary. Commercial liens and Warrants (Writs) of Attachment are the enforcement tools.

II. Township(s) give county commissioners a reasonable and stipulated period of time to take appropriate action to correct the problem.

(a) Township(s) provide resources and assistance to the Commissioners to correct the problem.

(b) Township officers' attend all meetings thereafter to monitor progress or lack thereof.

(c) Certification of various officers' is verified;

Is it easy? No, there is no free lunch. Just as there are parallel governments (de facto & de jure) at the State and Federal level, there are provisions for parallel governments at the county level. You must study, research and have commitment. Blow the dust off the old law books and old dictionaries, and find your original source in Law in your respective states. But, this time you will be rewarded with something you can clearly see. A return to Self Government.

#### THE REMEDY

Not only have these "Freemen" discovered through years of researching our forefathers plan for self-government, they have also found a means for restitution for the damage the "corporate" government and its's agents have done to the "natural" government and it's governing body (the people).

If you have been injured by an agent of the corporate government, such as the I.R.S. there is a remedy by filing a lien against the individual. Here are the steps that you take.

(1) Send the individual(s) who injured you a confession/admission form. Example: I, John Doe [I.R.S. agent] did knowingly and intentionally commit the following acts against \_\_\_\_\_ in violation of Article Four. . . . and that I understand that if I do not sign and return this form within ten days without objecting to the above, with substantial evidence that by my silence I admit my guilt . . .

(2) Fill out the lien form, specifying who the debtor is and the creditor and how much the lien is for (whatever you feel your freedom is worth). Send them a copy. Give them 15 days for response objecting to lien

(3) File in clerk and recorders office for your county after time limit has expired in number 2.

(4) After 24 hours of filing lien, file foreclosure form in clerk and recorders office.

(5) Publish default notice in your county newspaper for three consecutive weeks. Send copy of default notice after three weeks to party who injured you.

(6) Finally take certified copies of your documents that are on file at the county clerk and recorders office to a bank where you have an established account. Instruct the bank to deposit the liens in that account as an asset from which you will receive a line of credit in that amount.

The bank has until midnight of the day of presentment to accept it and enter it into the system. The bank has an additional 72 hours to dishonor the presentment and return it to you. If the bank does not dishonor it nor enter it into the system as a credit to your account you would then present a protest using your Notary Public as the public witness to the banks default.

As of this time the "Freemen" have deposited billions of dollars in liens. The banks are claiming that the accounts are closed. However, account status reports clearly have shown that the liens here entered as assets to the account—and the buying power of the account was increased by the amount of the lien.

The "Freemen" have written books on the accounts to credit card companies; paid off hundreds of thousands of dollars in farm mortgages; paid off I.R.S. liens; etc. They have also purchased computer equipment from a local wholesale company. Incidentally this same company notified them two days later stating the bank told them the account was closed. The "Freemen" notified the wholesale company that if they decided to proceed in an action against themselves to be prepared for transfer of ownership of the company. They never heard another word.

Also, one lady who has worked with the "Freemen" was detained by the FBI for thirty days for questioning. They never filed any charges. For the full thirty days they drilled this lady as to how they could get these liens lifted and how they were able to obtain a bankers manual.

#### WHO IS LIABLE?

Without getting into much detail, definitions, court cases, etc. I will attempt to make it real plain and simple for you.

Lets look at the words unalienable and inalienable.

In the Declaration of Independence our fore-fathers used the word "unalienable." Bouvier's Law Dictionary, 1914, defines unalienable to be Incapable of being transferred, and Things which are not in commerce.

The law dictionaries are vague as to the difference of the these two words. However, we do know that the drafters of the constitution chose their words carefully—so there must be a difference. Under inalienable we do not find the definition of Things which are not in commerce.

By breaking the words down and by adding the word position after each we can see that inalienable is something which can be transferred and is in commerce.

There is much more involved in becoming free from the system. If you are a Fourteenth Amendment citizen then you have inalienable rights which can be liened. If you are a sovereign, "Freeman" then you have unalienable rights which cannot be liened.

#### CONCLUSION

After spending those couple of days with these guys I am totally convinced that they have the solution to the problem. 1. Reestablishing our Constitutional form of Self-government and 2. Restitution for damages.

In order to understand the foundation of this method and how to put it to work for you in your county you need to spend a minimum of four days with the "Freemen". They are holding classes all of the time. If you are ready to find and implement the solution to the problem, instead of "beating the problem to death", then contact us here at MOM and we will help you make arrangements to spend the time you need with the "Freemen".

I would like to thank Leroy, Dan, Rod and especially Frank who provided me with the outlines I needed for this article. You guys are paving new roads for the rest of us. Keep up the good work and may our Heavenly Father continue to Bless and Protect you from the enemy.

Mr. CHABOT. Thank you very much, Mr. Murnion.

Ms. Mathews, I know that it was—Chairman McCollum mentioned at the beginning of the testimony that, because of the court action, it was necessary for you not to add anything to the script that's here. I might—again, we have another panel after this one; you might want to abbreviate this, without adding anything. I don't—if you want to read, necessarily, every page here, but I'll leave that up to you.

**STATEMENT OF KAREN MATHEWS, CLERK-RECORDER,  
STANISLAUS COUNTY, CA**

Ms. MATHEWS. If you would like, we can just use my written testimony as the formal document.

Mr. CHABOT. OK. That would be fine.

Ms. MATHEWS. All right.

Mr. CHABOT. That would be fine. Do you want to—you mean rather than giving an oral testimony, you mean, or—

Ms. MATHEWS. Yes.

Mr. CHABOT. OK. That would be fine, if there's no objection. I don't hear any objection from the other side. So, I do appreciate you coming here, however, and I will make sure that every member of the panel does have this document and we will encourage them to read it.

[The prepared statement of Ms. Mathews follows:]

PREPARED STATEMENT OF KAREN MATHEWS, CLERK-RECORDER, STANISLAUS COUNTY,  
CA

My name is Karen Mathews. I am the Clerk-Recorder in Stanislaus County, California. For those who are not familiar with Stanislaus County, it is located in California's Central Valley, south of Sacramento. We are represented in Congress by the Honorable Gary Condit.

I am here to share the experiences I have had in the past few years with what has been described as a local "tax protester" group. As you will see, my story is not a pleasant one. My staff, family, and I have been the victims of a series of escalating threats and violent action. The high point or low point, depending on your perspective occurred 18 months ago when I was attacked and terrorized in my home. Ten people have been arrested and charged with crimes related to this event. The arrests were the result of indictments handed down by a Federal Grand Jury.

I want to begin by telling you a few things about myself and the office I hold. The position of Clerk-Recorder in my county (and in most other California counties), is an elective, non-partisan office.

The Clerk-Recorder is responsible—in the context of this discussion—for recording and maintaining legal documents related to property ownership and real estate transactions.

I was first elected to Clerk-Recorder in June of 1990 and was re-elected last year to another four year term. By any standard, I believe I am an average, American citizen.

Like the office I hold, I am essentially non-partisan and make no pretense about being politically sophisticated. I emphasize this because I want you to understand I have no political agenda, hidden or otherwise.

My story begins on November 12, 1993 when I was approached at my office by several members of what is now known to be a local tax protester group who demanded I remove a \$416,000 IRS lien against a member of their group. I refused because I have no authority to remove IRS liens. I was threatened by one of the men in the group who said, "You're going to be really sorry you made that decision." Days later, members of the same group returned to the office to record so-called, "common law" liens against property owned by IRS agents. Again, I refused.

For those of you unfamiliar with common law liens, unlike genuine liens which creditors place against property of people who owe them money, common law liens are typically filed by tax protestors who aren't owed any money but use these liens to harass public officials and IRS agents. If recorded, bogus liens make it difficult for property owners to refinance or sell their property and require court expenses and time to expunge from the record. If recorded, the property owner may not be aware of the liens until years later. They also use these bogus documents to cancel their driver's licenses, birth records, social security numbers, and/or revoke their citizenship.

Within weeks of the second visit, I began receiving anonymous threatening phone calls at home. The gist of these threats was the caller identifying where I lived, identifying my car, and telling me if I knew what was good for me, I'd begin to record the documents presented to me. "Do your job, or something will happen to you on your way to work, or going home."

Although the calls were disturbing, I did not take them seriously until December 1993, when after work a box was found under my car. When the box was opened by law enforcement, a simulated pipe bomb was found.

The situation escalated dramatically a short time later when shots were fired through the office window while employees were present. Fortunately no one was injured.

On January 30, 1994, after returning home from dinner at a local restaurant, upon entering my garage, I was attacked and beaten by two men. I was knocked to the floor, slashed with what I believe to be a knife, kicked repeatedly, punched and finally, a gun was placed to my head and "dry-fired" several times.

My assailant said I was a messenger to all recorders. That if we did not begin to do our jobs and record their documents, this would happen to them too. He reminded me I would be easy to kill.

As you can imagine, these incidents have been tremendously difficult to deal with. The beating has changed my normal existence dramatically. Among other things, I carry a gun at all times and am well-trained in its use. I never imagined I'd ever carry a gun.

Although this was the last incident personally directed towards me, in the ensuing months a call was made to my elderly parents living in another city, threatening the life of a family member or myself if I didn't cooperate in recording their documents.

From a larger perspective what has happened to me personally is not the main issue. What is important is:

1. What was this really about?

2. And, what does this say about what is occurring in our country today?

With regard to #1, (what was this really about)—the available evidence strongly indicates what transpired in Stanislaus County is an attempt by an organized group to intimidate and coerce an elected government official into committing illegal acts which in turn, are directed toward harassing and intimidating federal IRS agents. Simply put, this was an effort to undermine our government through the use of violence.

With respect to the second question, (what does this say about what is occurring in our country today)—it's very difficult for me to avoid making some inferences from the nature of the group which allegedly attacked me. Recently, after the indicted parties were arrested, associates of the group met with local newspaper reporters. According to published newspaper accounts, these associates:

Shared pamphlets with a reporter reflecting their beliefs. These pamphlets reflected hatred towards Jews and supported white separation.

Asserted United Nations equipment was sighted and being stored at the Modesto Airport and was involved in a recent fatal air crash in Fresno, Ca.

The federal government can and does manipulate the weather, encouraging the destruction of agriculture in California's Central Valley.

The person who was accused of actually attacking and beating me was apparently recruited for this purpose from Oregon. Five years ago he was arrested and convicted in Northern California for threatening the lives of two California State Representatives who favored gun control. When he was arrested then, law enforcement officials found four semi-automatic weapons, more than 10,000 rounds of ammunition and 20 pounds of marijuana in his cabin.

One of the other accused parties was convicted in February in Federal Court of conspiracy and counterfeiting charges, and apparently faces up to 15 years in prison.

When you compare this group's apparent ideology, methods, and paranoia to other shadowy, radical groups operating in this country, and this group's ability to recruit a "hit man" from another state to attack me, it is difficult to avoid speculation that some wider conspiracy may exist. I hope this Committee and other appropriate authorities will thoroughly investigate this possibility.

In closing, I have two final comments. First, due to my experience and the horrendous Oklahoma City bombing, I hope all elected officials, community-leaders, and other public personalities will aggressively and forthrightly condemn the actions and tactics of groups like the one who allegedly attacked me. I've become weary of officials who, for whatever reason, fail to do this.

Finally, I want to tell this Committee I have been deeply impressed by the professionalism, dedication, and concern I've witnessed with the many FBI, IRS and Justice Department officials I've worked with in recent months. Notwithstanding the nonsense which is put forth by some elements of our society, I, as one American citizen, feel we are very fortunate to have people of this quality protecting our rights and freedoms.

Thank you for affording me the opportunity to speak to you today.

Mr. CHABOT. At this time, I just have—again, in the interest of time, I'm going to keep my questions and comments very brief here. I, first of all, wanted to thank each and every one of you for coming. I'd especially like to thank Mr. Almay who's from the Ohio Attorney General's Office from Ohio, my State. And I want to also thank our Attorney General Betty Montgomery, who I know personally is doing a tremendous job. She has really, I think, done yeoman's work in the office and is one of the finest law enforcement officials across the country, bar none. So I want to say my hat's off to our attorney general.

The threats, Mr. Almay, that you've described are certainly very troubling as the threats that we've heard from the other members of the panel here today. There are clearly some very disturbed people out there, as I guess we probably always had, and we do need to be vigilant and we do need to enforce the law. We also need to ensure that we don't overreact in some incidences so as to infringe upon civil liberties. And, I'm sure that you agree with that.

Mr. ALMAY. Yes, Congressman, I do.

Mr. CHABOT. And let me ask you for your best guess as to how many individuals that we have in Ohio that are actively planning to carry out illegal violent action in the context of the sort of political rhetoric that you've discussed. What would be your best guesstimate as to how many people we have in Ohio?

Mr. ALMAY. Yes, sir. We are currently estimating membership of both of these groups, the Militia and the One Supreme Court, at about 400 to 500. However, if you get down to the very poor group of extremists, we'd put that number at six to eight individuals statewide. It's not a large massive number, but it is a small, very violent group of extremists that are fueling the rest of the fire, and those are the people that certainly are of great concern to all of us.

Mr. CHABOT. OK. Just to clarify that—I mean, you said six to eight individuals statewide that really fall under the violent category?

Mr. ALMAY. Yes, sir.

Mr. CHABOT. OK. Thank you. And you also, I believe, said in your prepared text that you believe that the Ohio Violent Movement, and I quote, "will dissolve reasonably soon, we hope." You had mentioned that one of their difficulties is they have problems with authority and they have problems with authority within their own movement, and so they seem to be splintering off.

Should we take any comfort from that prediction, or will it make matters worst that perhaps it may be harder to keep in contact with these individuals and be aware of what's going on?

Mr. ALMAY. Sir, I think that this core group of people will always be there, and whether they call themselves the Posse Comitatus or they hide under a number name, those selected individuals will always be there and they're the ones that we need to be very vigilant of.

The vast majority of people will come and go as the political climate or the financial situation gets better or worsens. So—

Mr. CHABOT. OK. I also wanted to mention to Ms. Mathews that we will watch, with interest, obviously, the trial in your case this winter and we look forward to keeping close track of that.

Rather than ask any other questions, I'd just like to ask any of the members of the panel if they'd like to make any concluding comment, or if there's any point that you would like to emphasize or bring out at this time? Mr. Almay, I already asked you. Mr. Sullivan, anything you'd like to say in conclusion?

Mr. SULLIVAN. No. I would echo what my partner to the right here just said. In Colorado, our first encounter with these people was under the heading of American Agriculture Movement. In that case it was again a farm sale. They attacked the sheriff and the clerk and recorder to the extent that they required medical attention. Those same people are now running under titles of "We the People" and "The Patriots." It's the same players, very few of them. In Colorado, we're probably looking at 20 to 25 that are a serious problem for law enforcement.

Mr. CHABOT. OK. Thank you. Mr. Murnion.

Mr. MURNION. I just want to thank you for the opportunity. I think the good side of this is that the public's been made aware of these groups. I see the end in sight, but we certainly need to arrest some of the leaders, and then there is an ending to this.

Mr. CHABOT. OK. Ms. Mathews.

Ms. MATHEWS. Well, thank you for conducting the hearing today. One of the common threads I hear among everyone testifying on this panel today was the incidents of recorded liens against public officials. I have taken a stand to refuse those liens. They are not complying with law and I will not record them.

Now, as a result of that, I was beaten, but my message is clear that we, as elected officials on this level, cannot condone breaking the law. And, I won't record them.

Mr. CHABOT. OK. I want to thank all the members of the panel for their testimony this afternoon. We appreciate it and good luck in the future. Thank you.

Our final panel here this afternoon, I'd like to welcome our witnesses at this time.

Our first witness is Greg Nojeim, who's a legislative counsel with the American Civil Liberties Union in it's Washington office. Mr. Nojeim is responsible for analyzing civil liberties implications of Federal legislation for the ACLU, and has testified for Congress on proposed terrorism and immigration legislation.

And, our second witness on this final panel is David Kopel, who's research director of the Independence Institute in Golden, CO, an associate policy analyst with the Cato Institute. Mr. Kopel has done extensive research on civil liberties and gun control and published numerous articles on related issues.

And, at this time, I guess, Mr. Kopel, did you intend to go first or Mr. Nojeim? Mr. Nojeim, OK. And, I would again, as I had mentioned in the last panel, I don't know if any members are going to be coming. I really doubt it because many had flights out during the hearings because the votes on the floor ran a little longer than we anticipated. So, you might want to summarize relatively briefly, and then written statements will be made—your written statements will be made available to all the members of the panel.

And, Mr. Nojeim, we'd like to hear from you. Thank you.

STATEMENT OF GREGORY T. NOJEIM, LEGISLATIVE COUNSEL,  
AMERICAN CIVIL LIBERTIES UNION

Mr. NOJEIM. Thank you, Mr. Acting Chairman.

I appreciate the opportunity to testify before you today on the behalf of the American Civil Liberties Union, a nationwide, non-partisan organization of more than 275,000 members devoted to preserving the freedom set forth in the Bill of Rights.

Our primary concern here is that the first amendment rights of every person in every group, including anti-Government groups, not be sacrificed in the effort to investigate potential criminal activity. Potential responses to anti-Government groups should start with an acknowledgment that the first amendment protects speech, no matter how provocative, racist, or anti-Government. It even protects advocacy of violence, provided that such advocacy does not cross the line to incitement to imminent lawless action.

Under the standards set forth by the Supreme Court in *Brandenburg v. Ohio*, and ever since, a statute may proscribe advocacy of violence only when such advocacy is directed to inciting or producing imminent lawless action, and is likely to do so. As applied here, anti-Government speech advocating violence cannot be proscribed or punished unless it incites, and is likely to produce, lawless action imminently, not some time in the distant future.

In addition, the first amendment protects the freedom to associate with others. As interpreted by the Supreme Court, a person may not be punished merely on account of membership in an organization, members of which advocate violence or illegal activity, unless the person has at least the specific intent to further the group's violent or unlawful aims.

The leading case in this area, *NAACP v. Claiborne Hardware*, involved a boycott of white-owned stores by the NAACP. Though most of the boycott activities were peaceful, some NAACP members committed acts of violence in furtherance of the boycott. The Supreme Court held that the right to associate does not lose all constitutional protection merely because some members of the group may have participated in conduct or advocated doctrine that itself is not protected. The Court also held that an organization cannot be held criminally responsible for a call to violence issued by a limited subset of the organization. These principles should guide any potential legislative or law enforcement response to violent anti-Government groups.

One bill introduced in the House, H.R. 1544, would subject to a 10-year prison term any person who knowingly participates in a paramilitary organization. In our view, this proposed legislation would unconstitutionally chill and outlaw the expression of political speech and association by proscribing mere participation in a paramilitary organization, rather than the incitement or endorsement of imminent, lawless activity, or participation in such activity, as required by the Supreme Court in *Brandenburg* and *Claiborne Hardware*. Under this bill, it would be a crime to participate in a voter registration drive conducted by an anti-Government, paramilitary organization.

Another bill, H.R. 1899, would amend the Federal civil disorder statute to proscribe training in the use or making of firearms or explosives, while having reason to know or intending that they will



be unlawfully used in a civil disorder or a civil rights violation. It would move the point of criminal responsibility back from commission of a violent act to mere training coupled with bad intent.

Under the bill, a person who trained—and training is not defined—to use a molotov cocktail or a gun in an anti-Government demonstration, but ultimately decided not to when he understood the tremendous risk of personal injury he would create, would still be criminally responsible. Alternatively, if after prayerful reflection, an antiabortion protestor who had trained to commit an act of violence against an abortion clinic decided not to do so, he, too, would be criminally responsible for a civil disorder under this bill.

Finally, we hasten to add that training to engage in many of the techniques used by members of the NAACP to enforce the boycott in *Claiborne Hardware* would have been a crime under this bill, even if they did not result in violence. The legislation comes too close to punishing bad thoughts, instead of bad acts. And the bad acts are already Federal crimes under existing law.

Legislation creating crimes triggers new law enforcement investigatory authority to punish or prevent that criminal activity. Any potential legislative response to violent anti-Government groups ought to be considered not just for the conduct it would proscribe, but in view of the Federal investigatory authority it would trigger.

It has been said that the power to tax is the power to destroy. Likewise, the power to conduct intrusive investigation of protected activities is the power to stifle those activities, including the advocacy of anti-Government views.

The Attorney General guidelines governing such investigations need to be tightened. Instead, the FBI has decided to loosen the guidelines by issuing a reinterpretation that could result in investigation of more protected first amendment activities. Until that reinterpretation is public, and its impact measured, no new legislation, including the legislation discussed above, and the pending terrorism bill making more activity related to first amendment protected activity a crime, should be considered.

Though Federal law enforcement authority has expanded dramatically in the past few years, the expansion has not been coupled with increased law enforcement accountability. Nearly 2 years ago, the ACLU, joined by the National Rifle Association and others, asked President Clinton to appoint a national commission to monitor Federal police policies and practices. Nearly 2 weeks ago, these same groups and others issued a call on Congress for adoption of a 24-point reform program distilled from what we called the lessons of Waco and Ruby Ridge. The program included common-sense reforms about executing search warrants, use of informants and consultants, penalties for law enforcement misconduct, and rejection of the pending terrorism bill and efforts to weaken the exclusionary rule.

For many anti-Government groups, Waco and Ruby Ridge offer evidence of law enforcement overreaching. Rather than enacting constitutionally-suspect legislation, or legislation that has unintended results, we urge the subcommittee to conduct hearings to look into Federal law enforcement accountability generally, with an eye toward adopting the legislative reforms we proposed.

I'd be pleased to respond to any questions you might have.

[The prepared statement of Mr. Nojeim follows:]

PREPARED STATEMENT OF GREGORY T. NOJEIM, LEGISLATIVE COUNSEL, AMERICAN  
CIVIL LIBERTIES UNION

Mr. Chairman, and Members of the Committee, I appreciate the opportunity to testify before you today on behalf of the American Civil Liberties Union (ACLU). The ACLU is a nation-wide, non-partisan organization of more than 275,000 members devoted to protecting the principles of freedom set forth in the Bill of Rights. I will focus my remarks on the civil liberties implications of possible responses to anti-government groups. Our primary concern is that First Amendment rights of anti-government groups not be sacrificed in the effort to investigate potential criminal activity. We are convinced that civil liberties need not be infringed by efforts to keep the population safe.

The ACLU recognizes that members of some anti-government groups, particularly those that are heavily-armed and utter fiery or racist rhetoric, strike fear in the hearts of many. While the ACLU does not share these views, we insist that the right to espouse such views be protected. The ACLU has a proud history of defending unpopular speech, and the free speech rights of unpopular groups from across the political spectrum, ranging from the Knights of the Ku Klux Klan to the Communist Party. We believe that if the free speech rights of those characterized as "extremists" can be preserved, the free speech rights of every person are protected.

Moreover, it is crucial to bear in mind the danger of attaching labels such as "cult" or "racist" or "violent" or "extreme." An extreme view today may become a mainstream view tomorrow, all depending on how the viewpoint fares in the marketplace of ideas. Moreover, to paint every individual who admits membership or affiliation, or sympathy with a group so characterized is to engage in a form of guilt by association. The dangers in demonizing individuals and groups cannot be overstated.

We also submit that the answer to the tendency of heavily, but legally, armed groups to surface in the United States is not to ban the groups or ban their legal activities, including the carrying of firearms in compliance with the law. Nor is the answer a "domestic arms race" characterized by law enforcement officials obtaining bigger and better guns and military equipment, or expanding military involvement in civilian law enforcement activities. Rather, some attention to the root causes of the growth of these groups is warranted.

CONSTITUTIONAL PROTECTION OF ANTI-GOVERNMENT SPEECH AND ASSOCIATION

Potential responses to anti-government groups should start with what we call First Principles: the First Amendment protects speech. It protects provocative speech. It protects racist speech. It protects anti-government speech. It even protects advocacy of violence, provided that such advocacy does not cross the line into incitement to imminent lawless action. Under the standard set forth by the Supreme Court in *Brandenburg v. Ohio*, a statute may proscribe advocacy of violence only when such advocacy is: (i) directed to inciting or producing lawless action; (ii) the lawless action to be produced is imminent; and (iii) the advocacy is likely to produce such lawless action. *Id.*, 395 U.S. 444, 447 (1969).

In *Healy v. James*, 408 U.S. 169 (1972), the Court applied the *Brandenburg* standard and held that a state college could not reject an application to form a chapter of Students for a Democratic Society on the ground that the philosophy of the organization on a national level was "disruption and violence." An "undifferentiated fear or apprehension of disturbance" was not deemed enough to justify rejecting the group's application. *Id.* at 191, citing *Tinker v. Des Moines Independent School District*, 393 U.S. 503, 508 (1969).

Likewise, in *Hess v. Indiana*, the Court found that advocacy of illegal action could not constitutionally be punished by the state on the grounds that it had a "tendency to lead to violence" where that violence was not imminent. *Id.*, 414 U.S. 105, 109 (1973). In this case, when a sheriff attempted to clear a street in an anti-war demonstration on the campus of Indiana University, one demonstrator threatened "taking [back] the f---ing street."

In *Brandenburg*, and ever since, the Court has repeatedly held that abstract advocacy of violence is protected speech, but violence itself is not protected. As applied to anti-government speech, this line of cases means that the anti-government speech advocating violence cannot be proscribed or punished unless it incites, and is likely to produce, lawless action imminently, not at some time in the distant future.

In addition, the First Amendment protects the freedom to associate with others, As interpreted by the Supreme Court in relevant contexts, this means that a person may not be punished merely on account of membership in an organization, members

of which advocate violence or illegal activity. Rather, the person himself or herself must also have at least the specific intent to further the group's violent or unlawful aims. *Scales v. United States*, 367 U.S. 203, 229-30 (1961).

The leading case in this area is *NAACP v. Claiborne Hardware*, 458 U.S. 886 (1982). The Court examined in great detail the danger of permitting the government excessive latitude in branding political groups as violent and in characterizing their activities as conspiracies. In *Claiborne*, the NAACP sponsored a boycott of white merchants that focussed on nonviolent picketing. However, it was undisputed that the NAACP deployed a group known as the "Black Hats" to watch stores and engage in certain other "enforcement activities" and that some individuals who belonged to the group committed acts of violence related to the boycott. *Id.*, at 903, n. 34.

The *Claiborne* court struck down the conspiracy judgments entered against 130 defendants in a Mississippi state court and held that "the right to associate does not lose all constitutional protection merely because some members of the group may have participated in conduct or advocated doctrine that itself is not protected." *Id.* at 908. The Court stressed the danger of imposing liability upon the NAACP itself for the action some of its members, absent ratification or authorization of the unlawful conduct:

A massive and prolonged effort to change the social, political and economic structure of a local environment cannot be characterized as a violent conspiracy simply by reference to the ephemeral consequences of a relatively few violent acts. Such a characterization must be supported by findings that adequately disclose the evidentiary basis for concluding that specific parties agreed to use unlawful means, that carefully identify the impact of such unlawful conduct, and that recognize the importance of avoiding the imposition of punishment for constitutionally protected activity. . . . A court must be wary of a claim that the true color of a forest is better revealed by reptiles hidden in the weeds than by the foliage of countless freestanding trees.

*Id.*, at 933-34.

Similarly, in *Noto v. United States*, 367 U.S. 290 (1961), involving a conviction of a member of the Communist Party, the Court found that an organization cannot be held criminally responsible for a call to violence issued by a limited subset of the individuals in the group.

[T]he mere abstract teaching of Communist theory, including the teaching of the moral propriety or even moral necessity for a resort to force and violence, is not the same as preparing a group for violent action and steeling it to such action. There must be some substantial direct or circumstantial evidence of a call to violence now or in the future which is both sufficiently strong and sufficiently pervasive to lend color to the otherwise ambiguous theoretical material regarding the Communist Party teaching, and to justify the inference that such a call to violence may be imputed to the Party as a whole, and not merely to some narrow segment of it.

*Id.*, at 297-298. The Court emphasized that "this element of the membership crime . . . must be judged strictissimi juris [according to the strictest law] for otherwise there is a danger that one in sympathy with the legitimate aims of such an organization, but not specifically intending to accomplish them by resort to violence, might be punished for his adherence to lawful and constitutionally protected purposes, because of other and unprotected purposes which he does not necessarily share." *Id.* at 299-300.

In the context of anti-government groups, this means that a person who attends meetings of one of the groups, listens to every speaker including those who advocate violence, then decides he or she supports the lawful, but not the violent ends of the organization, cannot be held accountable for violent acts of others. It also means that absent compelling evidence, the group itself cannot be held accountable for the acts of a member or sympathizer.

#### CONSTITUTIONAL IMPLICATIONS OF PENDING ANTI-MILITIA LEGISLATION

These principles should guide any potential legislative or law enforcement response to violent anti-government groups. We are aware of two bills that have been introduced—both by the Hon. Jerrold Nadler (D-NY) to respond to the perceived threat of antigovernment militia activity. Legislation in this area raises grave constitutional concerns, and is likely unnecessary, given the broad authority to punish and investigate criminal activity under current law and the FBI guidelines. We are particularly troubled with legislation that appears to be focussed on activities protected by the First Amendment, that might in effect thwart membership and association in groups deemed objectionable on account of their political views.

The first bill, H.R. 1544, the Domestic Insurgency Act of 1995, would subject to a 10-year prison term any person who knowingly participates in a "paramilitary organization." A "paramilitary organization" is defined as two or more individuals organized in a "paramilitary structure" who knowingly: (i) possess weapons, explosives, firearms or "techniques" capable of causing injury; or (ii) provide or participate in training in the use of such weapons or techniques, and in either case, do so with the intention of unlawfully opposing the authority of the United States or any state, or for any other unlawful purpose.

In our view, this proposed legislation is unconstitutional for a number of reasons. It would unconstitutionally chill and outlaw the expression of political speech and association by proscribing mere participation in a "paramilitary organization" rather than the incitement or endorsement of imminent lawless activity, or participation in such activity, as required by the Supreme Court in *Brandenburg v. Ohio*, and *NAACP v. Claiborne Hardware* discussed above. Rather than focussing on an individual's behavior or activity, H.R. 1544 targets mere knowing participation in a "paramilitary organization"—regardless of whether the person participated only in the organization's legal activity. For example, under H.R. 1544, it could be a crime to participate in the voter registration drive conducted by an anti-government group, if the group fell within the purview of the legislation. In addition, the bill is devoid of any notion that the harm to be avoided by criminalizing participation is imminent or likely.

In addition, H.R. 1544 is unconstitutionally overbroad and vague. The bill defines "paramilitary organization" in a circular sense by referring to "paramilitary structure" without ever defining "paramilitary." The bill does not define the broad phrase "to oppose the authority of the United States or of any State," leaving to the imagination just what is proscribed. The bill does not define "participation." Giving that term its ordinary meaning, the bill would prohibit both constitutionally protected activity and constitutionally proscribable conduct (e.g., engaging in a riot). In particular, under the bill, it would be a crime to participate in the lawful intellectual or peaceful activities of a "paramilitary organization" or to participate in such organizations passively.

The second bill, H.R. 1899, the Domestic Counter Terrorism Act of 1995, would amend 18 U.S.C. Section 231(a), the federal civil disorder statute. It would proscribe training:

. . . in the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons knowing or having reason to know or intending that the same will be unlawfully employed for use in or in furtherance of a civil disorder. . . ."

which adversely affects commerce or the conduct of any federally-protected function, or violates certain federal civil rights statutes protecting against, among other things, conspiracies to violate constitutional rights (18 U.S.C. Section 241), deprivation of rights under color of law (18 U.S.C. Section 242), damage to religious property and obstruction of persons in the free exercise of religious beliefs (18 U.S.C. Section 247), and freedom of access to abortion clinic entrances (18 U.S.C. Section 248). A "civil disorder" is defined as any public disturbance involving acts of violence by three or more people which causes an immediate danger of, or results in, injury to person or property. 18 U.S.C. Section 232(l).

Teaching another person to engage in such activity, while intending, knowing, or having reason to know that the teaching will be used in furtherance of a civil disorder, is already a crime under Section 231(a)(1). Therefore, the bill is apparently calculated to proscribe the learning of such techniques, coupled with having bad intent.

This bill raises a number of grave civil liberties concerns because it moves the point of criminal responsibility back from commission of the violent act to mere training. The bill (and the statute it would amend) leave the term "training" undefined. "Training" might be interpreted to include reading about legal uses of firearms in an encyclopedia, and we must be concerned with any legislation that punishes the acquisition of knowledge, including knowledge of dangerous materials or techniques, when the legislation contains no requirement that the knowledge be employed in a violent act. Second, the shallow intent requirement raises grave concerns. Certainly, specific intent to further the violent activity should be required. But even if it is, intent could be inferred from circumstances, such as mere attendance at a meeting at which use or making of any firearm of explosive is discussed, even if the major focus of the meeting was protected by the First Amendment. Third, the bill could well discourage people from going to meetings of groups disfavored on account of their political views. As such, it might chill the right to associate, even though it is couched in terms of "training" and "intent."

Finally, H.R. 1899 could lead to unintended results. Under this bill, a person who thinks about committing a crime, trains to carry out that thought, but ultimately abandons the scheme, would nonetheless face criminal sanction under the federal civil disorder statute, as amended. It would punish a person who decides not to participate in a civil disorder or civil rights violation in cases where through training to commit the act the person realizes how serious the consequences could be. This comes too close to punishing bad thought, as opposed to bad conduct.

For example, under H.R. 1899 the following conduct would be a crime: "Y" learns of an anti-government demonstration and a friend shows Y how to make a "molotov cocktail" so that Y can make a "big statement" in the demonstration. While training to make the device, Y comes to understand the tremendous risk of personal injury attendant to such activity, and decides not to partake in it, or even in the demonstration. Y decides not to hurt anybody. Under H.R. 1899, Y would go to jail, though Y decided not to commit an act of violence. This is not a remote, unlikely hypothetical: if the demonstration did occur, and became violent, one can be sure an investigation of the violence would include examination of every planning meeting for the demonstration.

As another example, one speaker at an anti-abortion rally advocates violence against an abortion clinic, and Y begins to "train" to make a firebomb. Y then engages in a prayerful search to determine whether carrying out a violent attack on the clinic is consistent with Y's religious beliefs. Y decides it is not. Under H.R. 1899, Y would go to jail, though Y decided not to commit an act of violence against the clinic. In a sense, the bill takes away the opportunity not to commit crimes.

Of course, actually committing violent acts the legislation appears calculated to thwart is already a crime under federal law, as is attempting or to do so, and in many cases, conspiring to do so. H.R. 1899 can be distinguished from conspiracy law—which raises similar concerns—because it provides for criminal responsibility when only one person is involved. The training constituting the act requirement of the crime might be no more than learning, on one's own, how to fire a gun. H.R. 1899 allows for the conspiracy of one. In light of the existing broad authority to punish or prevent violent crimes under federal law, we question whether additional legislation aimed at "training" is necessary.

#### CRITERIA FOR INVESTIGATION

Legislation creating any new crime triggers new law enforcement investigatory authority predicated on punishing or preventing that criminal activity. Any potential legislative response to violent anti-government groups ought to be considered not just for the conduct that would be proscribed, but in view of the federal investigatory activity it would trigger. Groups cannot constitutionally be investigated on account of the anti-government content in their First Amendment activity, but investigations of violence of facts showing potential violence is certainly permissible and expected. FBI Director Louis Freeh recently testified that the FBI is fully comfortable with the constitutional limitations on its investigatory functions. In our view, however, the FBI has repeatedly exceeded these constitutional limitations.

Our concern is that in exceeding constitutional limitations, the FBI will investigate pure speech or pure associational activity protected by the First Amendment as indicated above, with the effect of stifling that activity. It is sometimes said that the power to tax is the power to destroy. It could also be said that the power to conduct intrusive investigation of legitimate activities is the power to stifle those activities, including the advocacy of anti-government views. Our goal is not to put the FBI in an investigatory straightjacket; but rather to protect—and to leave unregulated by governmental intrusion—the marketplace of ideas.

FBI investigations of domestic activities originating in the United States are governed by the Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Domestic, Security/Terrorism Investigations. Those Guidelines are extremely broad and need to be tightened.

Under those Guidelines (often referred to as the "Smith" Guidelines after Attorney General William French Smith, under whom the Guidelines were last substantially revised), the FBI can initiate a criminal investigation whenever "facts or circumstances reasonably indicate that a federal crime has been, or is being, or will be committed." The Smith Guidelines define "reasonable indication" quite broadly. According to the Guidelines, "The standard of 'reasonable indication' is substantially lower than probable cause. . . . [but] a mere hunch is insufficient."

This extremely low standard replaced the standard in the Guidelines originally promulgated by Attorney General Edward Levi in 1976. Under the Levi Guidelines, the predicate for a criminal investigation was "specific and articulable facts."

The Smith Guidelines also state:

"When . . . statements advocate criminal activity or indicate an intent to engage in crime, particularly crimes of violence, an investigation under these Guidelines may be warranted unless it is apparent, from the circumstances or the context in which the statements are made, that there is no prospect of harm."

Even without a "reasonable indication" of criminality, the Smith Guidelines permit the FBI to initiate a "preliminary inquiry" to determine whether a full investigation is warranted. A preliminary inquiry is triggered by any "information or an allegation . . . whose responsible handling requires some further scrutiny beyond the prompt and extremely limited checking out of initial leads." When conducting a preliminary inquiry—a sort of mini-investigation commenced without even a reasonable indication of criminality—the FBI may engage in a variety of investigative techniques, ranging from examining FBI indices and files, public records and other sources of information, interviewing the complainant, questioning informants, and engaging in physical surveillance.

In addition to General Crimes investigations, the Smith Guidelines authorize the FBI to conduct domestic security/terrorism investigations based on 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." It is under this provision that the FBI would likely assert authority under current law to investigate anti-government groups.

These provisions are extremely broad. The "reasonable indication" standard is too low, and the trigger for a preliminary inquiry is minimal. While ACLU is aware that the standards discussed above for proscribing or punishing speech advocating violence might not be the same in a constitutional sense as the standards for investigation of potential violence, we are extremely troubled by the breadth of the activity that falls within these Guidelines.

In particular, the vast authority to conduct preliminary inquiries, without even a reasonable indication of criminality, is extraordinary. At least as troubling are indications that the FBI has decided to reinterpret these Guidelines in a manner that would further expand its investigatory authority and could result in investigation of more protected First Amendment activities. As recently as October 20, the General Counsel of the FBI said that a new "communication" clarifying Guideline provisions is under consideration. Howard M. Shapiro, FBI General Counsel, Terrorism in a Democratic Society, Address Before the Conference on National Security Law in a Changing World, co-sponsored by the American Bar Association Standing Committee on Law and National Security, and the Center on Law, Ethics and National Security at the Duke University School of Law, (Oct. 20, 1995), at 9-10.

Also extremely troubling to ACLU are indications that the Domestic Terrorism Center the FBI would like to establish could be used as a means of circumventing Smith Guidelines. The Domestic Terrorism Center is promoted as a clearinghouse where law enforcement agencies—local and federal—can exchange information about potential "terrorist" threats. This creates a likelihood that local law enforcement, unguided by the limited restraints in the Attorney General Guidelines, will investigate First Amendment activity that it would not be permissible for the FBI to investigate, and share that information with the FBI and other federal law enforcement agencies. Such practices would in all likelihood be institutionalized in the Domestic Terrorism Center.

Already, such ideas are under consideration. In a discussion of the proposed Domestic Terrorism Center at hearings conducted this summer in the Senate, Robert M. Bryant, the Assistant Director of the FBI's National Security Division testified about the benefits of putting all "intelligence-type" information in one location, the proposed Domestic Terrorism Center. In endorsing the concept, Colonel Fred M. Mills, Superintendent of the Missouri State Highway Patrol confessed, "Well, quite candidly, we have some Federal agencies that come to us and ask for intelligence information because they feel that they are hamstrung in the ability to do that. In Missouri, we have good laws covering civil disorder and they give us the investigative tools to work with." "The Militia Movement in the United States: Hearings Before the Subcom. on Terrorism, Technology, and Government Information," 104th Cong., 1st Sess. (June 15, 1995) (unofficial transcript of the oral testimony of Robert M. Bryant and Col. Fred M. Mills).

Looked at from a civil liberties perspective, if a local law enforcement agency is not guided by the provisions of the Attorney General Guidelines calculated to prevent investigation of protected First Amendment activities, collects such information, then systematically shares this information with the FBI at the new Domestic Terrorism Center, the Guidelines' limited protection against investigation of First Amendment activity is severely compromised.

Any expansion of FBI investigatory authority is troubling because the FBI has abused that authority in the past. It has a history of commencing unfounded investigations into the First Amendment activity of groups, including its investigation of the Committee in Solidarity with the people of El Salvador (CISPES) and the COINTELPRO investigations of civil rights groups and leaders in the 1970s. In commenting on the FBI's COINTELPRO program, the Select Committee which examined the program concluded:

Too many people have been spied upon by too many government agencies and too much information has been collected. The Government has often undertaken the secret surveillance of citizens on the basis of their political beliefs, even when those beliefs pose no threat of violence or illegal acts on behalf of a hostile foreign power. . . . Groups and individuals have been harassed and disrupted because of their political views and their lifestyles.

Select Committee to Study Governmental Operations with respect to Intelligence Activities, U.S. Senate, "Book II, Intelligence Activities and the Rights of Americans" (94th Cong., 2d Sess., Rep. No. 94-755), at 5.

In the context of anti-government groups or speech, it is clear that:

1. Persons and groups should not be investigated merely on account on protected First Amendment speech, including fiery rhetoric, absent circumstances, indicating a reasonable prospect of harm;

2. No investigation of anti-government speech is permissible; what is permissible is investigation of possible criminal or violent conduct that may or may not be tied to anti-government speech;

3. Congress—particularly this Subcommittee—can and should play an active role in monitoring FBI investigatory practices to ensure that activity protected by the First Amendment maintains that protection; and

4. Congress should enact no new legislation making more activity related to First Amendment activity a crime—as is contemplated in the legislation discussed above and in the pending terrorism legislation—until the FBI releases its "communication" signaling just what investigation such new legislation would trigger.

#### THE NEED FOR CIVILIAN OVERSIGHT OF FEDERAL LAW ENFORCEMENT

In recent years, ACLU has become alarmed at the widespread abuses of civil liberties and human rights by federal law enforcement agencies, and their failure to undertake meaningful reform. Though federal law enforcement authority has been dramatically expanded in the past few years, and pending terrorism legislation would work a further dramatic expansion in federal law enforcement authority, there has been insufficient effort to couple such expansion with increased accountability. Federal police officers now comprise nearly 10% of the nation's total law enforcement officers. Officials of 53 federal agencies have the authority to carry firearms and make arrests. What is lacking, however, is systematic oversight and review of federal police policies and practices.

On January 10, 1994, the ACLU, joined by the National Rifle Association, the National Association of Criminal Defense Lawyers, and the Citizens' Committee for the Right to Keep and Bear Arms, among others, wrote to President Clinton asking him to appoint a national commission to monitor federal police policies and practices. We received no meaningful reply.

Though hearings on Waco and Ruby Ridge have sensitized many members of Congress to the possibility of federal law enforcement abuse, meaningful, on-going oversight is still needed. On October 24, 1995, these same groups and others issued a call for adoption of a 24-point program derived from what we called the lessons from Waco and Ruby Ridge. The program included common sense reforms about executing search warrants, using informants, preserving the exclusionary rule, wire-tapping, prosecutorial misconduct, the use of consultants when law enforcement officials deal with groups having deep ideological or religious beliefs, use of deadly force, penalties for federal law enforcement agents who engage in misconduct, and exceptions to the Posse Comitatus Act. We also reiterated our suggestion that a national commission be convened to look into law enforcement policies and practices. A copy of our ideas is attached.

For many anti-government groups, Waco and Ruby Ridge offer stark evidence of law enforcement overreaching. A lack of accountability of federal law enforcement officials is one such condition. Rather than enacting constitutionally suspect legislation, we urge this Subcommittee to conduct hearings to look into the matter of federal law enforcement accountability, with an eye toward adopting the legislative reforms we have proposed.

I would be pleased to respond to any questions you might have.

OCTOBER 24, 1995.

Subject: Necessary Federal Law Enforcement Reforms—Some Lessons from Waco and Ruby Ridge

Hon. HENRY J. HYDE,  
*Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.*

Hon. JOHN CONYERS, Jr.,  
*Ranking Member, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.*

DEAR REPRESENTATIVES HYDE AND CONYERS: We represent a diverse group of organizations that frequently disagree on a number of policy issues. We are united, however, in the depth of our concern about the need for consistent oversight of federal law enforcement practices and remedies for abuses of power.

In January 1994, many of us wrote to President Clinton urging him to appoint a national commission to review the policies and practices of all federal law enforcement agencies and to make recommendations regarding steps that should be taken to ensure that such agencies comply with the law. We told the President that there was evidence of significant abuses of civil liberties and human rights by these agencies. We listed general areas of concern, and we cited specific examples of abuse. A copy of the letter is enclosed so that you may review our original concerns.

Recent Congressional hearings on the Waco and Ruby Ridge tragedies and the controversy surrounding them further highlight the need for consistent and strong oversight of federal law enforcement practices. Accordingly, we set forth below a description of those issues that have become the focus of questions regarding abusive federal law enforcement practices.

#### EXECUTION OF SEARCH WARRANTS AND "DYNAMIC ENTRY"<sup>1</sup>

Generally, law enforcement officers are authorized to use the "Dynamic entry" method to execute a search warrant in two circumstances: (1) when the warrant explicitly authorizes "no knock" entry, and (2) when the officers(s) have knocked and announced themselves, and been refused entry. The use of this method must be judicious, as it is likely to precipitate a conformation. It is to be used only in exigent circumstances, judged on a case-by-case basis.

Serious questions have been raised regarding whether the use of the "dynamic entry" during the Waco incident met the standards set out above. In order to assure that these standards are met prospectively, it is imperative that Congress takes steps to encourage the following reforms:

1. The Attorney General, pursuant to her authority under Executive Order 11396, February 7, 1968, should establish clear and uniform guidelines for all federal law enforcement functions, regardless of department, in the execution of search warrants and the use of "dynamic entry," restricting the use of such entry to only the most exigent of circumstances.

2. Proposals for use of "dynamic entry" should be subject to high-level review and approval on a case-by-case basis to assure that the "dynamic entry," whether or not pursuant to a warrant is necessary and lawful and that the risk of loss of life is minimized.

3. U.S. Attorneys should be required to review and approve applications for warrants.

4. There should be appropriate penalties for federal law enforcement agents who file untruthful, misleading, or unlawful applications for warrants.

5. The use of hearsay in an affidavit seeking a warrant should be permitted only if the actual witnesses are unavailable because of death or incapacity.

6. Warrant affiants should be required to note exculpatory evidence in their warrant applications.

7. There should be a limit on the period of time for which warrants, affidavits, and related items can be sealed prior to and after service, with limited periodic review if extensions are shown necessary.

8. Congress should establish standards for a very high degree of supervision of "informant" activity and guidelines for verifying information claims when agents rely upon such claims for the issuance of warrants or as the basis for other enforcement operations.

9. The inherently corrosive government practice of paying informants on a "contingency" basis, with payments for their "information" contingent upon arrest or conviction, should be needed.

<sup>1</sup>By "dynamic entry" we mean forcible, no-knock entry.



## II. OTHER FOURTH AMENDMENT CONCERNS

Ironically, even as members of the House Committees conducting oversight of the Waco raid were expressing deep concern about alleged civil liberties abuses at Waco, the House of Representatives adopted and the Senate had under consideration legislative measures to expand the unchecked powers of federal law enforcement officers. (H.R. 666; S.3, § 507)

The United States Supreme Court has weakened the exclusionary rule by holding that evidence seized pursuant to a defective external source of authority (e.g., defective warrants, faulty court records, limited or unconstitutional state statutes) could be used. The Court has nonetheless consistently held that the exclusionary rule is the only effective means of reining in unbridled law enforcement and deterring Fourth Amendment violations, and that the exclusionary rule is therefore constitutionally required. (See, for example, the Court's opinion in *Arizona v. Evans*, 514 U.S. —, 131 L.Ed.2d 34, 115 S.Ct.—(March 1, 1995).) the exclusionary rule generally forbids the government from using evidence that is obtained in violation of the Constitution.

In a time of increasingly sophisticated and more intrusive electronic surveillance, rather than providing less protection for the rights of citizens, Congress should be ensuring greater safeguards. Congress should certainly preserve, and indeed strengthen, the exclusionary rule to safeguard citizen rights and curb police misconduct.

As Supreme Court Justice Brandeis said; “[I]t is . . . immaterial that [a fourth Amendment violative] intrusion was in aid of law enforcement. Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. . . . The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding.” Justice Scalia recently quoted these words in stressing the importance of maintaining Fourth Amendment standards against government claims of “benevolent purposes.” *National Treasury Employees Union v. Von Raab*, 489 U.S. 656, 687 (1989)(Scalia, J.). Congress should heed this warning against weakening Fourth Amendment protections.

H.R. 666, the Exclusionary Rule Reform Act of 1995 (introduced by Congressman McCollum) was adopted by the House of Representatives in February 1995. This legislation would expand police powers beyond those conferred by the Supreme Court's decision in *United States v. Leon*, 468 U.S. 897 (1984), which created a “good faith” exception to the exclusionary rule for illegal searches and seizures based on a flawed warrant. H.R. 666 would codify a “good faith” exception to the exclusionary rule for all types of warrantless searches and seizures—effectively removing the only check on excessive uses of the search and seizure power of the police. The adoption of amendments in the House of Representatives that would exclude the ATF and the Internal Revenue Service from this invitation to abuse does not make the legislation acceptable. The rights of citizens will continue to be vulnerable to abuses from the 100+ federal law enforcement agencies not excluded by the amendment.

Pending “counter-terrorism” bills will encourage additional violations of individual rights by expanding the circumstances under which wiretapping may be initiated and by expanding the circumstances under which prior court orders are not required. Under the pending bills, the authority of federal agents to deploy “roving” electronic surveillance for suspected federal felonies will also be substantially expanded beyond those limited circumstances specified under current law. Moreover, these bills would allow prosecutors to use evidence gathered illegally and without a warrant so long as police could convince the trial judge that their illegal acts were not committed in “bad faith.” Federal agents already have adequate legal authority and a full range of surveillance techniques necessary to combat terrorism. For these reasons, among others, the pending “counter-terrorism” bills should be rejected.

### *Necessary reforms*

1. Congress should take no action to codify or expand the “good faith” exception to the exclusionary rule, and H.R. 666 should be rejected by the Senate.

2. Pending “counter-terrorism” bills, expanding the government's ability to electronically surveil individuals and groups and use evidence obtained through illegal wiretaps, must be rejected by Congress.

3. Section 507 of S. 3, seeking to do away with the exclusionary rule altogether, must be rejected.

4. The Supreme Court's 1984 *Leon* decision should be legislatively overturned by a Congress now sensitized to the potential for police abuse.

## III. PROSECUTORIAL MISCONDUCT

Federal prosecutors have a constitutional obligation to reveal exculpatory information to the defense. Questions have been raised about serious breaches of this obligation by federal prosecutors in the Waco case. For example, the Waco hearings in the House revealed that ATF agents were instructed by prosecutors to stop their routine shooting review for fear that exculpatory material would be generated that would have to be disclosed to the accused Branch Davidians.<sup>2</sup> We are even more concerned by the suggestion, contained in a memorandum from Assistant Attorney General Harris, that this practice may be widespread. The Harris memorandum states that the instructions given in the Waco case to the Treasury Department were "prosecution 101."

Finally, we are troubled by the fact that the Department of Justice (DOJ) has promulgated a federal regulation purporting to allow it unilaterally to exempt its lawyers from certain state and local court rules of ethics governing all other lawyers. 28 C.F.R., Part 77.<sup>3</sup>

*Necessary reforms*

1. Congress should establish an open discovery process for federal criminal litigation unless a neutral and detached judicial officer finds that a compelling reason has been established that such government disclosure to the defendant is impossible or too dangerous in a particular case. (This disclosure obligation on the government should not be imposed on the defense, as the two sides are not similarly situated in a criminal case; such would subvert the presumption of innocence and Fifth Amendment protections of the citizen accused; and it is the government that has the overwhelming and frequently the sole investigatory resources in a criminal proceeding.)

2. The Department of Justice must ensure that federal prosecutors adhere to constitutional and ethical obligations. The Department must also strengthen its disciplinary programs to punish prosecutors who conceal any relevant evidence (including any evidence of perjury) in violation of the law, court orders, and the rules of professional responsibility.

3. Pending S. 3, Section 502, seeks to amend the United States Code by expanding the already unfair, probably unconstitutional DOJ "regulation" (discussed at footnote 3 above) by empowering the Attorney General to "opt out" her lawyers from all rules of legal ethics at her sole, unreviewable discretion. Congress should reject S. 3, Section 502, and overrule the Justice Department Regulation.

## IV. THE USE OF CONSULTANTS AND EXPERTS BY FEDERAL LAW ENFORCEMENT AGENCIES

Concerns have been raised that law enforcement officials in the Waco case failed to grasp that they were dealing with a highly committed ideological and religious group rather than with a typical hostage situation. Although religious or ideological

<sup>2</sup>The April 14, 1993 Treasury interoffice memorandum on "Preliminary Investigative Plan" from the Assistant General Counsel for Enforcement provides in part:

DOJ does not want Treasury to conduct *any* interviews or have discussions with *any* of the participants, who may be potential witnesses; the prosecutors do not want us to generate additional *Jencks, Brady* or *Giglio* material or oral statements which could be used for impeachment.

*PROB*: our information will be limited to what the TRs ask, which will focus on the gunfight and not necessarily on the other major topics in which we are interested; we may not have the first-hand information that we need to conduct our review; at some point we are going to have to interview the crucial witnesses and perhaps may have to take statements; while we may be able to wait for some of them to have testified in the criminal trial, the passage of time will dim memories.

DOJ does not want us to make any findings or draw any conclusions from what we review; the prosecutors are concerned that anything negative, even preliminary, could be grist for the defense mill;

Similarly, the September 17, 1993 memorandum on "ATF Statements and Issues concerning ATF Knowledge of the Loss of the Element of Surprise," prepared for the Assistant Secretary of the Treasury for Enforcement contains this summary: "ATF initiates a shooting review. David Troy and Bill Wood interview Rodriguez and Mastin (3/1), Chojnacki (3/3), Cavanaugh (3/3), Sarabyn (3/2). Troy tells Review they immediately determined that these stories did not add up. They communicated information to both Hartnett and Conroy on the day or day after each interview. Conroy gave Troy's handwritten notes to Hartnett. (Note—Johnston at this point advised Hartnett to stop the ATF Shooting review because ATF was creating Brady Material. Because Chojnacki had not yet been interviewed, Johnston authorized that interview but no notes were created.)"

<sup>3</sup>For example the regulation purports to authorize DOJ attorneys to bypass corporate counsel by granting expansive authority to conduct *ex parte* interviews with corporate employees outside the presence of corporate counsel both during an investigation and after enforcement proceedings have begun. 28 C.F.R., § 77.10.

groups are not immune from legitimate law enforcement, there is a need to avoid the risk of abuse that can easily result from demonizing minority groups or relying on prejudicial stereotypes.

#### *Necessary reforms*

1. When confronted with crisis situations involving groups with religious or ideological convictions, the Attorney General should be certain that law enforcement has sought the expertise of a cross-section of qualified scholars. In cases dealing with religious groups, such as at Waco, law enforcement should seek the expertise of qualified scholars on religion.

2. Guidelines should be promulgated to eliminate religious or other viewpoint bias in federal law enforcement investigations and practices, including public affairs announcements and other comments before and during trial.

#### V. THE USE OF LETHAL FORCE

Serious questions have been raised during the hearings on the Ruby Ridge incident regarding the use of deadly force. There is certainly a need for clarification—and likely tightening—of the rules of deadly force by federal law enforcement officers. For example, the FBI's interpretation and application of the standard rules of deadly force at Ruby Ridge, even disregarding the *ad hoc* rewriting of those rules that appears to have taken place, has been condemned as unconstitutional even by a former FBI director and Department of Justice officials.

In this regard, specific attention should be paid to the philosophy and role of the FBI's Hostage Rescue Team (HRT) or any successor group. There seems to be no resolution of the conflict between the team's stated objective of protecting lives and its tactical impulse to bring all pressure, including deadly force, to bear to "resolve" a situation. The use of helicopters, armored personnel carriers, and other military equipment should especially be curtailed. There should be vigilance to prevent the general militarization of federal law enforcement.

#### *Necessary reforms*

1. The federal deadly force policy should clearly state (a) that a threat of physical harm must be immediate in order to justify the use of deadly force; and (b) that when the immediacy of the threat passes, the justification ceases.

2. Federal law enforcement agents should be carefully trained in the law on the use of deadly force. Emphasis should be placed on learning to distinguish between appropriate and excessive applications of force.

#### VI. ACCOUNTABILITY AND CHECKS AND BALANCES

The issue of accountability for federal law enforcement abuses has been placed in sharp focus by the hearings on Waco and Ruby Ridge.

Law enforcement agencies cannot be expected to investigate themselves adequately. A mechanism for independent review is required. For example, an FBI internal review conducted soon after the Ruby Ridge incident found no wrongdoing by FBI officials. Subsequently, however, a 542-page report by a 24-member Justice Department team recommended consideration of criminal charges against responsible FBI agents. Yet other DOJ offices concluded otherwise. Even after the FBI Director announced on January 6, 1995, that there had been "major areas of inadequate performance, neglect of duty, and failure of FBI executives to exert proper management oversight," only relatively minor administrative disciplinary actions were taken. This failure to respond has been reflected in other cases involving DEA agents, Treasury agents and the Border Patrol.

The failure of the federal government to have an adequate mechanism in place to hold accountable federal law enforcement officers who are guilty of abuses undermines trust in the integrity of the system. With the exception of those rare times when the Civil Rights Division reviews complaints against non-Justice Department federal law enforcement agencies, all review of complaints against federal law enforcement is internally conducted by personnel within the same department in which the particular law enforcement agency is located. Intra-departmental review systems are not independent. They are inherently subject to internal bureaucratic pressure to defer to the initial action or reach a conclusion without regard to the merits. Intra-departmental review systems justifiably lack credibility.

Within the United States, more and more cities and counties have established some form of independent review of citizen complaints. According to a survey in January 1995 by the Police Executive Research Forum (PERF), 36 of the nation's 50 largest cities have citizen review mechanisms. A number of smaller cities such as Dubuque, Iowa and counties such as Orange County, Florida have citizen review bodies. A number of European nations have adopted review mechanisms that allow

complaints against police to be independently reviewed by persons who are not sworn officers. The PERF report found that such "(c)itizen review is now almost universal in English-speaking countries." In 1988, the Canadian Parliament established an independent review process for making police officers of the national government accountable to the public for police conduct. The Canadian Public Complaints Commission is composed of a full-time chairman and vice-chairman and 12 part-time members.

#### *Necessary reforms*

1. Congress should establish a uniform means of permanent, independent oversight of federal law enforcement policies and practices with full redress for allegations of abuse.

2. Congress should ensure that there are adequate penalties for those federal law enforcement agents who engage in misconduct and should conduct oversight to ensure that they are properly enforced.

#### VII. POSSE COMITATUS ACT

The hearings on Waco have raised serious questions regarding the use of the military by federal law enforcement in violation of the Posse Comitatus Act. The Posse Comitatus Act, as amended, 18 U.S.C. § 1385, reads:

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned no more than two years, or both.

The Posse Comitatus Act was passed in 1878. Just prior to its passage, the armed forces were used by revenue officers (the precursors to the BATF) in finding and destroying illegal whiskey distilleries, enforcing voting laws, and a number of other purposes. See, Note, "Honored in the Breach: Presidential Authority to Execute the Laws with Military Force," 83 Yale L.J. 130 (1973).

The exceptions to Act include those purposes ". . . authorized by . . . Act of Congress. . . ." They have been expanded to provide for military support to civilian law enforcement agencies in limited circumstances, 10 U.S.C. § 371, *et seq.* This statute permits the armed forces to provide training in the use of equipment and "expert advice relevant to the purposes of this chapter." 10 U.S.C. § 373(2). The lawful purposes include enforcement of portions of the Controlled Substances Act, the Immigration and Nationality Act, the Tariff Act, and the Maritime Drug Law Enforcement Act.

#### *Necessary reform*

Congress should establish a requirement that any federal law enforcement official who seeks to invoke the drug or any other legislative nexus exception to the Posse Comitatus Act should give an oath or affirmation to a neutral and detached judicial officer as to the facts which he is asserting. In short, the same rules as are proposed for search warrants and for penalties for false or misleading information should apply here. In addition, Congress should reexamine whether the existing exceptions to the Posse Comitatus Act should be retained.

#### VIII. THE NEED FOR A NATIONAL COMMISSION

In addition to the above reforms which Congress and the Executive Branch should immediately undertake, we urge Congress to create a national commission to comprehensively review federal law enforcement policies and practices. Many of the serious questions regarding coordination, oversight and accountability of so many different federal law enforcement agencies are complex ones and need the long-term careful consideration only a commission can provide. We suggest that such a commission should include a diversity of local, state and federal law enforcement officers, bar association leaders and representatives of civil liberties and civil rights organizations. This body should make specific statutory and regulatory recommendations to Congress and to the President regarding needed changes.

#### IX. CONCLUSION

We hope that you will give thoughtful consideration to these issues. The fabric of a society is best bound together by a mutual sense of justice and fairness. Nothing can so swiftly divide a society like the resentment and hostility that are the inevitable fruits of injustice.

Sincerely,

Ira Glasser, Executive Director, American Civil Liberties Union; Malcolm Wallop, Chairman, Frontiers of Freedom; Gerald H. Goldstein, Imme-

diate Past President & Legislative Committee Chair, National Association of Criminal Defense Lawyers; David B. Kopel, Research Director, Independence Institute; Laura W. Murphy, Director, Washington National Office, American Civil Liberties Union; Tanya K. Metaksa, Executive Director, National Rifle Association, Institute for Legislative Action; William B. Moffitt, Treasurer, National Association of Criminal Defense Lawyers; John M. Snyder, Public Affairs Director, Citizens Committee for the Right to Keep and Bear Arms; Erich Pratt, Director of Government Affairs, Gun Owners of America; Nancy Ross, Partner, Ross and Green; James X. Dempsey, Deputy Director, Center for National Security Studies; Ronald E. Hampton, Executive Director, National Black Police Association; David C. Condliffe, Executive Director, The Drug Policy Foundation; Eric E. Sterling, President, The Criminal Justice Policy Foundation; Joseph P. Tartaro, President, Second Amendment Foundation; Mark Gissiner, President, International Association for Civilian Oversight of Law Enforcement; Conrad Martin, Executive Director, Fund for Constitutional Government.

Mr. CHABOT. Thank you very much, Mr. Nojeim.  
Mr. Kopel.

#### STATEMENT OF DAVID B. KOPEL, ASSOCIATE POLICY ANALYST, CATO INSTITUTE

Mr. KOPEL. Thank you, Mr. Chair.

From my own family background, people who threaten violence against government employees are particularly frightening. For most of my childhood, my father's 22-year career on the Colorado House of Representatives was in progress. When he chaired the Colorado House Judiciary Committee, he steered to house passage the only major gun control, a ban on so-called Saturday Night Specials, that has passed any house of the Colorado Legislature in the last 25 years.

My mother served, during the 1970's and the 1980's, as the Colorado and Kansas director of the Federal Government's U.S. Bankruptcy Trustee Program.

Before I went to work for a think tank, I served as an Assistant attorney general for the Colorado Attorney General's Office handling enforcement of environmental laws. And, a while before that, I worked for one of the law firms, Holme, Roberts & Owen, which is named in the frivolous indictment and warrant for citizens' arrest shown to you earlier by Sheriff Sullivan.

The cowardly criminals who killed so many innocent people in Oklahoma City could just as well have killed my mother, my father, or myself. Just as much as any other citizen of the United States, Government employees are absolutely entitled to live their lives free of criminal violence and criminal intimidation.

Today, there are many tens of millions of people who are frightened of the Government, and many thousands, or perhaps more, who participate in militias. Some of them may have incorrect beliefs about the Brady bill or the ban on so-called assault weapons, or the United Nations or other political issues.

Within these groups, as within almost any other group, there are a few criminals. By the testimony we heard on the previous panel, there are only six to eight of them in the entire State of Montana, and just 25 of them in the entire State of Colorado.

Just as citizens should not imagine that because a few Members of Congress are found guilty of felonies, most Members are crimi-

nals, Members of Congress should not imagine that because a few persons with anti-Government viewpoints are criminals, many or most militia members, or other Government critics are criminals. Let us not be panicked into hasty action that history will judge harshly.

One of the reasons that so many people have become fearful of the Federal Government, and some have become angry, has been the virtually uninterrupted expansion of Federal laws at the expense of civil liberty. The cycle of misleading media sensationalism, a couple of congressional hearings, and another broad and intrusive Federal remedy has become all too familiar.

It is possible to assemble before any given congressional panel a half dozen very sincere witnesses who will claim that any given topic is, one, an immense problem; two, rapidly spiraling out of control all over the Nation; and, three, desperately in need of an immediate sweeping Federal remedy. Sometimes these witnesses are incorrect.

We have no reliable hard data about how often Government employees are being threatened or attacked. Still less do we have any hard data about how often existing State and Federal laws are inadequate to punish the criminals involved. Instead, we have, quite frankly, a lot of misinformation or misunderstanding.

For example, the written testimony of the Southern Poverty Law Center, a group for which I was a monthly donor from 1984 through 1995, giving to them 12 times a year, as well as the testimony from the Anti-Defamation League, includes the claim that Sam Sherwood of the United States Militia Association told his followers to look Government in the face because "they may have to blow it off some day."

In fact, that quote is a direct distortion of what Mr. Sherwood said. According to Reason Magazine, in an article written by a journalist who was actually there when Mr. Sherwood said the words, Mr. Sherwood "made an impassioned plea for using political action, rather than violence in correcting the wrongs that the members of the United States Militia Association see in Government. He suggested that if his listeners wanted to grab the gun and shoot their legislator, they should first go look them in the face and recognize that legislators are also American citizens who are fathers, mothers, husbands, and wives. The audience not only understood that he was arguing against violence, they applauded his remarks."

We shouldn't assume that States are necessarily helpless or unwilling to act against criminals who harm Government employees. Certainly there's no State in which these criminals have working control of the State legislature and prevent the States from taking any action. Indeed, there are many problems which are absolutely inappropriate for a Federal remedy. Abuse of State courts and filing frivolous ritz in State courts is properly a matter for reform by the States.

Sheriff Sullivan and I have already talked about, when we both get back home to Colorado, reforming our State's uniform consumer credit code and uniform commercial code so as to require notice before liens are filed on property.

The spirit of the 10th amendment suggests that before the Federal legislature acts, it considers what the State legislators and the

people of the States decide to do. Whatever's going on in Montana, wouldn't it be more sensible to look for a remedy to the dozens of legislators who were in the State Senate and State House of Representatives in Montana, rather than devising some national solution with 535 people in Washington, DC, only three of whom are from Montana?

In regard to anti-Government violence, proposals for broad new conspiracy statutes or for broad new judicial authority to destroy or just ban organizations have not been shown to be necessary, particularly at the Federal level. We know from history that injunction and conspiracy laws have often been used unfairly against political dissidents, including labor organizers.

Some of the new proposed mandatory minimums for "violent, anti-Government extremists" would impose a 2-year mandatory minimum on someone who shoved a policeman during an argument over a traffic ticket, a 2-year mandatory minimum on a jilted teenage girl who sent her rival an anonymous letter, "I'm going to tear your eyes out," and an 8-year mandatory minimum on an homeowner who waved a baseball bat at a zoning inspector. Oddly, today's hearing about violent anti-Government groups, and a threat they pose to local governments is being used to promote Representative Schumer's legislation aimed at squarely constricting, not helping local governments.

According to section 7 of the Republican Form of Government Guarantee Act, when county governments enforce State and local laws against what they believe to be illegal conduct by Federal employees, the Federal Government will become the judge of its own case. Rather than having the dispute settled by a neutral arbiter, the courts, the dispute will be investigated by the Federal employee's own chief lawyer, the Attorney General, who may then unilaterally withhold payments in lieu of taxes from the county.

Equating all militias with white supremacists is nonsense. Like the Los Angeles Police Department, some militias may have members, or even officers, who are racists, but that does not mean that the organizations as a whole or the vast majority of their members are racists. It is a sad testament to the bigotry of certain segments of the media that totally unsubstantiated, vicious conspiracy theories, of the type that were once employed against Catholics and Jews, are now being trotted out against militia members, patriots, and gun rights organizations.

Militias and patriot groups have been understandably ridiculed for a paranoid world view centered on the United Nations and international banking. But, ironically, many of the people doing the ridiculing share an equally paranoid world view. Some members of the media and the gun control movement have no more idea what a real militia member is like than militia members have about what a real international banker is like. In both cases, stereotyping substitutes for understanding and familiar devils—the United Nations for the militia, the National Rifle Association for the media—are claimed to be responsible for all sorts of ridiculous crimes.

The Southern Poverty Law Center has begun promoting a Federal ban on group firearms training which is not authorized by State law. But State governments are perfectly capable of banning or authorizing whatever they want.

The proposal for Federal ban amounts to asking Washington for legislation which the majority of States have already rejected. The right to keep and bear arms necessarily includes the right to practice with them, just as the constitutional right to read a newspaper editorial about political events necessarily includes the right to learn how to read, even if one learns how to read in a group, and that group happens to promote incorrect political beliefs.

Government is the great teacher, Justice Brandeis told us. Without the unjustifiable, illegal, militaristic, deadly Federal violence at Ruby Ridge and at Waco, there would be no militia movement. The Federal Government should set a better example. If Ruby Ridge had led to a real investigation and corrective measures right away instead of leading to years of coverup by both the Bush and Clinton administrations, then we wouldn't be in the current situation. Ruby Ridge and the Waco tragedies were not the fault of a few bad officials, but the inevitable result of a culture of lawlessness, militarization, and violence that has permeated far too much of the Federal law enforcement establishment.

When corrective measures are undertaken, as a coalition ranging from the American Civil Liberties Union to the Citizens Committee for the Right to Keep and Bear Arms has suggested, then we will begin to see a massive reduction in the tension between millions of American people and their Government.

Thank you.

[The prepared statement of Mr. Kopel follows:]

PREPARED STATEMENT OF DAVID B. KOPEL, ASSOCIATE POLICY ANALYST, CATO INSTITUTE

From my own family background, people who threaten violence against government employees are particularly frightening. For most of my childhood, my father's twenty-two year career in the Colorado House of Representatives was in progress. When he chaired the House Judiciary Committee, he steered to House passage the only major gun control—a ban on so-called "Saturday Night Specials"—that has passed any house of the Colorado legislature in the last twenty-five years.

My mother served during the 1970s and 1980s as the Colorado and Kansas director of the federal government's United States bankruptcy trustee program. Before I went to work for a think tank, I served as an assistant attorney general for the Colorado Attorney General's Office, handling enforcement of environmental laws.

The cowardly criminals who killed so many innocent people in Oklahoma City could just as well have killed my mother, my father, or myself. Just as much as any other citizen of the United States, government employees are absolutely entitled to live their lives free of criminal violence and criminal intimidation.

It is wrong to dehumanize any class of people, and that includes people such as my family who work for the government. Persons who advocate and perpetrate criminal violence against government employees are no less wrongful as any other criminals who act out of prejudice and bigotry.

It is essential that government employees, like all other Americans, be safe. Not just physically safe, but safe to go about their lives free of fear, and free to exercise all of their civil and Constitutional rights.

As we think about safety, it is important not to fool ourselves. Far too often in this America, legislatures, including Congress, having misunderstood or been misled about potential threats, and have enacted repressive legislation that has sacrificed liberty without improving safety.

#### HISTORICAL ANTECEDENTS OF TODAY'S SITUATION

In the United States, there is a long and sad history of interest groups or government officials taking a few isolated incidents and inflating them into some kind of vast threat, requiring an immediate, repressive response.

Back in 1798, President John Adams and the Federalists who controlled Congress were scandalized by the vicious campaigns against them in the press. These



scurlous charges—such as accusations that President Adams had sent General Pinckney to England to procure a pair of young mistresses for him—show that today's political mudslinging, dirty as it often is, is nothing new.

At the same time, in these turbulent years following the French revolution, the French government worked furiously to obtain American support in the French conflict with England. French officials attempted to bribe American newspapers to take the French side in the conflict—and to criticize the pro-England policy of President Adams.

President Adams, unfortunately, reacted in a manner that would set a pattern of federal error. Because a few of his political opponents were motivated by foreign bribes, he assumed that his political opponents as a whole were illegitimate. In 1798, Congress enacted and President Adams signed the Alien and Sedition Act.

This hated Act allowed the extra-judicial deportation of legal resident aliens whom the Administration considered to be a security threat. Criticism of the President was termed "sedition" and outlawed. Guilt by association was used to tar all Jeffersonians as disloyal.

Rather than calming the political waters, the Alien and Sedition Act provoked a furious backlash. The Kentucky and Virginia Resolutions were enacted, in which state legislatures asserted the authority to nullify within their territory laws which violated the Constitution—as the Alien and Sedition Act certainly did.

Had President Adams decided to force the issue, civil war might have resulted. Happily, the Alien and Sedition Act were never vigorously enforced. After Thomas Jefferson was elected in 1800, the Act were repealed.

Decades later, a violent, deranged abolitionist named John Brown led a raid on the federal armory at Harper's Ferry, hoping to set off a massive slave rebellion. John Brown's delusional scheme was rapidly suppressed, and Brown was tried and executed. But John Brown's isolated act—combined with the extremist rhetoric of some abolitionists—led many Southern state legislatures to conclude that all the critics of slavery were part of some fearsome conspiracy to promote violent revolution and to destroy the South. Laws were enacted with suppressed anti-slavery speech throughout the South.

Abolitionists and slaveowners both saw each other only in distorted stereotypes. The polarization led, of course, to the tremendous suffering of the Civil War, and in the long run to a solution to slavery which, unfortunately, left many ex-slaves in a condition of virtual slavery.

In the decades following the Civil War, the political leadership again overreacted to organizations which challenged the existing system. During much of the nineteenth century, and indeed a good part of the twentieth, conspiracy laws were used against unions and unions organizers. Criminal syndicalism laws (an updated version of John Adams' sedition laws) were employed against radical unions such as the "Wobblies" (the International Workers of the World).<sup>1</sup>

During that period, some labor leaders were indeed people who sought the violent overthrow of the government. Some of them harbored various conspiracy theories, including anti-Semitic ones. For decades, many states governments, and often the federal government, engaged in a policy of confrontation and war against this threat. Labor violence convulsed the nation. The year 1876—the centennial of the United States of America—was wracked by labor riots in one major city after another. The old armories that one can find in the downtown of almost every major American city that was a city during the late 19th century were often built for suppressing labor riots. The Haymarket Massacre was one of the bloodiest, but hardly the only, tragedy resulting from a confrontation between militarized law enforcement and groups which the political system deemed unacceptable.

Some of the riot leaders were Communists or other advocates of violent overthrow. But a generally hostile press and political establishment overestimated the

<sup>1</sup> Philip Taft & Philip Ross, "American Labor Violence: Its Causes, Character, and Outcome," in eds. Hugh Davis Graham & Ted Robert Gurr, "Violence in America: Historical and Comparative Perspectives" (New York: Praeger, 1969), p. 281. Historian Michael Wallace suggests that American "labor violence" would be better labeled "capitalist violence." Michael Wallace, "The Uses of Violence in American History," in eds. Roger Lane & John J. Turner, Jr., "Riot, Rout, and Tumult: Readings in American Social and Political Violence" (Lanham, Maryland: University Press of America, 1978): *Riot, Rout, and Tumult*, pp. 18–19. Another historian writes: "One of the major themes in American urban history since the 1850s has been the struggle of the municipal authorities and their business-class allies to gain a monopoly on the use of violence. The problem was not that the elected official lacked a monopoly on the use of legally authorized violence; rather they struggled to convince turbulent portions of the populace that all other violence was illegitimate." Michael Feldberg, "The Crowd in Philadelphia History: A Comparative Perspective," in *Riot, Rout, and Tumult*, p. 142.

pervasiveness of such sentiments. Most workers simply wanted better working conditions, and a better share of the wealth that they helped produce.

In the end, it was the protection of the rights of working people, and negotiation over legitimate grievances, which led to an abatement of labor strife.

Even in the twentieth century, radical critiques of the government have too often been met with fierce government repression. During World War I, Eugene Debs peaceful criticism of the draft landed him in federal prison.

During the Cold War, legitimate concerns about Soviet spies and their American accomplices (such as the Rosenbergs and Alger Hiss) led to repressive legislation, blacklists, loyalty oaths, and other infringements on the freedoms which distinguished America from the Soviet Union. Especially in the 1950s, criticism of the free enterprise system or of militarism was falsely equated with disloyalty.

At about the same time, many Southern state governments, as well as the F.B.I., were aware that "Communist agitators" were among those involved in the civil rights movement, as indeed they had been since at least the 1930s. But the presence of a few Communists within the civil rights movement or its leadership (like the earlier presence of Communists within the labor movement), did not mean the civil rights movement was fundamentally communist, or that it should be suppressed—although that is precisely what many state governments attempted to do for many years.

If it is easy for many Americans, to see, in hindsight, the legitimacy of the viewpoint of Jeffersonians, of southern abolitionists, of labor organizers, of critics of militarism, and of the civil rights movement, it is not so easy for some Americans to respect the fundamental concerns of the many millions of their fellow citizens who are frightened of the federal government.

Today, there are many tens of millions of people who are frightened of the government, and many thousands (or perhaps more) who participate in militias. Some of them may have incorrect beliefs about the Brady Bill, or the ban on so-called "assault weapons," or the United Nations, or other political issues. But allegedly mistaken beliefs are no basis for federal jurisdiction.

Within these groups, as there are within almost any other group, a few criminals. Just as citizens should not imagine that because a few Congresspeople are found guilty of felonies most Congresspeople are criminals, Congresspeople should not imagine that because a few persons with anti-government viewpoints are criminals, many or most militia members or other government critics are criminals.

Let us learn from history. Let us not be panicked into hasty action that history will judge harshly. Let us begin a process of respectful dialogue and reform, not stereotyping and repression.

As Justice Brandeis understood, "Repression breeds hate; . . . hate menaces stable government; . . . the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies. . . ."<sup>2</sup>

#### IS FEDERAL INTERVENTION NECESSARY AT THIS POINT?

One of the reasons that so many people have become fearful of the federal government, and some have become angry, has been the virtually uninterrupted expansion of federal laws, as the expense of civil liberty. The cycle of misleading media sensationalism, a couple of Congressional hearings, and then another broad and intrusive federal "remedy" has become all too familiar.

It is possible to assemble before any given Congressional panel a half-dozen very sincere witnesses who will claim that any given topic is 1. An immense problem; 2. Rapidly spiraling out of control all over the nation; and 3. Desperately in need of an immediate, sweeping federal remedy.

Sometimes these witnesses are correct. But other times they are not.

We know in retrospect that the Marihuana Tax Act of the 1930s was the result of racist campaign of disinformation about the use of marijuana by Hispanic criminals. We know that the Food Stamp Act in the early 1970s was passed in part of as a result of tremendous misinformation about the extent of malnutrition in rural America. We know that, despite the wild claims of various law enforcement administrators, so-called "assault weapons" constitute only about one percent of crime guns seized by police, even in major cities. A climate of panic and misinformation about the Love Canal incident in New York led Congress to enact the Superfund law—a draconian law which imposes huge retroactive liability on companies and individual for lawful environmental practices, and which eliminates most ordinary due process protections for individuals targeted by the government.

<sup>2</sup> *Whitney v. California*, 274 U.S. 357, 375 (1927) (Brandeis, J., concurring) (Justice Holmes joined in the concurring opinion).

Before enacting additional legislation in an atmosphere of media hype and prejudice, Congress would do well to slow down.

For example, we have no reliable hard data about how often government employees are being threatened or attacked. Still less do we have any hard data about how often existing state and federal laws are inadequate to punish the criminals involved.

Current criminal laws do not require that authorities wait until someone has actually been injured or killed. Making threats is, of course, a crime in itself.<sup>3</sup>

Nor are states necessarily helpless or unwilling to act. In no state are the people who perpetrate or support violent crimes against government officials the majority of the population. Or even close to it.

Some problems are plainly inappropriate for a federal "solution." For example, some persons—living proof of the principle that a little knowledge is a dangerous thing—have begun filing purported liens or other alleged "common law" instruments in some state courts. Surely the remedy for abuse of state court procedures is through enforcement of existing procedural rules which punish frivolous or false legal filing, or through reforms of state court systems to provide whatever additional remedies may be needed. State courts are the business of the states, not of Congress.

The spirit of the Tenth Amendment suggests that before federal legislature acts, it considers what the state legislatures, and the people of the states decide to do. For example, one group in Montana is planning a ballot initiative to strengthen state laws against threatening government officials. Perhaps the law will be carefully tailored to address local conditions in Montana. Or perhaps the people of Montana will choose a different approach. But in any case, it ought to be the people of Montana, not 535 people—of whom only three are from Montana—who decide what to do.

#### DANGEROUS "SOLUTIONS"

When the federal racketeering statute (RICO) was enacted in the 1970s, proponents promised that it would provide an important new weapon to target organized crime organizations, as opposed to prosecuting only individual criminals.

But RICO statute has also been used in ways which its sponsors never foresaw. For example, in the 1980s, an ambitious United States Attorney in New York City used RICO's preemptive strike provisions to destroy a securities firm, First Princeton, which was, years later, found to be guilty of absolutely no wrongdoing. But in the meantime, the company had been ruined, the employees had lost their jobs, and the owners had lost their business and the assets which they had built over years through honest hard work.

In other cases, RICO laws have been used against abortion clinic protesters. Instead of using Mafia laws against church groups, it would be better to fashion—as many legislatures have—more specific statutes which deal the particular problem of access to abortion clinics.

In regards to anti-government violence, proposals for broad new conspiracy statutes, or for broad new judicial authority to destroy or disband organizations have not been shown to be necessary—particularly at a federal level.

We know from history that injunction and conspiracy laws have often been used unfairly against political dissidents, such as labor organizers.

Moreover, the criminally violent anti-government organizations which are the focus of today's hearing are, almost without exception, tiny. Prosecution of the handful of criminal individuals involved will suffice to destroy the pathetic "organization" itself.

New federal mandatory minimums seem, sadly, to be instinctive reaction of some persons to almost every human ill. Mandatory minimums, by their nature, prevent judges and prosecutors from tailoring the punishment to the facts of the particular case, and as a result, injustice too often results. Some of the new proposed mandatory minimums for "violent anti-government extremists" would impose a two-year mandatory minimum on someone who shoved a policeman during an argument over a traffic ticket, a two-year mandatory minimum on a jilted teenage girl who sent her rival an anonymous letter "I'm going to tear your eyes out," and an eight year mandatory minimum on a homeowner who waved a baseball bat at a zoning inspector.<sup>4</sup> None of these activities are justified, of course, and none of them are the in-

<sup>3</sup>For a case involving alleged death threats, see Tom Kenworthy, Standoff in Montana Tests Resolve to Avoid Bloodshed," Wash. Post, Aug. 18, 1995, p. A1.

<sup>4</sup>See proposed "Republican Form of Government Guarantee Act," sect. 4.

tended target of the proposed mandatory minimums. But mandatory minimums are perversely designed to apply remedies which seem appropriate in the abstract to situations where they may be wildly inappropriate.

Oddly, today's hearings about "Violent Anti-Government Groups" and the threat they pose to local governments may be used to promote legislation aimed squarely at constricting, not helping, local governments. According to section 7 of the draft "Republican Form of Government Guarantee Act," when county governments enforce state and local laws against what they believe to be illegal conduct by federal employees, the federal government will become the judge of its own case. Rather than having the dispute settled by a neutral arbiter—the courts—the dispute will be investigated by the federal employees' own chief lawyer (the Attorney General), who will then unilaterally withhold Payments in Lieu of Taxes from the county.

It is an elementary principle of justice that no person (nor the person's attorney) can be the judge of his own case. And it's a misuse of language to claim that the federal executive's judging its own case in disputes with counties will somehow further the federal government's obligation to guarantee to each state a republican form of government. County commissioners are, after all, democratically elected. They—not the federal executive branch—are part of a state's republican form of government.

#### MILITIAS

Equating all militias with white supremacists is nonsense. Like the Los Angeles Police Department, some militias may have members, or even officers, who are racist, but that does not mean that the organization as a whole, or the vast majority of its members are racists. Most militias are composed of people with jobs and families; people who are seeking to protect what they have, not to inflict revenge on others for their own failings.

The frenzy of hatred being whipped up against law-abiding militia members is not unlike the hatred to which law-abiding Arab-Americans would have been subjected, had Oklahoma City been perpetrated by the Libyan secret service. It is not unlike the hatred to which Japanese-Americans were subjected after World War II. Ironically, some politicians who complain about the coarse, angry tone of American politics do so in speeches in which they heap hate-filled invective upon anyone and everyone who belongs to a militia.

As this testimony is written, no evidence has developed which ties any militia (let alone all of them) to the Oklahoma City crime. At most, two suspects are said to have attended a few militia meetings and left because the militias did not share their goals. This fact no more proves a militia conspiracy than the hypothetical fact that the suspects went to church a few times would prove that the Pope and Jerry Falwell masterminded the Oklahoma City bombings.

That someone who perpetrated a crime may have attended a militia meeting is hardly proof that all militias should be destroyed. The step-father of Susan Smith (the South Carolina child murderer) sexually molested her one night after he returned from putting up posters for the Pat Robertson presidential campaign.<sup>5</sup> What if someone suggested that the "radical" patriarchal theories espoused by Robertson and the Christian Coalition created the "atmosphere" which led to the incestuous rape, and that therefore all Christian Coalition members were responsible for the crime, and the FBI should "crack down" on them? The claim would be dismissed in a second; equally outrageous claims about gun owners should likewise be dismissed.

It is a sad testament to the bigotry of certain segments of the media that totally unsubstantiated, vicious conspiracy theories of the type which were once employed against Catholics and Jews are now being trotted out against militia members, patriots, and gun owners.

No militia group was involved with the Oklahoma City bombing. Despite the hate-mongering of the media, the "need" to start spying on militia groups is a totally implausible basis for expansion of federal government powers.

To respond intelligently to the militia and patriot movements, we must acknowledge that, although the movements are permeated with implausible conspiracy theories, the movements are a reaction to increasing militarization, lawlessness, and violence of federal law enforcement, a genuine problem which should concern all Americans.

We must also remember that it is lawful in the United States to exercise freedom of speech and the right to bear arms. Spending one's weekends in the woods practic-

<sup>5</sup>"The Company You Keep," *The New Republic*, May 15, 1995, p. 11.

ing with firearms and listening to right-wing political speeches is not my idea of a good time, but there is not, and should not, be anything illegal about it.

If we want to shrink the militia movement, the surest way is to reduce criminal and abusive behavior by the federal government, and to require a thorough, open investigation by a Special Prosecutor of what happened at Waco and at Ruby Ridge, Idaho. If, as the evidence strongly suggests, the law was broken, the law-breakers should be prosecuted, even if they happen to be government employees.

Conversely, the persons responsible for the deaths of innocent Americans should not be promoted to even-higher positions in the FBI or federal law enforcement. If the Clinton administration were trying to fan the flames of paranoia, it could hardly do better than to have appointed Larry Potts second-in-command at the FBI.

Militias and patriot groups have been understandably ridiculed for a paranoid world-view centered on the United Nations and international banking. But ironically, many of the people doing the ridiculing share an equally paranoid world-view. Most members of the establishment media and the gun control movement have no more idea what a real militia member is like than militia members have about what a real international banker is like. In both cases, stereotyping substitutes for understanding, and familiar devils (the United Nations for the militia, the National Rifle Association for the establishment media) are claimed to be the motive force behind the actions of a man who (allegedly) believes that the government put a microchip in his buttocks.

Nearly twenty years ago, an article in the *Public Interest* explained the American gun control conflict:

[U]nderlying the gun control struggle is a fundamental division in our nation. The intensity of passion on this issue suggests to me that we are experiencing a sort of low-grade way going on between two alternative views of what America is and ought to be. On the one side are those who take bourgeois Europe as a model of a civilized society: a society just, equitable, and democratic; but well ordered, with the lines of authority clearly drawn, and with decisions made rationally and correctly by intelligent men for the entire nation. To such people, hunting is atavistic, personal violence is shameful, and uncontrolled gun ownership is a blot upon civilization.

On the other side is a group of people who do not tend to be especially articulate or literate, and whose world view is rarely expressed in print. Their model is that of the independent frontiersman who takes care of himself and his family with no interference from the state. They are "conservative" in the sense that they cling to America's unique pre-modern tradition—a non-feudal society with a sort of medieval liberty at large for every man. To these people, "sociological" is an epithet. Life is tough and competitive. Manhood means responsibility and caring for your own.<sup>6</sup>

The author explained the disaster that America will create for itself if fearful in government attempt to "crack down" on fearful gun-owners, thereby fulfilling the worst fears that each group has of the other:

As they [the gun-owners] say, to a man, "I'll bury my guns in the wall first." They ask, because they do not understand the other side, "Why do these people want to disarm us?" They consider themselves no threat to anyone; they are not criminals, not revolutionaries. But slowly, as they become politicized, they find an analysis that fits the phenomenon they experience: Someone fears their having guns, someone is afraid of their defending their families, property, and liberty. Nasty things may happen if these people begin to feel that they are cornered.

It would be useful, therefore, if some of the mindless passion, on both sides, could be drained out of the gun-control issue. Gun control is no solution to the crime problem, to the assassination problem, to the terrorist problem. . . . [S]o long as the issue is kept at a white heat, with everyone having some ground to suspect everyone else's ultimate intentions, the rule of reasonableness has little chance to assert itself.<sup>7</sup>

Morris Dees of the Southern Poverty Law Center has begun promoting a federal ban on group firearms training which is not authorized by state law. First of all, state governments are perfectly capable or banning or authorizing whatever they want. The proposal for a federal ban amounts to asking Washington for legislation similar to that which various allies of Mr. Dees promoted at the state level in the 1980s, with little success. The vast majority of states having rejected a training ban, the federal government should hardly impose the will of the small minority on the rest of the states.

<sup>6</sup>B. Bruce-Briggs, "The Great American Gun War," *The Public Interest* 45 (Fall 1976), p. 61.

<sup>7</sup>*Id.*, p. 62.

A former direct-mail fundraiser for the antigun lobby, Mr. Dees may be forgiven for a low level of concern for the exercise of the right to keep and bear arms. But the right to keep and bear arms necessarily includes the right to practice with them, just as the Constitutional right to read a newspaper editorial about political events necessarily includes the right to learn how to read. Just as the government may not forbid people from learning how to read in groups, it may not forbid people from learning how to use firearms in groups.

#### GOVERNMENT IS THE GREAT TEACHER

"Government is the great teacher," Justice Brandeis told us. Without the unjustifiable, illegal, militaristic, deadly federal violence at Ruby Ridge and at Waco, there would be no militia movement. The federal government should set a better example. If Ruby Ridge had led to a real investigation and corrective measures—instead of years of coverup by both the Bush and Clinton administrations—then we would not be in the current situation.

Ruby Ridge and the Waco tragedies were not the fault of a few bad officials, but the inevitable result of a culture of lawlessness, militarization, and violence that has permeated far too much of the federal law enforcement establishment. When corrective measures are undertaken—as a coalition ranging from the American Civil Liberties Union to the Citizens Committee for the Right to Keep and Bear Arms has suggested—then we will see a massive reduction in the tension between millions of American people and their government.

Mr. MCCOLLUM [presiding]. Well, I thank you very much, both of you, for coming to testify today. Because I had to be out for a moment and I have not collected my thoughts completely, and if Mr. Heineman and Mr. Barr would like to ask questions, I'd be glad to yield to them to start the questioning.

Mr. HEINEMAN, do you have something that occurs to you you'd like to engage in?

Mr. HEINEMAN. I came here about 6 minutes before you did, Mr. Chairman.

Mr. MCCOLLUM. Well, I can always collect my thoughts and ask some questions. I've got a few. But, Mr. Barr, are you prepared to do something now?

Mr. BARR. Yes, Mr. Chairman. Thank you, Mr. Chairman.

Mr. Nojeim, I think in today's New York Times there was a front page article reporting that the FBI is proposing, and I think I have this quoted properly, a national wiretapping system of unprecedented size and scope that would give law enforcement officials the capacity to monitor, simultaneously, as many as 1 out of every 100 phone lines. Now that's an astonishing figure, to say the least, and I found the article rather disturbing.

One of my concerns is that we in this body not overreact to the very real threat of domestic terrorism. In that context, is this sort of wiretapping scheme proposed by the Government, and apparently under the authority of legislation by the last Congress, an overreaction in your view?

Mr. NOJEIM. Yes. In our view, the thought that the FBI would want to be able to wiretap 1 percent of all the conversations in any particular area is very scary. What is it—what are the circumstances that could conceivably justify such a massive wiretapping effort?

I'd like to mention a few statistics from the Administrative Office of the U.S. Courts. In the last 10 years, the number of wiretap orders that have been granted has nearly doubled. Each wiretap picks up on the average 1,775 innocent conversations. In the last year, wire tapping picked up approximately 2 million innocent conversations. Each wiretap costs approximately \$67,000 to do. Wire-

taps are not a 2- or 3-day thing. Wiretaps are average of 40 days each. Each one costs \$67,000, except for the "roving" wiretaps. They cost \$100,000 each.

Most importantly, in the last 10 years, the efficiency rate of wiretapping has plummeted. It used to be when law enforcement did wire taps, over 50 percent of the intercepted conversations were incriminating. In the last 10 years, the rate went from 25 percent down to only 17 percent. That means, conversely, today, each time a wiretap is placed, 83 percent of the conversations that are picked up are going to be innocent conversations.

We think that this committee has a responsibility to ask, why is the efficiency rate going down? What is the possible new need for all this new capacity to do wiretapping? And, maybe it's time to look again at the digital telephony measure that was passed in the last Congress.

We think the digital telephony measure was a radical notion. What that said was that the Government has the power to require private industry to change its technology to facilitate spying on its customers. The equivalent thing would be to require home builders to put little electronic bugs in the walls of buildings that they build just in case one day the FBI wanted to turn the bugs on. We think it's a radical notion and we think it should be looked at it again.

Mr. BARR. Thank you. Although I wasn't here for your prepared testimony, I have heard your testimony before and I did read your prepared remarks, and I notice that you stress in them the notion of accountability of law enforcement, including Federal law enforcement. If there is just one overarching reform that would really get up that accountability, what would it be?

Mr. NOJEIM. What we're proposing as an overarching and ongoing method is the creation of a National Commission to look into Federal law enforcement policies and practices on an ongoing basis, a way to compare what works at the local level and what doesn't work at the Federal level, or vice versa.

We've been calling for this for 2 years now. Our first effort was with the President, and we didn't get very far. We did get a meeting with an official of the Justice Department, but we didn't get any meaningful results.

We're hoping that this is the time when people will look seriously at the idea that there needs to be civilian oversight of Federal law enforcement, just like there's civilian oversight in many cases of local law enforcement.

Mr. BARR. Thank you. And, I appreciate the testimony of both witnesses. Mr. Chairman?

Mr. MCCOLLUM. Thank you very much. I would yield myself a little bit of time here.

I'm curious to know from both of you whether or not you perceive there is any need for any additional Federal legislation whatsoever in connection with the so-called militias that we're reviewing today.

Mr. Nojeim, do you?

Mr. NOJEIM. We think that existing law could handle most everything that some of the witnesses have talked about. And some of the things that the witnesses talked about are just things that are already crimes and just need to be prosecuted under existing law.

Mr. MCCOLLUM. What about you, Mr. Kopel?

Mr. KOPEL. I would think that the only case for which a comprehensive case for reform has been made is for reform of State court procedures to prevent the filing of these frivolous kinds of liens. To the extent that they're also filed in Federal court, there might be a need for some Federal procedures to protect property owners against liens being filed on their property without their notice.

Other than that, I think Mr. Nojeim's exactly right. Almost everything that's complained about here is already illegal, and making it doubly illegal won't add anything to public safety.

Mr. MCCOLLUM. We heard quite a bit of the witness comments earlier today that would indicate they felt strongly somehow that if somebody was training as a military group with an organization that was structured like the military, that that alone ought to be against the law. Mr. Kopel, you indicated in your testimony, I think, quite a strong reaction that that's just going too far. Why?

Mr. KOPEL. As the historian Charles Beard once observed, one of the best ways to get yourself thought a dangerous citizen is to go around repeating the very phrases that our Founding Fathers used in their struggle for independence.

There is nothing wrong in this country with owning a gun and any analysis of the history of our second amendment shows that it wasn't written so that people could go skeet shooting; it was written to protect the balance of power in a free society, so that just as information power is diffused throughout society by the first amendment or property power is diffused by the fifth amendment, physical force power is not a government monopoly, and that's the ultimate point of the second amendment.

It used to be considered a very honorable, positive thing for groups to get together in voluntary organization and train how to do their duty as citizens, which includes the civil defense of society, just as much as their duty may be to serve on a jury in another collective capacity.

Collective training in the use of firearms is something we ought to be encouraging, not discouraging, and I think it—

Mr. MCCOLLUM. What do you think of the no private army law in Texas?

Mr. KOPEL. I haven't studied the statute and, I think, clearly what the Ku Klux Klan was doing when it was going around perpetrating criminal violence against the Vietnamese boat owners was reprehensible and deservedly shut down.

Mr. MCCOLLUM. Mr. Nojeim, do you have any comment on the Texas law dealing with no private army?

Mr. NOJEIM. I'd like to get back to you on that in writing.

Mr. MCCOLLUM. Sure.

Mr. NOJEIM. But, I have to say that the case that was decided in some cases—we're concerned, obviously, about first amendment rights and the right to engage in legal activities, not the right to engage in illegal or seiviolent activities, regardless of who is doing them. In that case, the court did not focus on some of the things that we thought it ought to focus on. And, since that case was decided, one of the things that it talked about was the fighting words doctrine and that doctrine has been narrowed and the case that narrowed it was *R.A.V. v. City of St. Paul*, a Supreme Court case.



And, we think that that case has to be considered in light of the more recent precedents. But, I will get back to you in writing on it.

Mr. McCOLLUM. I want to comment to you, Mr. Nojeim, in particular and for the record, about the kind of discussion you and Mr. Barr had on this telephone wiretap business in today's New York Times' front page piece. I was around for the debate last year and year before last, whenever it was, the last Congress, over digital and analog telephone capacities and the need to wiretap or to change the ability to wiretap. Our impression we had, for what it's worth, from the FBI and everybody we listened to on this was that, in short order, as they go to this digital equipment—the telephone companies are all headed there—the FBI will have no power to wiretap for getting at the drug cartels or the terrorists, which are how they get at the big guys. We're always getting criticisms in recent months and weeks about the fact that police are arresting the low-level mules or drug traffickers, or whatever, and never getting enough at the big ones.

My understanding is that wire tapping is an extraordinarily important part of being able to build any case against international cartels, whether they be drug cartels or criminal cartels dealing with terrorism internationally coming in here.

Don't you think we have to have some kind of balance in this? I'm not suggesting necessarily that everything that they want to do is right. Maybe there's is technically something we could do differently. But, don't you think we're going to have to respond in some way to the changing telephone technology here and allow them enough to keep up with the bad guys?

Mr. NOJEIM. Our concern is that the balance seems to be shifting more toward interception of innocent conversations as opposed to incriminating conversations. When you see an efficiency rate dropping from 25 percent to 17 percent, it's time to ask why.

I've also been informed that to do the tapping that the FBI wants to do on the digital phone lines, it's going to need to sort through a lot more conversations to get to the one it wants to. Apparently, now you just stick a wire on it and you can pick up the conversation that you want. Now it's going to need to do the digital wire tapping, it's going to need to sort through more conversations to get to the one it really wants. We think it warrants a second look.

Mr. McCOLLUM. Well, I'm not arguing with you about looking at it; we're more than happy to have a hearing on the subject again. But, I'm concerned with what I've heard before that we're not going to come out with anything different and that is the answer from the expert saying that, from a technology standpoint, there's no way you can have wiretapping in the future with the digital system unless you do wind up sorting through a lot more telephone conversations, which is, again, a balancing question of whether it's worth it.

And, to a lot of us, knowing how the international criminals are working, the big time ones, I don't now how law enforcement of the United States could protect us against some of these really big-time problems that we face in the next century unless they can have some sort of wire tapping that's effective.

So, I'm not arguing with you that your point is wrong in terms of effect, but the question will still remain, I think, at the end of the day, how do we balance the public interest in this and make it so that we don't emasculate the law enforcement capacity in terms of international traffic?

And, so, that's where my concern is and I just want to express on the record that I don't think there's any easy answer to this, but I understand why you raised the concerns.

Does anybody else—Mr. Heineman, do you wish to get back in this in any way?

Mr. HEINEMAN. Well, unfortunately, I hadn't read the prepared statement, nor was I here when the gentleman made his statement, but I assume that your position on—that they shouldn't be able—

Mr. NOJEIM. First, mitigation procedures have to be looked at again so that all the innocent conversations that could be mitigated out, as the terminology is used, are mitigated out. Second, why is it that so many innocent conversations are being picked up? And, third, what is the balance? What is the proper balance? What if the efficiency rate under the digital telephony measure dropped down to 1 percent? What if it was one-half of 1 percent? At what point do you say we're not going to allow this kind of invasion, unless there is a higher efficiency rate?

You know, each time there is a phone tap, each wire tap, it's a search. It's a search under fourth amendment law. The Supreme Court said that in *Katz v. United States*. So, why is it that we allow for such inefficiency in electronic searches that we would never allow in the case of a physical search? We'd never allow a 17-percent efficiency rate in the case of officers going to a person's home and looking through their things. We'd never allow that.

I have to add one more thing. I don't think that wire tapping would have as much support as it does if every person who was wire tapped was informed after, you know, the criminal investigation was finished that their phone had been tapped. Often, when one of these innocent conversations is intercepted, somebody on the other end of the conversation isn't told. We think they should be.

Mr. KOPEL. Could I interject myself into that?

Mr. HEINEMAN. Well, I'll get back to you. And, I hate to think that, when we're talking about lives of people and buildings being blown up, we have to phrase it in arithmetic terms.

I don't know what the efficiency rate would be if we could have prevented Oklahoma City. The efficiency rate probably would have been low as well. We can build up efficiency rates if we tap wire rooms, and a wire room is where you call in bets. When I say "call in bets," gamblers use that for telephone transactions on, for the most part, horses, but to a larger part on baseball and football games. I'm not sure you could say, well, we shouldn't wire tap because the efficiency rate is too low and it's getting even lower.

The fact that you talk notice—I think most, if not all the wire taps, or they should, have court approval, and I believe they do have court approval, and I think in many, if not all the cases, that you have 60 days to notify the person whose line is being tapped that the line was being tapped. Now, of course, they may have had guests that picked up the line to make a call, and I think that if

we're permitted to continue judicial oversight of that, giving the judge at the State level or the judge at the Federal level the ability to sort through the facts as presented, I think we should perhaps give a little more credit to those judicial officials to make a judgment as to whether wiretaps are worthwhile.

Now, certainly, gambling is not a big deal, but you would never catch a wire room unless you had a wire tap. You would never catch a lot of these other things unless you did have wiretaps, and, of course, you're supposed to, and I believe it's probably written into title 3 that if it has an innocent third party on the wire, you're supposed to shut it off. And, periodically, turn it on and turn it off, just so that you're aware that it is an innocent third party, and that, certainly, if the target of the wiretap is on, you may listen. You may be permitted to listen. You're not permitted to listen to his wife talking to her girlfriend, kids talking on a telephone, and, of course, you have to leave it up to the supervisor who's monitoring those things to see whether that's happening.

Supposedly, if it's done the way it should be done, all of those tapes are preserved and subject to scrutiny and oversight. So, I just don't get warm and fuzzy over the percentages. I think what really matters is the objective, and as to whether even you get 1 percent of the buildings that are not blown up because of wiretaps, I think it's well worth it. But, like my colleague, Mr. Barr, I am frightened by what I saw on page 1 of the Times today. I think that that's overkill and hopefully it will be reviewed. Thank you.

Mr. NOJEIM. If I could just respond real quick—

Mr. MCCOLLUM. Sure, Mr. Nojeim.

Mr. NOJEIM. I don't think that the bombing in Oklahoma City can be used as a way to justify any increase in Federal wire-tapping. In particular, the last time there was a wiretap order for a bombing or an arson was in 1988. So, most of these wiretaps are for gambling or for other things.

In addition, about notifying people who are parties to wire-tap conversations, under current law, it's—they only get notification in the discretion of the judge if he determines that it's in the interest of justice. What if it's a person who just had nothing to do with the case? I mean there's really no involvement of them in the judicial process.

Mr. HEINEMAN. I'm talking about the subscriber.

Mr. NOJEIM. I'm talking about a person that had nothing to do with it. I don't know that they get notified.

Mr. HEINEMAN. Well, I don't know whether the States do. I have had extensive experience with wiretaps in law enforcement, and by the standards we used in my State, you had to notify within 60 days or you had to get an extension for another 60 days on a continuing investigation. But, I don't know whether the rules that you have studied, and I don't know whether the State that I came from was an aberration as it relates to the rest of the country. But, there are times when it's my strong belief that we do need to have some form of eavesdropping, wiretapping, and I don't think that we should use numbers to discredit the effectiveness of wiretapping.

Thank you.

Mr. MCCOLLUM. Thank you, Mr. Heineman. Thank you, Mr. Nojeim. Thank you, Mr. Kopel.

Mr. BARR. Excuse me, Mr. Chairman?

Mr. MCCOLLUM. Yes, Mr. Barr.

Mr. BARR. Can I indulge the committee? I'd like—we had an extensive discussion here of wiretaps, and if the chairman would indulge Mr. Kopel, I think he might have a little something to add, if we could limit it just to a couple of minutes. I'd kind of like to hear from him.

Mr. MCCOLLUM. If you want to say something, Mr. Kopel, please go ahead.

Mr. KOPEL. I'll be very brief. When the Constitution was sent out to the States for ratification, if somebody had been teleported back then to the Virginia Ratifying Convention or the Pennsylvania Convention or any of the others, and said that in 200 years this Federal Government you're thinking of creating is going to be overhearing hundreds of thousands of conversations every year for the purpose of finding people who engage in intrastate gambling and intrastate possession of banned substances, people would have gone ballistic and we never would have had a Constitution.

All the balancing that was supposed to have been done was done by the fourth amendment, because the whole Bill of Rights is a balancing test that says, we want to set strict limits on the behavior of Government, and we do that knowing that doing this is going to harm the short-term enforcement of the law because saying that you can't torture confessions out of people means that you won't be able to get some guilty people convicted. Saying that you have to have jury trials means you won't convict certain guilty people.

Everything in the Bill of Rights limits governmental power and, in some cases, results in criminals not being apprehended or going free. But the balancing test of the Bill of Rights of our Constitution is that it is much more important to limit Federal power and to limit the Government than it is to go out and get every last criminal.

And, I think if you talked to James Madison or Thomas Jefferson or anybody else and said, "Here's your choice. You will either have 1 percent of the conversations in the United States being simultaneously overheard by the Federal Government, or you won't be able to catch a certain number of heinous criminals," I have no doubt how they would have drawn a balancing test, and I think they would tell you that the fourth amendment draws that test very clearly.

Mr. MCCOLLUM. We thank both of you for testifying today. And, I guess we got way off into a whole other subject matter that Mr. Barr got us onto, but it's a worthy subject matter, and I would suspect that we will hear more about this issue down the road in the not too distant future.

But, I want to thank both of you, as well as all of the other panelists today who came to talk about the militia question, about the real issue, which is violent anti-Government groups. And, we do have some out there. We obviously have a difference of opinion about how we need to be coping with them.

Thank you very much. This hearing is adjourned.

[Whereupon, at 3:34 p.m., the subcommittee adjourned.]

## APPENDIX

### MATERIAL SUBMITTED FOR THE HEARING

#### NATURE AND THREAT OF VIOLENT ANTI-GOVERNMENT GROUPS IN AMERICA

(By Rep. Peter T. King)

Mr. Chairman, I would like to commend you for holding this critical hearing on the so-called "citizen militia" movement. As the first Republican Member of Congress to call for hearings on this highly controversial issue, I am very pleased to have this opportunity to offer testimony.

I would like to submit for the record an article that I wrote for INSIGHT magazine which examines the threat posed to our society by the militia movement and the political implications of how we address that threat.

"Of all the issues I have been identified with since coming to Congress in 1993, none has triggered so vehement a response from those opposed to my position as my stand against the so-called citizen militia movement. The hate mail I have received since calling on the members of my party to repudiate this dangerous fringe element is of an intensity not even approached by those writing to take issue with my views on such controversial issues as abortion, making English the official national language, or my support for Irish nationalism.

"My pro-militia mail has ranged in content from barely legible, obscenity filled scrawls to carefully typed, grammatical and seemingly logical treatises detailing the 'New World Order' conspiracy. It is hard to say which type of communication is more disturbing. Some are vaguely threatening in nature. Some are clearly racist. And although I am a Roman Catholic of Irish extraction, more than one letter has contained anti-Semitic remarks directed at me. I have been singled-out for criticism in the media by a semi-literate syndicated columnist whose idea of wit is to write that I deserve a salute 'made with the middle finger.'

"I suppose that the paranoid mindset of the militia members and their hardcore supporters reflexively triggers an extreme reaction to any criticism of the movement. I've been treated to the whole panoply of sickening vile racism, ignorant, wrong-headed Constitutional interpretation, and crackpot conspiracy theories.

"The conspiracy theories revolving around plots to foist the sinister 'New World Order' upon the America people, are the common thread running among the various, disparate and anything but well-regulated militias. Anyone who denies the existence of the conspiracy must be part of the conspiracy.

"Disaffected groups and individuals on the far ends of the political spectrum are often overtaken by a deep-seated paranoia giving birth to wild conspiracy theories. Imagined conspiracies involving the federal government offer a very handy political excuse for why things may not be going one's way.

"Conspiracy theories have always held a special fascination for those with severely under-developed intellectual and emotional faculties. This preoccupation has been demonstrated by the far left in Oliver Stone's paranoid cinematic opus JFK; by the far right in countless convoluted accounts of the 'Bavarian Illuminati' and the threats posed by the Trilateral Commission; and by the none-of-the-above in H. Ross Perot's claims of the existence of a political dirty tricks operation to disrupt his daughter's wedding. The common link among these delusional fantasies is the complicity of the federal government in these nefarious plots. The government may often be inept and ineffectual, but to my belief, rarely, if ever, evil or conspiratorial.

"The members of the so-called militias have nothing to fear from the government—perhaps the only government in the history of the world that would permit their organizations to exist at all. They are not 'patriots'—they are pathetic individuals for whom the imagined existence of some nebulous conspiracy and the compulsion to dress-up and play 'army' on the weekends provide some sad meaning to their lives. While most may indeed be harmless eccentrics, those militia members who

threaten government and law enforcement officials with violence, are dangerous and should be treated accordingly.

"The political reaction to the militias has been somewhat puzzling. Most vocal critics of the militias have been liberal Democrats so closely identified with gun control legislation that their condemnation is of course viewed by the movement as proof of the conspiracy against them. To me, this is not a partisan issue—being opposed to heavily armed lunatics is a common sense position, not a political.

"What possible logical or political gain is there in appearing sympathetic to this radical movement? Why are a handful of politicians carrying water for these wackos? Why are hundreds more lending implicit support via their silence?

"The so-called citizens militia movement threatens the very fabric of a democratic society. Shouldn't we be concerned by scores of heavily-armed private armies being fueled by a steady diet of screwball conspiracy theories, heavily laced with xenophobic and racist elements? I think so.

"I also think that the failure of conservative Republicans to completely disassociate ourselves from these radical extremists threatens the very viability of our party. I say this as one who has been active in conservative politics since the Goldwater movement in the early 1960s. (Unlike some of my GOP contemporaries, I was never a Rockefeller Republican).

"The Democratic Party has yet to recover from its takeover by radical liberal elements in the late '60s. I believe the GOP faces similar long-term political damage unless we denounce the militias in no uncertain terms. Until we do that, the Republican Party runs the risk of marginalizing itself and being perceived as a party of lunatics.

"My stand against the militias is firmly rooted in conservative thought and tradition. A major test of a political movement is whether it can detect extremist fringes and then have the courage to shed them from its ranks. Barry Goldwater and National Review passed this test back in 1962 when they denounced the Minutemen (the militia movement of its day) and the John Birch Society. We can do no less in 1995.

"Historically, conservatives have stood with the police against the forces of disorder. While the police must be monitored and their abuses investigated, we support the police as the guardians of society. Alexander Hamilton stated the obvious when he said that governments in a democratic society must have the power to assert their laws by force. Similarly, when the police were under siege from the left in the 1960s, Bill Buckley said that 'policemen are the agents of civilization and humanity' and wished that 'the Weimar Republic had had more policemen.'

"What distinguished conservatives from the left—at least until the militia movement—was that conservatives considered the police abuses to be the exception rather than the rule. Just reflect on a few examples:

"In 1964 rioting erupted in New York City after a police lieutenant killed a black youth in Harlem. During days of rioting, black leaders cited many instances of police brutality which resulted in the creation of a Civilian Review Board in New York City. It was the New York State Conservative Party which led the successful fight to abolish that Review Board.

"In 1968, while acknowledging police excesses, conservatives supported Mayor Daley and the Chicago police in their street battles with the anti-war demonstrators at the Democratic National Convention.

"In 1970, conservatives stood with President Nixon during the anti-war demonstrations which followed the killing of unarmed student demonstrators at Kent State.

"In 1991, when the Los Angeles police attacked Rodney King, I know of no conservatives who urged blacks to arm and train themselves to fight the police.

"Why now are some conservatives so willing to turn the presumption against federal law enforcement agencies such as the FBI and the Bureau of Alcohol, Tobacco and Firearms (ATF)? Why was it wrong to call cops pigs in the '60s, but acceptable to call federal agents Nazis and jack-booted thugs in the '90s. If it is because gun owners are considered to have a status different from blacks and left-wing demonstrators, that would be unacceptable since principles are immutable and cannot be altered to suit the situation. Nor do I think it is valid to claim that the excesses of the FBI and ATF exceed those of law enforcement officials with whom conservatives have traditionally allied themselves.

"There is no doubt that the FBI and ATF made serious errors at Ruby Ridge and Waco. But that's what they were—errors—not a deliberate, orchestrated policy. It is also important to keep Waco in perspective and remember that, based on the evidence to date, David Koresh was a rapist and child molester who had an arsenal of illegal weapons and explosives; and that he was the one who incinerated the vast majority of those who died in the final siege.

"Nothing that happened at Waco and Ruby Ridge justifies citizens arming themselves for some eventual struggle with the government. That is not what we do in a democratic society where we have the means to control government abuses at the voting booth and through the courts. Militia supporters talk of the spirit of the Founding Fathers, but it was George Washington, the Father of our country, who denounced Shay's Militia and the Whiskey Rebellion as threats to republicans government.

"Any armed force with a political agenda in a democratic society is a threat to republican government. That is why I cannot understand those who say that militias are not threat to legitimate Government. Who is going to decide what is legitimate—the head of the Michigan Militia, or the commander of the Montana Militia or Mark from Michigan? Under our Constitution, legitimate power rests with the people through their elected officials, not through unselected, self-styled militia commanders.

"Very frankly, I find it threatening that arsenals of weapons and explosives are under the control of people who are obviously psychotic—people who talk of black helicopters, secret concentration campus, U.N. road signs and Russian troops in our midst. Or as National Review put it—paranoiacs who scramble their gun-toting friends at the first sighting of a U.S. military vehicle. I also think it is a political suicide to allow the conservative movement, which has such a long and rich intellectual tradition, to be identified with such wackos.

"In a recent editorial, National Review said, lapses on the Right should be criticized from the Right. Republicans have attained control of Congress. We have an unprecedented opportunity to implement conservative principles on such vital issues as growth economics, the restoration of traditional values, free trade, empowerment zones, tuition vouchers, restricting abortion, making English our official language and returning power to the states.

"It is because of my commitment to these principles and ideals that I believe that we Republicans have the duty to denounce the militias, and the paranoid and misguided thinking that sustains them.

"There is simply no place in a democratic society for private armies. The very implication of the use of force to back a political agenda has no place in our system. Elected officials from both major parties and from all political persuasions should realize this and join together to condemn this most un-American manifestation of armed politics. A difference of political opinion is not a reason to take up arms. While the militias have been linked with certain, legitimate political causes, there is absolutely no reason for politicians who hold similar political views to lend any credence to these extremists, either by open, direct support, or by the support implied by their silence.

"I have called for Congressional hearings into these potentially dangerous groups. I have also called upon my colleagues on both sides of the aisle to join with me in condemning the militia movement. The disturbed members of these private armies consider themselves to be descendants of the Minutemen who fought the British at Lexington and Concord, but their true antecedents are the brutal paramilitary street brawlers of Weimar Germany, who helped pave the way for Hitler's rise to power. I say we should take a very close look at them."

#### MILITIAS: A GROWING DANGER—AN AMERICAN JEWISH COMMITTEE BACKGROUND REPORT

(By Kenneth S. Stern)

(Kenneth S. Stern is program specialist on anti-Semitism and extremism for the American Jewish Committee.)

#### PREFACE

The American Jewish Committee, founded in 1906, is America's oldest human relations agency. It fights anti-Semitism and bigotry, promotes pluralism and intergroup relations, and seeks to protect America's democratic traditions.

We issue this background report on the militia movement now, in early April, 1995, with a sense of urgency. While this movement is not a clear and present danger to American Society, it is quickly spreading and has all the ingredients to lead to disaster: an ideological caldron of disaffection, hate, conspiracy and violence brewing a fast-growing grass-roots movement with documented ties to hate groups. Some people connected with this movement advocate killing government officials. They may attempt such an act.

This background report is compiled from press accounts, militia documents, postings on the Internet, and information from such groups as the Northwest Coalitions

Against Malicious Harassment, the Montana Human Rights Network, the Coalition for Human Dignity, the Environmental Working Group, and Political Research Associates.

All the information gathered to date suggests that the government and many in the press do not yet understand the seriousness with which this movement should be taken. It is AJ Committee's hope that this background and its attached documents will help wake up many.

#### INTRODUCTION

"Civil war could be coming, and with it the need to shoot Idaho legislators." So said Samuel Sherwood, leader of the Blackfoot, Idaho-based United States Militia Association on March 2, 1995, after meeting with Idaho Lt. Governor Butch Otter. Sherwood amplified his views in a conversation with the Associated Press on Friday, March 10, 1995. According to the AP, Sherwood believes that "some Idaho lawmakers may betray Idaho and cling to Washington, D.C., hence the need to shoot them, he said. 'Go up and look legislators in the face, because some day you may have to blow it off,' Sherwood said."<sup>1</sup>

In little over a year, since the coming to light of the Militias of Montana (MOM) in February, 1994, a well-armed,<sup>2</sup> and dangerous anti-government,<sup>3</sup> militia movement has been spreading with lightning pace across the country, "preparing for war with the government."<sup>4</sup> It is the common viewpoint of organizations and researchers who monitor this movement that militias have either direct or indirect connections with organized white supremacists<sup>5</sup> and are using new forms of communication<sup>6</sup> such as the Internet,<sup>7</sup> faxes, national shortwave radio, and video to share their information and warfare training exercises.<sup>8</sup> The militias constitute a new manifestation of violent hate-group activity that targets not only the traditional victims—racial and religious minorities—but even more so, government and government employees.<sup>9</sup> The first person murdered by a militia member may be a country clerk,<sup>10</sup> a postal worker, a deputy sheriff,<sup>11</sup> a tax collector,<sup>12</sup> an FBI agent or US Marshal,<sup>13</sup> a firefighter,<sup>14</sup> a forest service employee,<sup>15</sup> a FEMA worker,<sup>16</sup> an elected representative—in fact, any representative of government or anyone perceived as opposing the militia and, therefore, seen as doing "the work of government."<sup>17</sup>

Already judges have been threatened with death, as have state workers—and even a state legislator's seven-year old son.<sup>18</sup> "County workers have been instructed to dive under their desks with a telephone in hand if anyone storms [their offices]," reports the *Missoulian*.<sup>19</sup> According to one researcher, militia members on the Internet "at one point said they were going to march on Washington and arrest Congress at gun point,"<sup>20</sup> and, in fact, an alert was issued by a militia group calling not only for the arrest of members of Congress, but also their "trial for Treason by Citizen Courts."<sup>21</sup> "Blood will be spilled in the streets of America," says a militia leader. "It's inevitable."<sup>22</sup> According to the Arizona Republic "a militia group obtained the names and home addresses of all federal officers [in Mississippi], prompting U.S. agencies to post a nationwide alert."<sup>23</sup> According to the same article, "a [Tennessee] man, anticipating armed battle with a one-world government, amassed an arsenal . . . When local police pulled him over for drunk driving . . . he pulled a pistol and wounded two officers before one shot him in the head."

Some estimates suggest that there are now over 10,000 people connected with the militia movement, in over 30 states.<sup>24</sup> In just the last few weeks people associated with militias have:

(1) shot at police officers,<sup>25</sup>

(2) gathered to try to down a national guard helicopter,<sup>26</sup>

(3) been arrested in armed confrontations (one in an armed raid on a courthouse by people whose accomplices were waiting outside with assault rifles with bayonets, thousand of rounds of ammunition, radio equipment, plastic handcuffs, and \$80,000 in cash, gold and silver [as well as bogus \$3 bills with President Clinton's portrait]),<sup>27</sup> and

(4) calmly explained how they might need to kill government officials.<sup>28</sup>

Even after such acts, militia members apparently feel comfortable enough to have their meetings notices listed in local papers.<sup>29</sup> And, amazingly enough, a Montana mayor aligned with this movement recently declared his town a "freeman enclave" and then deposited \$20 million in bogus "freeman" money in a local bank.<sup>30</sup>

The threat of militia violence has also frightened citizens away from participating in the political process. A Montana newspaper reports that "[s]ome [Montana] residents, fearing for their safety, have stopped attending [land use and other community] meetings altogether, allowing a vocal minority to dictate public policy." Mike

Endnotes at end of article.



Murray, a county commissioner in Montana, says that “[w]e were recently advised by law enforcement authorities that it’s not wise to have our addresses listed in the phone book . . . Sadly, people who want to be involved in government are being discouraged from participating, so we’re losing the best and brightest we’ve got.”<sup>31</sup> A member of a California militia tells his audience, “If your board of supervisors tries to do something you don’t like, show up. They’re going to assume someone in the back has a rope.”<sup>32</sup>

Some militias also claim to have connections to local law enforcement<sup>33</sup> and military personnel,<sup>34</sup> and say they are training with heavy weaponry stolen from U.S. military installations.<sup>35</sup>

Because militias are a new and dangerous threat to law and order,<sup>36</sup> because they are organized around the country and are using the phone lines (the Internet, faxes) and the radio airwaves for organizing, it is imperative that this new movement not be viewed as a localized problem, but as a national one.

#### BACKGROUND

White supremacist and anti-Semite John Trochmann formed a militia in Montana (called “MOM” for “Militia of Montana”) in February, 1994. In less than a year these groups, directly or indirectly connected to the white supremacist movement, have cropped up around the country. Hundreds of people have attended meetings, even in small communities.<sup>37</sup> Many of these truck drivers, accountants, housewives, lawyers, farmers, doctors, loggers, and barbers are preparing to fight the government—with heavy arms<sup>38</sup>—because they believe their freedom is at stake.

Why? Because the government laid siege to the Branch Davidians at Waco. Because the government attacked Randy Weaver in Idaho. Because the United Nations is expanding its military role. Because of the Brady Bill. (“Gun control is for only one thing,” militia members say, “people control.”) Some speak of government plans to shepherd dissidents into 43 concentration camps (mysterious numbers on the back of road signs, some say, are for this purpose, or for providing information to invading troops<sup>39</sup>). Some claim that the government plans to murder more than three-quarters of the American people. Or that unmarked black helicopters are poised to attack them and sometimes threaten people by focusing lasers into their eyes; that Hong Kong policemen and Gurka troops are training in Montana wilderness in order to “take guns away from Americans,” on orders from the Clinton administration<sup>40</sup>; that UN equipment is being transported on huge trains and that Russian and German trucks are being shipped to attack Americans; that “international traffic symbols are used in America as a tool for foreign armies so they will be able to easily move through the country”;<sup>41</sup> that there is a plot to give the North Cascade range in Washington state to “the United Nations and the CIA”;<sup>42</sup> that urban street gangs, like the Bloods and Crips, are being trained as “shock troops” for the New World Order; that “Military troops are lining up [to invade] on the Canadian border;”<sup>43</sup> that “the federal government has implanted computer chips in government employees to monitor citizens;”<sup>44</sup> that “those who want to take over the world are changing the weather;”<sup>45</sup> that House Speaker Newt Gingrich is part of a “global conspiracy” to create a one-government New World Order,<sup>46</sup> that on a specific date the government is going to raid militias around the country.<sup>47</sup> Isolated kooks? They share their paranoia on the Internet. Type alt.conspiracy or talk.politics.guns.<sup>48</sup>

The researchers who track militias believe that anti-Semitism is the philosophical basis on which much of this movement rests (it claims that Jews and “international Jewish bankers” are behind a repressive “New World Order”<sup>49</sup>). The idea of ordinary people being victimized by secret government “conspiracies” reflects the tenor, if not the content, of the *Protocols of the Elders of Zion*.

Nonetheless the targets of the more extreme militia groups are not exclusively, or even primarily, Jews or other minorities. Environmentalists are also vilified.<sup>50</sup> But most despised are government officials. According to the Southern Poverty Law Center, a court clerk in California was pistol-whipped by militia members because she wouldn’t file one of their Posse Comitatus-like writs. According to the Rural Organizing Committee, elected officials on the local level have been forced, by armed militia members who pack their meetings to enact ordinances they know are illegal under threat of death. Some county officials have reportedly been intimidated into forgoing reelection, potentially leaving the field open to the white supremacists who are in the leadership of this movement in various places.<sup>51</sup> (A few local elected officials have supported the militias. State Senator Charlie Duke of Colorado said that U.S. Senator Hank Brown of Colorado is “owned” by Washington special interests. “I think [Brown] should be very careful when he comes back to the state. Most of Colorado is armed.”<sup>52</sup> Idaho Secretary of State Pete Cenerussa—at a meeting where

a militia leader told his audience that "there will be blood in the streets" if a judge issues an order restricting access to a forest—said that Idaho "was planning to confer legal status on the militia once it reaches 10,000 members."<sup>53</sup> On the other hand some local newspapers are starting to editorialize against politicians legitimizing the militia movement.<sup>54</sup>

Even though the quantity and quality of conspiracy theories and bigoted views may vary from militia to militia, they all share an anti-government animus. That paranoid animus—that the federal government is criminal and that militia members are protecting the Constitution—is not to be underestimated. One possible explanation for this new phenomenon is that, since the fall of the Soviet Union and the end of the Cold War, the anti-Soviet focus of the extreme right has been directed toward the American government. Jews are seen by many of the leaders of this movement—who share their ideology with new recruits who might have been attracted initially by issues like the Brady Bill—as the evil force behind government. And these militia members are not talking about change from the ballot box alone—many are enamored by the prospect of change through bullets, explosives, and heavy armaments. It is not unreasonable to surmise that this blend of anti-Semitic and anti-government paranoia and guns will result in tragedies.

#### LAW ENFORCEMENT

The attachments make the case that this is a dangerous movement with an ideology of contempt for government laws, including criminal laws. It is urgent that law enforcement agencies understand the threat and begin to share strategies and information. Militia activity is not provided for by the Second Amendment. Private militias are in violation of paramilitary training laws, state constitutional provisions that reserve the right to form a militia to the state, and possibly other provisions of state and federal law.<sup>55</sup>

#### CONCLUSION

In the words of Ken Toole, president of the Montana Human Rights Network, "We can't conduct public business in an atmosphere of fear."<sup>56</sup> Many articles in the appendix document that fear, as does an extraordinary Resolution of the Idaho legislature finding that "public statements threatening civil war and the infliction of bodily harm upon public officials are outside the realm of [First Amendment] rights."<sup>57</sup> On the grass-roots level across the country, the militia movement is harassing its opponents, threatening law enforcement officials, stockpiling weapons, and spreading paranoid rumors on the Internet. It is time that state and federal officials understand not only the danger of this movement, but also from a more parochial vantage point, that government employees across the country are going about their tasks while there are people planning just when to target them in their cross-hairs. And these are people who are prepared to shoot at the slimmest indication of government action—they may believe that the firefighter coming to put out the suspicious fire in their barn or the member of the Forest Service counting rainbow trout in a nearby creek are part of an invasion force.

Laws must be enforced, and, where not in place, enacted, to make organized armed citizens militias illegal. All people have a right to state their claims and organize in the marketplace of ideas; no one has the right to intimidate others with a choking atmosphere of fear, violence, and threat.

The separately printed Appendix to this document contains reports and articles showing the severity and immediacy of the problem. The appendices reflect information relating to militia activity in thirty-five states:

1. Idaho
2. Florida, Michigan, Pennsylvania, California, Montana
3. Pennsylvania, New Jersey
4. Oregon
5. Pennsylvania, Michigan, Ohio, Montana
6. Michigan, Wisconsin
7. Montana
8. Idaho, Montana
9. Michigan
10. Idaho, Montana, Michigan, Florida, California, Maine
11. Michigan, Florida, Montana, Washington
12. Michigan, Maine, Montana, Florida, Texas, California
13. Michigan, Florida, Washington, Montana
14. Michigan, Montana, Florida
15. New Mexico
16. California, Michigan, Montana

17. Ohio
18. Indiana
19. Florida, Montana, Michigan, Idaho
20. Idaho, Montana, Utah
21. Montana
22. Michigan, Florida, Colorado, Pennsylvania, Montana, California
23. Michigan, Washington, Montana, Idaho
24. Michigan, Washington, Montana
25. Colorado
26. Indiana, Montana
27. Montana
28. Texas
31. Montana
32. Washington, Idaho
33. Utah, Idaho
34. Nevada, Idaho
35. Canada, Idaho
36. Utah, Idaho
37. Michigan
38. Michigan, California
39. Texas, Michigan
40. Indiana
41. Indiana, Michigan, Florida, Virginia
42. Indiana
43. Texas, Michigan, Oklahoma, New Mexico, Indiana
44. Michigan, Texas, Idaho
45. Michigan, Florida, Washington
46. Michigan
47. Washington, Idaho
48. Arizona, Washington, Michigan, California, New Mexico
49. Michigan
50. Michigan
51. Florida, Michigan
52. Michigan
53. Michigan, North Carolina
54. Idaho
55. Idaho
56. Utah, Idaho, Michigan, Oregon, Nevada
57. Idaho
58. Idaho, Utah, Michigan, Oregon, Nevada
59. California, Arizona, Colorado, Florida, Idaho, Indiana, Michigan, Missouri, Montana, New Hampshire, New Mexico, North Carolina, Ohio, Virginia
60. Canada, Idaho, Montana, Washington
61. Montana
62. Idaho, Montana, Utah, North Carolina
63. Arizona, Florida, Montana
64. Montana
65. Virginia, Colorado, Montana, Wyoming
66. Arizona, Michigan, Montana, Colorado, Florida, Tennessee, Mississippi
67. Montana, California, Utah, Arizona, New Mexico
68. Indiana, Montana, Michigan, Florida, Texas, Arizona, California, Nevada, Colorado, Ohio, Virginia, Idaho, New Mexico, South Dakota, Missouri, Arkansas, Tennessee, Alabama, Georgia, Wisconsin, North Carolina, Virginia, New York, New Hampshire
69. California, Montana
70. Colorado
71. Colorado, Montana
72. New York, California, Montana
73. California
74. Florida, Texas, Montana, Wisconsin
75. Montana
76. Montana
77. Montana
78. Washington, California, Idaho, Montana
79. Montana, Washington
80. Pennsylvania, Montana
81. Montana
82. Idaho, Montana

83. Montana
84. Washington, Montana
85. Texas, Montana, Delaware, Pennsylvania, Virginia, West Virginia, Michigan, Colorado, Virginia
86. Utah, Montana
87. Utah, Idaho
88. national
89. national, Texas, New Hampshire
90. national, Texas
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92. national, Texas
93. national
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95. national
96. Idaho
97. Texas, Michigan, Idaho
98. Washington, Montana
99. New Mexico, Montana
100. Colorado
101. national
102. national, Indiana
103. national
104. Tennessee, national
105. Montana, Idaho
106. New Hampshire
107. California
108. California
109. Pennsylvania, Michigan
110. Montana
111. Montana
112. Montana
113. Montana, Washington, Idaho
114. Montana, Idaho, Washington
115. Idaho
116. Montana
117. Arizona
118. Montana
119. Montana
120. Montana
121. Montana, Idaho
122. Montana, Idaho
123. Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Indiana, Maryland, Michigan, Missouri, Montana, New Mexico, Nevada, New York, North Carolina, Ohio, South Dakota, Tennessee, Texas, West Virginia, Wisconsin
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## ENDNOTES

<sup>1</sup>See Appendix 1. AP story, "Militia Leader says Violence, Civil War Possible"; also Kamen, Al, "Travel Agency," Washington Post, March 15, 1995. See also Appendix 96.

<sup>2</sup>See Appendix 2, excerpt from March 1995 Esquire, in which Trochmann, a militia leader, admits owning .50-caliber weapons which will "down helicopters . . . [and] stop armored personnel carrier[s]," and hints that he has even more powerful weapons. p. 82. Re helicopters, see also Appendix 25. See also Appendix 43, in which the Sunday Telegraph reports that on "a division-sized [militia] network in north Texas, Oklahoma and New Mexico that includes serving officers of the US military . . . Weaponry has been leaking like a sieve from US armouries. The clandestine division has conducted exercises in West Texas using mortars and grenade launchers." See also Appendix 52, re a militia member arrested with "three loaded assault rifles, several handguns, 700 armor-piercing bullets, knives, gas masks, night-vision equipment, a two-way radio, and notes about police activities." See also Appendix 54, in which an Idaho militia leader says he "sees no threat from a militia unit owning tanks and artillery." See also Appendix 103, in which the militia's desired state of arms is described as "equal to anything we might be opposed by."

<sup>3</sup>Almost all militia-produced material is vehemently anti-federal government. In the attached appendix, see articles referenced in bold, for example, Appendix 104, an article entitled "U.S. Government Initiates Open Warfare Against American People." See also, for example, Appendix 110, a reprint of material from the Militia of Montana.

<sup>4</sup>Appendix 25, quoting Trochmann, p. 82. Also see Appendix 46, quoting militia member saying "[B]ullets might be as valuable as gold and silver one day."

<sup>5</sup>For example, see Appendix 120, about an organizer for the Militia of Montana distributing anti-Semitic Christian Identity literature. People who are part of the white supremacist and militia movements travel to help organize other militia groups around the country. For example, see Appendix 97, announcing a Dallas "Preparedness Expo" during which several people associated with militias and/or white supremacist groups (such as Bo Gritz) are scheduled speakers. See also white supremacist literature at Appendices 115, 116. (And see also Appendices 98 and 109.)

<sup>6</sup>Paranoid of government infiltration, some militia documents suggest "countermeasures" as well as "words you should stay away from when talking openly in public or on the phone." These include: "ammunition," "assault," "attack," "body armor," "bullet(s)," "carbine," "explosives," "gun," "kevlar," "machine gun," "mini 14," "rifle," and "sniper/sniping." See Appendix 101.

<sup>7</sup>See Appendix 42. Also Appendix 88, an internet posting of "How to Activate the Constitutional Militia in Your Area." And Appendices 89-94, 97.

<sup>8</sup>See, for example, Appendices 67, 88-92.

<sup>9</sup>Some militia groups also are arming to combat abortion rights. See, for example, Appendices 11, 25 and 74, suggesting that alleged murder suspect John Salvi, who killed abortion clinic workers, had connections to the militia movement.

<sup>10</sup>See Appendix 64, reporting that a militia member "has given warning to Ravalli County authorities, threatening to seize the courthouse." See also Appendix 81, on emergency ordinance banning weapons from courthouse after militia members arrested.

<sup>11</sup>"Law enforcement at every level, federal, state and local, is out of control and civilian militias are a natural response to that threat," says a man writing to USA Today in support of militias. See Appendix 38.

<sup>12</sup>See Appendix 27. Update from Montana Human Rights Network. Red Beckman, a leader in the Montana Militia movement, is quoted during his testimony before the Montana legislature in support of HB 160. He termed the IRS a "terrorist organization."

<sup>13</sup>See Appendix 27. Update from Human Rights Network. Red Beckman, a leader in the Montana Militia movement, is quoted during his testimony before the Montana legislature in support of HB 160. "The bill, sponsored by Aubyn Curtiss (R-Fortine), would require federal agents to get written permission from the county sheriff before making searches, seizures, or arrests in the county. Failure to do so would result in kidnap, trespass, or theft charges against the federal agent."

<sup>14</sup>"If troops invade this valley, he [Trochmann] believes they'll come disguised as firefighters." Appendix 25, p. 81.

<sup>15</sup>See Appendix 15: "The depth of that feeling ['We're willing to fight . . .'] has made life uncomfortable for U.S. Forest Service rangers and other federal agents whose job is to enforce federal regulations in the Gila National Forest." See also: Kenworthy, Tom. "Dueling with the Forest Service," Washington Post National Weekly Edition, Feb. 27-March 5, 1995, p. 31; "Wolves and Guns in Idaho Forests," Western Lands Gopher Service, March 8, 1995; Tavi, RT, "Visions of Blood and Fishes Swim in Political Circles," Western Lands Gopher Service, March 4, 1995; Sebelius, Steve, Article of Aug. 24, 1994 from Las Vegas Sun; and see Appendix 95: memo and contact cards issued to Forest Service employees, outlining procedures if they should be detained. And see Appendix 96 quoting militia leader telling followers that if a federal judge issues an injunction interfering with logging in a forest "there will be blood in the streets . . . get a semi-automatic assault rifle and a revolver and a uniform."

<sup>16</sup>"[S]ome supporters of the movement worry . . . that the government—operating under a secret scheme drawn up by the Federal Emergency Management Agency—is poised to imple-

ment martial law . . . [All militias] agree on one fundamental principle: The US government can no longer be trusted to defend and protect the Constitution." Appendix 59.

<sup>17</sup>"The underground militia runs surveillance on its targets, often politicians and government employees. They say they also track columnists, gun control lobbyists and anyone who could restrict their constitutional rights." Baca, Stacey, "Secrecy the Key to Militias," Denver Post, Jan. 23, 1995, p. A-1. See Appendix 70.

<sup>18</sup>See Appendix 120.

<sup>19</sup>See Appendices 26 and 120. See Also: Press-released Dec. 30, 1994 letter from North American Militia to Judge Jeff Langton stating, in part, "When you violate your Oath of Office you become renegade to the Constitution and guilty of treason. I am sure you know what the penalty is for treason." Judge Kenneth Wilson was also threatened with violence. See also Appendices 75 and 82, in which City Judge Marty Bethel recounts how she was sent "a 28-page document saying she would face trial in [the militia's] common-law court if she didn't dismiss a traffic violation against one militia member. 'Terrorism is what it is,' she said. 'I hope someone takes this seriously, before blood is shed.'" See also Appendices 75, 111 and 113.

<sup>20</sup>See Appendix 42.

<sup>21</sup>See Appendix 102.

<sup>22</sup>See Appendix 66 .

<sup>23</sup>See Appendix 66.

<sup>24</sup>See Justice, Glen, "Today's militia units fighting made at U.S., Philadelphia Inquirer, Jan. 1, 1995, Appendix 3. See also Appendix 69, claiming 10,000 members in all 50 states.

<sup>25</sup>Appendix 4.

<sup>26</sup>Appendix 5, See also Appendix 2, in which Trochmann is quoted as saying that he reads The Ultimate Sniper at bedtime, which has material on "how to shoot down choppers . . ." Also Appendix 82 and Appendix 118.

<sup>27</sup>See Appendices 61, 76, 112.

<sup>28</sup>See Appendix 1.

<sup>29</sup>See Appendix 32, "Militia Group to Meet," The Columbian, March 14, 1995.

<sup>30</sup>See Appendices 77 and 82.

<sup>31</sup>See Appendix 67, Sahagun, Louis, "A Wave of District in the West," Los Angeles Times, Feb. 3, 1995.

<sup>32</sup>See Appendix 117, literature distributed at Missouri militia meeting.

<sup>33</sup>See Appendix 73, Bridge, Catherine, "War Predicted at Militia Rally," Sacramento Bee, Jan. 19, 1995, p. N1. See also Appendix 98, which recounts a member of the Audobon Society being threatened with a noose at a public hearing.

<sup>34</sup>See Appendix 48.

<sup>35</sup>See Appendix 43.

<sup>36</sup>See Appendix 65, Reporting on federal firearms charges against Virginia militia members.

<sup>37</sup>According to the Montana Human Rights Network, eight hundred showed up in Kalispell, Montana, 300 in Spokane, Washington, more than 300 in Big Timber, Montana.

<sup>38</sup>See footnote 2, supra.

<sup>39</sup>See Appendix 48.

<sup>40</sup>See Appendices 21, 22, 55, 57, 67. According to the Los Angeles Times (Appendix 67), "[t]he provision in question was sponsored by Sen. William V. Roth Jr. (R-De) and never made it into the final [crime] bill. It was, in fact, only a personal to hire Royal Hong Kong police to help fight the spread of Asian organized crime activity in the United States . . ."

<sup>41</sup>See Appendix 23, See also Appendix 117.

<sup>42</sup>See Appendix 84.

<sup>43</sup>See Appendix 48.

<sup>44</sup>See Appendix 62.

<sup>45</sup>See Appendix 71.

<sup>46</sup>See Appendix 84.

<sup>47</sup>See Appendix 86, detailing the background of a hoax of such a raid supposedly designed for March 25, 1995.

<sup>48</sup>A question about a militia post even came up during a television program with House Speaker Newt Gingrich. See Appendix 63.

<sup>49</sup>See Appendix 44. See also Appendix 108, re anti-Semitic literature distributed at meetings.

<sup>50</sup>See, for example, Appendix 111. Also see Appendix 98, regarding threat with noose to member of Audobon Society at public hearing.

<sup>51</sup>See Appendix 25. See also Appendix 67, noting the election of Harry Martin, associated with the militia movement, to the Napa, California City Council.

<sup>52</sup>See Appendix 96.

<sup>53</sup>Regarding the question of legality of militias see, for example, Henigan, Dennis A., "Arms, Anarchy and the Second Amendment," Valparaiso University Law Review, Vol. 26:1, Fall, 1991, p. 107.

<sup>54</sup>See Appendices 62, 114 and 122.

<sup>55</sup>See Appendix 85.

<sup>56</sup>See Appendix 119.

<sup>57</sup>See Appendix 124.



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**Fact Finding Report**

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**BEYOND THE  
BOMBING:  
The Militia Menace Grows**

*An Update of Armed & Dangerous*

**Anti-Defamation League  
1995**



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## INTRODUCTION

A new national survey by the Anti-Defamation League offers disturbing evidence that the militia movement has continued to grow since the Oklahoma City bombing. The pattern is not uniform, but militia gains plainly appear to outweigh losses -- contrary to the widespread expectation that public shock and revulsion at the bombing might prompt the militias to disband. The ADL survey also found that many hard-core militiamen believe that the United States Government itself conducted the bombing to create an excuse for further depriving citizens of their constitutional rights.

In October 1994 the ADL issued a Fact-Finding Report titled *Armed & Dangerous: Militias Take Aim at the Federal Government*, detailing militia activity in 13 states. The report sought to alert the American public and the law enforcement community to the danger posed by these extremists, many of whom were engaging in paramilitary training while spreading an incendiary anti-federal government message laced with conspiracy theories and, in some places, anti-Semitism.

Six months later, the militia movement came under intense national scrutiny after the deadly April 19, 1995, bombing of the Federal Building in Oklahoma City, when it was reported that two suspects in the bombing, Timothy McVeigh and Terry Nichols, had attended some militia meetings in Michigan. In addition, prosecutors have charged that McVeigh was motivated to commit the bombing out of anger at the federal government for its handling of the Branch Davidian confrontation in Waco, Texas -- an issue that has been one of the chief rallying cries of the militia movement.

### **A Growing Movement**

Continued monitoring by ADL in the months after publication of the October 1994 report reveals that the militia movement has grown -- with some of the growth taking place after the Oklahoma City bombing. In this new survey, conducted through ADL's regional offices and completed six weeks after the bombing, militias have been found to be operating in at least 40 states, with membership reaching some 15,000. A continued flow of information indicates that these numbers could rise still higher. While these findings are not a definitive indication of the militias' future prospects, they do point to the need for ongoing close attention to this movement.

In California, more than 30 militias are presently operating, apparently having benefitted from the large amount of publicity the movement has received in recent weeks. Other states in which militia activity has increased are Michigan, Georgia, Alabama, New Hampshire, Missouri and Arizona. In a few states -- Ohio, Indiana and Colorado, for example -- activity has declined since the bombing. For some groups, such as the Northwest Oregon Regional Militia, a factor in their decline has been the belief that the government, having engineered the blast, is now poised to take extreme measures to destroy the militia movement.

Since the militias are mainly located in rural and small town communities, the burden of monitoring them falls largely on state and local law enforcement agencies. In the course of the current ADL survey, it became evident that many of these agencies -- in large measure for lack of adequate investigative resources -- have not yet managed to rise to this task. That job will be made even more difficult if, as some militia strategists are counseling, the groups adopt a strategy of organizing into small units designed to be less susceptible to detection, monitoring and infiltration by law enforcement. This approach echoes a strategic concept known as "leaderless resistance" that has been promoted in recent years by several far-right figures, including Tom Metzger of Fallbrook, California, who leads the White Aryan Resistance, and Louis Beam, a former Texas KKK Grand Dragon who has been "Ambassador-At-Large" of the Idaho-based Aryan Nations.

#### **Weapons and Conspiracy Fantasies**

The most ominous aspect of the militias' program is the conviction, openly expressed by many of them, that an impending armed conflict with the federal government necessitates paramilitary training and the stockpiling of weapons in preparation for that day of reckoning. According to the militias' conspiracy view, the federal authorities are enacting gun control legislation in order to make it impossible for the people to resist the imposition of a tyrannical regime or a "one-world" dictatorship. Many militia supporters believe that the conspiracy involves not only federal authorities, but also the United Nations, foreign troops and other sinister forces.

Sometimes mentioned among these sinister forces are Jews. ADL's first report on militias noted that a number of militia figures have histories of bigotry. The current survey confirms that some militia propaganda continues to exhibit an anti-Semitic strain that could well become more pervasive among militia groups as a result of the movement's obsessive conspiracy-mongering.



In this connection, the role of America's leading anti-Semitic organization, Liberty Lobby, and its weekly publication, *The Spotlight*, merit attention. In April 1995, ADL revealed that one of the Oklahoma City bombing suspects, Timothy McVeigh, advertised for sale in *The Spotlight* a military-style rocket launcher. On May 28, *The New York Times* reported that Terry Nichols, the other bombing suspect, and his brother James were readers of *The Spotlight*. Many of the conspiracy fantasies fueling the militias were promoted heavily in a September 1994 eight-page supplement of *The Spotlight*. The supplement, widely distributed among militiamen, intoned: "Is America on the verge of war? Is a 'national emergency' about to be declared and America placed under martial law? Is America on the brink of occupation by military troops under United Nations control?" In addition, the Militia of Montana has been promoting for sale in its catalog a comprehensive bomb-making manual entitled *The Road Back*, which was produced by Liberty Lobby's publishing arm, Noontide Press. The catalog describes the book as "a plan for the restoration of freedom when our country has been taken over by its enemies."

### **Spreading Their Message**

The militia movement's continued growth is due -- at least partly -- to an effective communications network. Militia organizers have promoted their ideology not only at militia meetings, but also at gun shows, "patriot" rallies and gatherings of various groups with anti-government "grievances." Some militia firebrands reach their audience through mail-order videotapes and through computer bulletin boards and the Internet. Exploiting yet another medium, the pro-militia American Patriot Fax Network disseminates material from well-known hate group figures and conspiracy theorists, including some who proclaim that the government orchestrated the Oklahoma City bombing.

Of course, the fact that the men charged with the Oklahoma City bombing have had some association with one militia group does not make the entire movement responsible for the crime. But even if no further connection is established between the bombing and the militias, it should be clear by now that these extremists, particularly those engaged in paramilitary training, present a serious danger. The formula they have concocted -- belief in menacing conspiracies, hatred of the government, and the conviction that an armed showdown is coming -- is a prescription for disaster.


For these reasons, the Anti-Defamation League urges the vigorous enforcement by the states of existing statutes outlawing specific types of paramilitary training. Many of these

measures, currently on the books of 24 states, were patterned after a model bill formulated by ADL (see ADL's recent Law Report, *The ADL Anti-Paramilitary Training Statute: A Response To Domestic Terrorism*). The League has written to the governors of the remaining 26 states, urging them to work with their legislatures to adopt such a statute. In addition, ADL has called for federal legislation to address the terrorist threat associated with both international and domestic extremism. We are encouraged at the rapid progress that appears to be taking place on a bipartisan basis toward the adoption of a comprehensive anti-terrorism bill.

The following is a state-by-state summary of militia activity, supplementing the information contained in our October 1994 report, *Armed & Dangerous*.



## MILITIA ACTIVITY IN THE UNITED STATES

Number of  indicates level of activity in 40 states with known Militia groups.

© Anti-Defamation League, June 1995.

**ALABAMA**

Alabama has a small, but steadily growing, militia movement. Its most active groups, which appear to be in regular contact with one another, are the Gadsden Minutemen of Etowah County and the Montgomery County-based Sons of Liberty. The Gadsden Minutemen, led by Mike Kemp and Jeff Randall, publish a regular newsletter and meet periodically to practice battle skills and hand-to-hand combat techniques.

The Sons of Liberty is a small group with a deliberately low profile. The organization's manual advises members to "keep the group size down. If you've got more than 10-12 spin off another group." Followers are also warned not to "keep all your eggs in one basket. If you have more than one rifle, keep it in a hideaway spot." Finally, the handbook counsels, "Don't lose sight of our objective.... Don't fire unless fired upon, but if they [federal officials] mean to have a war let it begin here."

**ALASKA**

Small militias have formed in Alaska. Despite their modest size, the groups have caused concern among observers. An Anchorage attorney and board member of the National Rifle Association has called some of the militias "extremely dangerous."

Alaskan militias are connected to the national militia movement via computers. The electronic bulletin board services "AmeriKa" and "Back Woods," based in Anchorage, provide users with conspiracy literature -- including articles by Linda Thompson (see **Indiana**) and on topics ranging from "NATO and U.S. Join Together For Total Civilian Disarmament" to "Why the British Had To Kill Abraham Lincoln." The bulletin board services also act as forums for users to lambast the purportedly encroaching powers of the federal government.

**ARIZONA**

A number of militia supporters and anti-federal government advocates hail from Arizona. William Cooper of St. Johns has broadcast a nightly shortwave radio program, "Hour of the Time," promoting militias and "New World Order" conspiracy theories. Gerald "Jack"

McLamb, a former Phoenix policeman and founder of Police Against the New World Order, aims to convince law enforcement officials of a plot to create a one-world government. McLamb targets a law enforcement audience with his conspiracy tract, *Operation Vampire Killer 2000*, and a newsletter, *Aid & Abet*, co-produced with Mesa police officer Rick Dalton. Another lawman, Graham County Sheriff Richard Mack, has spoken at "patriot" gatherings about his successful suit against the U.S. Government to avoid enforcement of the Brady Law in his county, an action that has earned him the admiration of militiamen nationwide.

Actual militia organizing in the state has occurred in the areas of Phoenix, Prescott, Payson, Snowflake, Kingman, Pinedale and the Four Corners, with some continued growth since the Oklahoma City bombing.

In April 1995, two men from Snowflake with reported ties to a militia were charged with illegal conspiracy to manufacture, possess and sell 20 grenades to a federal undercover agent. Kenneth Zesk, 40, and Danny Fite, 26, reportedly said that their group was arming itself for a confrontation with the federal government. The charges are pending.

On May 23, 1995, Stephen Gehring, a Mesa attorney and reputed leader of the Payson-based Militia of Arizona, was charged with fraudulent schemes and hindering prosecution, stemming from an alleged attempt to pass bogus money orders. Gehring is accused of trying to use the notes to pay off a property tax bill and to post bail for another reported militiaman, Ricki John Lawhon.

## ARKANSAS

Militia organizing in Arkansas remains embryonic with one to three groups in the northwest region of the state. The groups are not known to engage in paramilitary training.

In Fayetteville, archery equipment producer Wayne Fincher of Elkins has organized the Militia of Washington County.

## CALIFORNIA

California's militia movement has been growing rapidly, with approximately 35 units throughout the state. The locations of these groups range from urban centers to small towns, and extend from the state's northern to southern borders. Counties in which militias have been active include: Los Angeles, Orange, San Bernardino, San Diego, Kern, Placer, Alameda, Marin, Santa Clara, Shasta, San Joaquin, Stanislaus, El Dorado, Tulare, Sonoma, Mendocino, Butte, Tuolumne and Tehama.

This widespread activity has been encouraged on public access television and radio. "The Informed Citizen," a television program broadcast on Redding's public access channel, Michael Zwerling's radio talk show on KSCO in Santa Cruz, and "Truth Radio" KDNO in Delano, all promote militias.

Dean Compton, 33, a resident of rural Shasta County, has founded the National Alliance of Christian Militias in response to the perceived threat of an impending "New World Order." The group, whose members are armed, reportedly blends Biblical teachings and survivalism. Training sessions are conducted on Compton's 130-acre ranch.

**Visiting Activists**

Far-right organizer and former Green Beret Bo Gritz (see **Idaho**) has promoted his SPIKE program (Specially Prepared Individuals for Key Events -- a paramilitary survivalist training course) in California. Gritz conducted a SPIKE session and gave a speech in Butte County in February 1995, at which time the Butte County Militia was forming. On that visit, Gritz reportedly said that Americans might finally be awakening to the threats he sees: "Who would have ever thought," he was quoted as saying, "these militias would spring up everywhere?" Gritz also encouraged the formation of militias in a March 1995 speech in Glendale.

Over the past year, Mark Koernke ("Mark from Michigan") has spoken around the state as well. In August 1994, Koernke appeared in Concord, where he reportedly described a future takeover of the U.S. by foreign "New World Order" troops and claimed that the Federal Emergency Management Agency (FEMA) will establish concentration camps for American citizens. "The solution," he said, "is militias. It looks like we're going to pull the trigger. We eventually will. No doubt about that." In August and September 1994, Koernke also spoke to

audiences in Kern County, and in May 1995, he addressed 600 people at a "Taking America Back" conference in Palm Springs. The organizer of the event, Tom Johns, claims to be the "intelligence officer" for the Morongo Valley Militia.

Bob Fletcher of the Militia of Montana addressed a San Fernando Valley group called the Granada Forum in Tarzana in March 1995. The group, which gathers regularly to discuss "patriot" issues, has also heard speeches by longtime anti-Semite Eustace Mullins and California State Senator Don Rogers, who has proposed a resolution objecting to any U.S. assistance in the formation of a "global government" and the "merger of the United States" into such a world government.

## COLORADO

Sources indicate that militia organizing in Colorado has been frozen in the aftermath of the April 19 bombing of the Oklahoma City Federal Building. Meetings have been put on hold, though it does not appear that the groups have disbanded.

Despite this development, anti-federal government and conspiracy-oriented tirades continue to be phoned in by listeners to radio station KHNC in Johnstown, which broadcasts a steady stream of "patriot" programs. In recent weeks some callers have expressed the view, held by many militia supporters, that the government itself carried out the Oklahoma City blast.

Another important vehicle for pro-militia activism in Colorado is *The USA Patriot Magazine*, edited by D. A. Weideman and published monthly by the USA Patriot Network in Johnstown. The periodical, whose cover price is "4 FRNs" (Federal Reserve Notes), contains a "Telephone & Address Book" listing dozens of contacts. Among them are *The Free American*, a pro-militia periodical from New Mexico; Militia Supply, identified as a "Patriot Hardware" outlet with a catalog and a toll-free phone number; Mark Koernke (listed as "Mark from Michigan"), whose speeches and videotapes have encouraged militia organizing throughout the country; and Bob Fletcher, of the Militia of Montana.

Fletcher has traveled to Colorado on behalf of his militia. In a January 1995 speech in Fort Collins, he instructed fledgling militiamen that "you better damn well learn how to use a gun if you don't know how to use one now."

Prior to the Oklahoma bombing, militias had organized in Larimer and Weld Counties near the Wyoming border, in counties around Denver, in Park County west of Colorado Springs, and in the southern region of the state.

#### **Charles Duke**

Colorado's militia movement has been publicly defended by State Senator Charles Duke, who has reportedly said that "the few militia people I know practice a policy of nonviolence, ... not altogether too different from a Boy Scout kind of idea." Following the Oklahoma City bombing, a *Denver Post* columnist reported that Duke raised the possibility of a government role in the bombing: "They're certainly capable of it. Look what they did to Waco. There's many people around the country who believe they did it.... Is it unreasonable to see the continuation of a pattern here?"

### **DELAWARE**

The Delaware Regional Citizens Militia, located in the central part of the state, began organizing in the early months of 1995. Leader Andrew Brown has claimed that membership in the group is so secretive he would identify "only seven or so, even if you tortured me."

Brown has joined the chorus of militia leaders attributing the Oklahoma City bombing of April 19, 1995, to the federal government. "The government is behind this one," he has said. "I'm telling you, the government perpetrated that bomb. There's going to be more bombings, but it's not us, man. It's not us."

### **FLORIDA**

Militias and their "patriot" supporters are operating throughout Florida in the following counties: Alachua, Duval, Clay, St. Johns, Marion, Orange, Brevard, Highlands, St. Lucie, Martin, Volusia, Indian River, Okeechobee, Pinellas, Sarasota, Pasco, Polk, Hillsborough,



Palm Beach and Monroe. Robert Gene Pummer, formerly of Martin County and once the key organizer of the Florida State Militia, has moved to Mayfield, Kentucky.

On December 3, 1994, outside Melbourne, a collection of anti-government activists and militia groups organized a "Patriot Alert Rally." Martin "Red" Beckman, a tax protestor from Montana, told the gathering, "They lied to us about Pearl Harbor and Vietnam and Korea and the energy crisis and the Kennedy assassination. We don't want to have to go to the militia if we can help it. But if we don't have truth in this country, part of the judgment that's going to come on this country is going to come from the militia."

Literature for sale at the rally included copies of *The New Federalist* (a publication of political extremist Lyndon LaRouche), *The Spotlight* (the organ of the anti-Semitic Liberty Lobby), literature from the St. Lucie-based Florida State Militia, 2nd Regiment, and a handbill from the Brevard County Militia proclaiming: "Wake-up America, Your country is being taken over bit-by-bit. Join Your fellow PATRIOTS to STOP this MOVEMENT."

The same month, the Gainesville City Hall briefly flew a United Nations flag. Members of militias from around the state and the nation, including then-Michigan Militia leader Norman Olson, issued a flood of complaints and threats to the city and local business leaders. The flag was removed. Gainesville's city manager stated, "The city commission meeting that we had regarding the U.N. flag was probably the meeting at which I felt more personal fear than any other public meeting I've ever attended in 20 years."

#### **On the airwaves**

In Pensacola, militias are promoted by Chuck Baldwin, the pastor of Crossroads Baptist Church. Baldwin hosts a radio show on the Christian Patriot Network and invites listeners to call in: "We're talking about citizens' militias, federal government's encroachment on individual rights, New World Order, United Nations, gun control, it's all related." Militias are also promoted on the public access channel in Alachua County, which airs a pro-militia video produced by the North Florida Patriot Association.

## GEORGIA

Frank Smith, an Air Force veteran and retired tool-and-die maker, claims to lead the Georgia Militia. Days after the April 19 bombing of Oklahoma City's Federal Building, Smith echoed the sentiments of militia leaders across the country by blaming the U.S. Government for the blast. Speaking on the CNN television program "Talkback Live," Smith said the government was "trying to get the militia movement to come out and fight. We expected them to do something drastic. We didn't expect it to be that drastic."

In March 1995, the Voice of Liberty Patriots, a group led by Rick Tyler of Epworth, held a conference in Atlanta featuring state and county rights advocates -- including Colorado State Senator Charles Duke and California State Senator Don Rogers -- as well as conspiracy theorists. Several in attendance sported "Georgia Militia" T-shirts reading "Don't Tread On Me." Literature offered for sale at the rally included the anti-Semitic Liberty Lobby's *Spotlight* tabloid.

Tyler also directs a so-called constitutionalist, anti-tax group known as the Georgia Taxpayers Association, and co-hosts "Voice of Liberty," a daily shortwave radio program. Soon after the Oklahoma City bombing, "Voice of Liberty" listeners were told that the disaster was being used by the government as an excuse "to put across their agenda of establishing a police state.... They are ruthless, they are cunning, they are cutthroat, and furthermore, we are their target."

Another organization, known as Citizens for a Constitutional Georgia, meets weekly at an Atlanta hotel. Materials available for sale at the meetings have included pro-gun literature, but also *The Protocols of the Elders of Zion* and *The Spotlight*. The group has sponsored local appearances by well-known militia activists Mark Koernke (see **Michigan**) and Marietta native Linda Thompson (see **Indiana**). The latter gave a speech at the Cobb County Civic Center that was attended by some 800 people.

A militia group in north Georgia conducts paramilitary maneuvers on a 38-acre tract in Hall County, northeast of Atlanta.

**IDAHO**

In recent months, Idaho's militia movement has attempted to achieve mainstream acceptance. Carefully toning down his group's rhetoric, militia leader Samuel Sherwood, of the Blackfoot-based United States Militia Association (USMA), has told Idaho lawmakers that his organization is working for change within the political system. On other occasions, however, Sherwood has derided the state's government and has seemed to encourage violence against its representatives.

Sherwood has exploited local dissatisfaction with federal environmental policy to boost his recruiting efforts. In January 1995, a federal judge issued an order prohibiting mining, logging and ranching in five National Forests in Idaho to protect endangered salmon in the area. The move threatened the livelihoods of many Idahoans including residents of the small town of Challis. Sherwood, plying the fears and anger of the community, reportedly encouraged Challis residents to join his militia to fight such federal restrictions and declared:

We're ready to look the federal government in the eye. We want a bloodless revolution, but if the bureaucrats won't listen we'll give them a civil war to think about. All it's going to take, is this crazy judge to close down central Idaho and there'll be blood in the streets.

**Threat to Legislators**

Sherwood issued another menacing threat in March. After meeting with Idaho Lieutenant Governor Butch Otter, Sherwood complained that some Idaho politicians ignored the interests of state citizens in favor of a federal agenda. His advice to followers, widely reported, was: "Go up and look legislators in the face, because some day you may have to blow it off."

Sherwood has claimed that state militia members helped Republican Anne Fox win election last November as Idaho Superintendent of Education. According to the Associated Press, Sherwood said that 1,000 militia members were on hand to assist the campaign effort by answering telephones and providing other services. After Fox's victory at the polls, Sherwood served briefly as a member of her transition team.

In February 1995, Fox spoke at a USMA meeting in Boise. On the podium, she expressed approval for the militia's strong opposition to gun control and its calls for states' rights.

On April 15, 1995, militia members, tax protesters and constitutionalists from across the country, gathered in Post Falls for a day-long seminar. Speakers before the reported crowd of 300 included Militia of Montana leader John Trochmann, anti-tax activist M. J. "Red" Beckman, of Billings, Montana (see *Armed & Dangerous*), and Eustace Mullins, of Staunton, Virginia, a longtime anti-Jewish propagandist and conspiracy theorist.

### **Bo Gritz**

Far-right figure and former Green Beret James "Bo" Gritz, who is building a survivalist community in central Idaho, has engaged in activities that have closely paralleled those of the militia movement. He has traveled the country conducting a weapons and survival training course he calls SPIKE -- Specially Prepared Individuals for Key Events -- and has called for the execution as traitors of the "tyrants" responsible for the government's actions in the Randy Weaver standoff in northern Idaho and the Branch Davidian conflagration at Waco.

Recently, Gritz deplored the April 19 Oklahoma City bombing yet praised its technique. At a speech in Dallas, Texas, he labeled the blast a "Rembrandt," and said he considered it a "masterpiece of science and art put together."

A radio station in Charlevoix, Michigan, alarmed by Gritz's remarks, decided to suspend indefinitely broadcasts of Gritz's daily shortwave program, "Freedom Calls." After the station was inundated with calls protesting the move, however, "Freedom Calls" returned to the air two days later.

## **ILLINOIS**

A Lombard-based organization called the Illinois Minutemen describes itself as a militia and has echoed the anti-government themes of militia groups elsewhere. The group, formed in mid-January by Glen Ellyn resident Mike Bafundo, now claims members from Cook, DuPage, Will, Kane and McHenry Counties. It meets twice a month at a Lombard bowling

alley. Members do not wear uniforms or carry weapons, but they are reportedly considering a paramilitary training session with the Michigan Militia.

Another organization, the Southern Illinois Patriots League, held a rally on April 22 in Carbondale to protest the presentation by Governor James Edgar of the state's highest honor, the Order of Lincoln, to gun control advocate James Brady. Signs at the rally, which drew 150 participants, assailed some of the militia movement's favorite demons: one described James Brady and his wife Sarah as "diabolical misfits," another equated agents of the U.S. Bureau of Alcohol, Tobacco & Firearms with Nazi stormtroopers. Protestors were also invited to wipe their feet on a United Nations flag. Organizers of the rally included Glad Hall, Scott Slinkard and Ken Potter.

## INDIANA

Militias have become active across the state in such counties as St. Joseph's, Allen, Johnson, Marion, Ripley, Warrick and Dearborn. Many of the groups in these counties are also part of the larger Indiana Citizens Volunteer Militia, a state-wide umbrella organization that coordinates militia activities.

Influential militia propagandist Linda Thompson, of Indianapolis, operates a computer bulletin board for militia groups across the country. She has announced to prospective new members that her bulletin board was for "doers, not whiners or talkers." She explained that potential members had to be willing to provide the movement with substantial assistance, such as a training site, ammunition, skills training, food, medical care, or money.

Like many others in the militia movement, Thompson blamed the government for the Oklahoma City bombing. "I genuinely believe the government did this bombing," Thompson told *The Boston Globe*. "I mean who's got a track record of killing children?"

On May 12, 1995, Thompson was arrested by Marion County police and charged with resisting arrest and disorderly conduct; the case is pending. According to officials, Thompson carried a concealed weapon into the county prosecutor's office and refused to show her permit for the gun.

Elsewhere in Indiana, the Boonville-based North American Volunteer Militia, directed by Joe Holland, enjoys a considerable following. Holland, who describes himself as a patriotic "freedom fighter," reportedly is under investigation by federal authorities for bank fraud, bankruptcy fraud, securities fraud and tax evasion.

The North American Volunteer Militia is active outside Indiana, particularly in Montana. In April 1995, Holland urged followers to travel to Ravalli County, Montana, to show their support for militia members there who had engaged in an armed confrontation with police (see *Montana*). Ravalli County law enforcement officials expressed concern that Holland was attempting to provoke a violent encounter. He surrendered to Indiana authorities after being charged in Montana with criminal syndicalism.

In Elberfield, a militia group called the Tri-County Carbineers, led by truck driver Jimmy Funkhouser, has been organized. To qualify for membership, candidates are required to own an assault rifle and 100 rounds of ammunition.

James Heath, a member of the Indianapolis Police Department, heads the Johnson County Militia, located just south of Indianapolis. Like others in the movement, members of the organization meet to express their deep distrust of federal lawmakers and share their fears of an impending "one-world government."

In early May 1995, speaking before a Greenwood-based group called the Sovereign Patriots, Heath derisively referred to Indianapolis Mayor Stephen Goldsmith as "Goldstein." Noting that the mayor's home address is unlisted, Heath also asserted that Goldsmith had something to hide. In a subsequent apology, Heath employed an anti-Semitic stereotype to argue that his slur was really a compliment. Several days later, Indianapolis Police Department officials disciplined Heath for his remarks by demoting him from sergeant to patrolman.

## IOWA

Militia groups have formed in Iowa, but there is little evidence of their size and influence.

Paul Stauffer, an Air Force veteran living in Cedar Rapids and the self-described "national contact" for the Iowa Militia, has claimed that his organization operates in 35

counties; he has not offered specific membership figures. He contends that Iowa militia members are concerned with "intelligence" gathering activities, and that the group maintains contacts with militia leaders across the country.

A May 3, 1995, Cedar Rapids meeting organized by Stauffer found many among the audience of 60 parroting the fevered anti-government conspiracy theories of the militia movement.

## KANSAS

C. D. Olsen of Lyndon leads the Kansas Citizens Militia (also known as the Kansas Unorganized Citizens Militia), the chief such group in the state. Olsen took over recently from Morris E. Wilson, previously the group's commander and now its "Executive Officer." Wilson claims militia units are organizing in Wichita, Junction City and Topeka, where at one meeting he played host to Michigan militia proponent Mark Koerke.

Several individuals, including Wilson, were recently involved in a brush with the law. On April 17, 1995, the Sheriff's Department in Osage County responded to a local farmer's complaint of prowlers on his land. Officers found four heavily armed men, all members of the Kansas Citizens Militia, parked on the farmer's property. The men claimed they had been informed of a possible burglary and had come to offer their assistance. After a search of their vehicles by the officers, Wilson and another man were arrested on charges of carrying concealed weapons; a third man was arrested for possessing a gun with a defaced serial number. While the charges against the other two men have been dismissed, Wilson's case is still pending.

Some militia figures in Kansas, like their counterparts elsewhere, have been quick to blame government officials for the April 19 bombing of the Oklahoma City Federal Building. Brad Glover, who calls himself Brigadier General of the Kansas Militia and commander of the 1st Kansas Mechanized Militia, has said, "My personal opinion is that it's a [government] set-up. There are just too many coincidences."

## KENTUCKY

There are two main militia groups in Kentucky, both of which are newly formed and relatively small.

Danny and Diane Snellon are, respectively, the coordinator and the secretary/treasurer of the Kentucky Citizens Militia. Formed in Fall 1994, the group does not "have uniform or gun requirements," says Danny Snellon. Recent meetings have taken place at the main branch of the Lexington Public Library and at a sportsman's shop in Paris, northeast of Lexington. Attendance at these meetings has ranged from 10 to 20 people.

In Boone County, in northern Kentucky, a militia called the Defenders of Liberty is believed to have a core group of 30 to 40 individuals. Unlike the Kentucky Citizens Militia, the Defenders of Liberty do wear uniforms and undergo paramilitary training. Since the bombing in Oklahoma City, militia members in Kentucky appear to be lying low to avoid the scrutiny of law enforcement officials.

## LOUISIANA

In Lafayette, the Militia of Louisiana has formed under the leadership of Thomas Parker. It has engaged in paramilitary and urban combat training, and is thought to number about 55 members -- some of whom have had affiliations with so-called constitutionalist groups.

Early in 1995, Michigan-based organizer and ideologue Mark Koernke addressed the militia.

## MICHIGAN

The Northern Michigan Regional Militia, also known as the Michigan Militia, has attracted national attention in the wake of the April 19 bombing of the Federal Building in Oklahoma City.



Group leaders have said that Terry Nichols, a suspect in the Oklahoma blast, attended several of its meetings last year and that on at least one occasion he brought another suspect, Timothy McVeigh. Additionally, federal agents searching the Decker, Michigan farm of Terry Nichols's brother James -- who has been considered a material witness in the bombing case -- uncovered a number of documents relating to the Michigan Militia.

Not surprisingly, leaders of the Michigan Militia have disagreed with federal officials about the identity of the bomber, and have offered a theory of their own. A week after the blast, Michigan Militia commander Norman Olson, along with his chief of staff, Ray Southwell, announced that they believed the Japanese had bombed the Oklahoma building. The motive: retaliation for the recent nerve gas attack on the Tokyo subways, which Olson and Southwell said was engineered by the American government.

When their view was repudiated by a majority of the Militia's board, the two men immediately resigned from their positions. Olson assured the press that, nevertheless, "the Michigan Militia is as strong as ever," and that he and Southwell will remain members of the organization.

Despite negative publicity since the Oklahoma City bombing, the militia movement in Michigan has enjoyed some continued success in its recruitment.

#### **Mark from Michigan**

Minutes after the bombing in Oklahoma, outspoken activist Mark Koernke (a.k.a. "Mark from Michigan"), whose militant "how-to" videotapes have made him a prime recruiter for the movement, faxed a cryptic, handwritten message about the bombing to U.S. Rep. Steve Stockman, a freshman Republican from Texas. "First update," the fax read in part. "Seven to 10 floors only. Military people on the scene." Koernke insisted he had no prior knowledge of the bombing, and that he had only sent the fax hoping Stockman would "get cameras in place as soon as possible."

Koernke, of Dexter, Michigan, is employed as a janitor at the University of Michigan. He has been identified as spokesman of the Michigan Militia-at-Large, characterized as a more radical offshoot of the Michigan Militia. Koernke has promoted conspiracy theories to audiences around the country, including several in the Pacific Northwest while on a speaking tour sponsored by the Militia of Montana.

Until recently, Koernke also hosted "The Intelligence Report," a shortwave radio program that aired five times a week. Days after the Oklahoma bombing, Koernke told listeners that federal agents had outfitted suspect Timothy McVeigh in a bright orange jumpsuit in order to make him an easy assassination target.

Koernke's program was subsequently pulled from the airwaves by WWCR, the Nashville, Tennessee, shortwave radio station that had been broadcasting his daily diatribes. "We've got to get the gasoline off the fires," insisted the manager of the station, which reaches 2.7 million listeners in the United States and a number of foreign countries.

### MINNESOTA

There are several small militia groups sprinkled across Minnesota. These include the Arrowhead Regional Militia in Duluth, the St. Cloud-based Metro Militia and the Red Pine Regional Militia, located in the Minneapolis area.

### MISSISSIPPI

Drew Rayner of Ocean Springs has spearheaded recruitment for the Mississippi Militia; on April 28, 1995, he appeared before a group of 65 to 75 near Laurel. Literature available at the meeting included the Mississippi Militia "Information Booklet," which contained a 20-page manual on the formation of a militia, *The Revolutionary Spirit*, a Laurel-based tabloid that excerpted material from Liberty Lobby's *The Spotlight*, and *Operation Vampire Killer 2000*, a manual by former Phoenix, Arizona, policeman Jack McLamb that aims to convince law enforcement officials of a one-world government conspiracy.

### MISSOURI

The Buckner-based Missouri Patriots are a recent addition to Missouri's militia movement. Its newsletter, *The Militia Minute*, rails against the federal government, "international bankers" and the media. While its size is not known, leaders of the militia are also members of the Kansas City-based White Knights of the Ku Klux Klan. In addition, a

promotional item for the White Knights in their publication, *The White Beret*, features the slogan: "Join the White Militia."

Statewide, militias have been established in an estimated 14 counties and are recruiting actively, with some continued growth since the bombing of the Oklahoma City Federal Building. Although they maintain separate identities, several units in the eastern section of Missouri appear to operate under the leadership of the St. Louis-based 1st Missouri Volunteers Militia, a group established in January 1995 and led by John Moore. Militia groups in the western part of the state are directed by the Missouri 51st Militia, of Kansas City. The Springfield-area 24th Missouri Militia is the largest and most influential such group in the southeastern part of the state.

In March, the 1st Missouri Volunteers assembled a gathering of six state militia groups for a "Missouri Regional Conference." At the event, speakers, including State Senator David Klarich, declared that unlike their counterparts in other states, the Missouri Militia does not promote an agenda of bigotry. However, literature offered at the meeting included extracts from hate publications like the Liberty Lobby's *The Spotlight*, *The Truth at Last*, published by anti-Jewish agitator Ed Fields of Georgia, and *The Jubilee*, a journal that espouses the anti-Semitic pseudo-theology of the "Identity Church" movement.

## MONTANA

Militia groups in Montana, whose armed members have been embroiled in hostile confrontations with police, are among the most volatile in the country.

The Militia of Montana (M.O.M.), one of the movement's most visible and extreme groups, has continued to spread its message around Montana and the nation from its headquarters in the small town of Noxon.

M.O.M. was founded by John Trochmann -- who has been a speaker at a major conclave of the white supremacist Aryan Nations -- along with his brother David and David's son Randy. In public, John Trochmann has tried to play down his Aryan Nations experience. In a recent press release, however, Aryan Nations leader Richard Butler announced that

Trochmann had traveled to the group's Idaho compound "quite often ... for Bible study," and that he "even helped us write out a set of rules for our code of conduct on church grounds."

In December 1994, M.O.M. sponsored a five-stop speaking tour in Washington and Montana with Mark Koerke ("Mark from Michigan"), whose videos and speeches are key recruiting tools for the militia movement. John Trochmann and Bob Fletcher, another M.O.M. official, were also in attendance to answer questions from the audience. One month later, Fletcher traveled to Colorado to reach out to sympathizers in that state. He warned an audience of about 75 that a bloody battle was in store, and instructed them to be prepared. "You better damn well learn how to use a gun if you don't know how to use one now," he said. "If you don't have bullets now, you better flat get them."

### **M.O.M. Propaganda**

An item in an issue of M.O.M.'s monthly newsletter, *Taking Aim*, printed several weeks before the bombing of the Oklahoma City Federal Building, underscores the centrality of the date, April 19, to the group's ideology. The newsletter noted April 19, 1995, as the upcoming execution date ("UNLESS WE ACT NOW!!!" it read) for convicted murderer and white supremacist Richard Wayne Snell. The item recounted that April 19 was also the day on which "Lexington burned.... Warsaw burned.... The feds attempted to raid Randy Weaver.... The Branch Davidians burned." By citing Lexington and Warsaw, M.O.M. seems to compare today's U.S. Government to colonial America's British rulers and, outrageously, to the genocidal Nazi regime, while simultaneously agitating on behalf of a racist and anti-Semitic killer.

As is the case with many militia groups around the country, M.O.M. leaders are obsessed with the notion that United Nations troops, aided by Soviet-made weapons, are planning a takeover of the United States. An "Intelligence Report" recently distributed by M.O.M. purports to provide followers with detailed documentation of this conspiracy. A National Guard base in Biloxi, Mississippi, is said to be filled with trucks "of Soviet origin," whose "fuel tanks have been topped off and apparently look ready to roll." The report adds: "These trucks are being marked at this time United Nations."

The Militia of Montana distributes a catalog that offers for sale numerous videotapes, audiotapes and publications on a variety of conspiracy themes. The catalog also offers a comprehensive bomb-making and warfare manual, *The Road Back*, which was produced by the

anti-Semitic Liberty Lobby's publishing arm, Noontide Press. M.O.M. describes the book thus: "A plan for the restoration of freedom when our country has been taken over by its enemies. 20 chapters on organization, recruiting, intelligence, communications, supply, weapons, sabotage, medicine, warfare, and training, etc."

#### **Brush With the Law**

In recent months, authorities in Musselshell County have learned that several M.O.M. members, including John Trochmann, have cooperated with so-called Freemen. Followers of this anti-tax movement have defied local and federal law and have operated their own common law court system, reflecting their view of the Constitution.

In early March 1995, rancher William Stanton, a follower of the Freemen movement, was sentenced by a judge in Roundup, Montana, to a 10-year prison term for criminal syndicalism -- the advocacy of crime, violence, or property damage for political ends -- related to Freemen activities. On the heels of Stanton's sentencing, and in an apparent show of support for the Freemen, John Trochmann and six of his followers embarked on a 500-mile journey to Roundup, armed with an arsenal of weapons. "I believe the men were here to attempt to capture or kill us," the Musselshell County Attorney told a local paper.

The seven men were arrested on charges of carrying concealed weapons and felony intimidation. A search of their vehicle revealed a collection of handguns and rifles, communications equipment, thousands of rounds of ammunition, quantities of gold and silver, and \$80,000 in cash.

Charges against all but two of the men -- Frank Ellena of Billings, and Dale Jacobi of Thompson Falls -- were dropped in late March after a state prosecutor concluded that there was insufficient evidence to support felony charges.

#### **North American Volunteer Militia**

The Boonville, Indiana-based North American Volunteer Militia (NAVVM), directed by Joe Holland (see *Indiana*), has an active outpost in Montana. The group's attitude toward law enforcement officials may be discerned from a letter by Holland to the Montana Revenue Department: "How many of your agents will be sent home in body bags before you hear the pleas of the people?" asked Holland in his letter. "Proceed at your own peril!"

In early April 1995, an armed encounter between militia members and Ravalli County officials ended with the arrest of one militiaman. Drawing a parallel between this situation and the confrontations involving the Branch Davidians at Waco and Randy Weaver at Ruby Ridge in Idaho, Joe Holland urged followers to travel to Ravalli County in a show of support. "In my opinion," Holland wrote in an "alert" message distributed by fax, "it looks as though another Waco or Ruby Ridge may be in the planning stages in Ravalli County, Montana. There has been a build-up of police over the last few days." In May, Holland and two Montana men were charged with criminal syndicalism; Holland has surrendered to Indiana authorities.

NAVM's Montana coordinator is Calvin Greenup of Darby, a dump operator and elk rancher. In early May 1995, Greenup was charged with plotting to kidnap, try in a common law court, and hang local government officials. The charges, which were also filed against Joe Holland and two of his cohorts, followed an undercover investigation conducted by the state Justice Department. In addition, Greenup has been wanted by officials for tax evasion, obstruction of justice, and running an unlicensed game farm. For several weeks, though, he avoided arrest by hiding out on his large farm and threatening to shoot any law officer who approaches. In early June, Greenup turned himself in to local authorities, made bail, and was released. Greenup's son, Scott, who was sought by police for assaulting an officer and jumping bail, also surrendered.

Before ending his holdout, Greenup said his extreme stance was his only guarantee that "the crooked politicians" will take notice. "Do the political officials want this state to blow or do they want to get it back and hear our pleas?" he asked.

## NEBRASKA

An Omaha-based militia has been organizing since January 1995. The group, which has used several names, including the Constitutional Reinstatement Group and the Nebraska Militia, meets bi-weekly; at these meetings, the notorious anti-Jewish screed *The Protocols of the Elders of Zion* has been offered for sale.

The group does not appear to engage in paramilitary training.

## NEW HAMPSHIRE

The Hillsborough Troop of Dragoons, led by Fitzhugh MacCrae, has recently emerged as an active militia in New Hampshire. MacCrae told *The Boston Globe* that his group comprises 63 members, of whom two-thirds are allegedly combat veterans. While he emphasizes the group's benign and civic activities, he also boasts, "We're probably better armed than the Army."

Elsewhere, the White Mountain Militia operates in Cornish under the leadership of N. Scott Stevens, who describes himself as director of the militia's "Information Services." Stevens hosted a May 14, 1995, rally in the Cornish town hall for militia members, extreme anti-gun control groups, and others hostile to the federal government.

Ed Brown, head of the Plainsfield-based Constitution Defense Militia (see *Armed & Dangerous*), has claimed to operate groups in seven states, but his organization has not engaged in any publicly noted activity in recent months. According to *The Boston Globe*, shortly after the Oklahoma City bombing, Brown said, "We think it's an inside job.... These criminals within the U.S. Government want to make us look bad."

## NEW MEXICO

Militias in New Mexico operate in counties around Albuquerque and Santa Fe and in the northwestern area of the state. On October 22, 1994, six militia organizations from these regions met in Raton in an unsuccessful attempt to form a combined New Mexico militia. More recently, Governor Gary Johnson was criticized for meeting with militia representatives on April 28, 1995, although he claimed that he met with them in order to ensure that they remain non-violent.

A Farmington militia is known to promote neo-Nazi and white supremacist sentiments.

*The Free American*

At the start of 1995, the state's leading pro-militia voice, *The Free American*, added anti-Semitism to its advocacy of armed preparedness. In its edition marked "January 1994" (the date was clearly erroneous since the issue reported recent events), the Tijeras-based monthly

newspaper, published by Clayton R. Douglas, included a coupon stating: "Know Someone Who Doesn't Believe in Conspiracies? Send them a copy of the Protocols of the Elders of Zion. The blueprint used for the New World Order. Only \$15.00."

Douglas, though he is not part of a militia, echoed many militia leaders around the country when he speculated after the April 19 Oklahoma City bombing that "factions within our government" may have engineered the deadly explosion.

## NEW YORK

In recent months, several militias have surfaced in New York. A number of these groups are clustered in the region of south central New York along the New York-Pennsylvania line. While some of the organizing in this area remains inchoate, established militias include the Citizens Militia, Chemung Division, founded in Chemung County in November 1994 by Jerry Loper, a self-employed excavator and landscaper. Loper's group, which engages in paramilitary training, receives literature from the Militia of Montana and militia groups in Michigan, providing further confirmation that groups in those two states serve as important propaganda sources for militias around the country.

Militias have also organized in nearby Tioga, Steuben, Schuyler, Chenango, Cortland and Broome Counties. In Chenango County, militiaman Francis Catlin, who uses the code name "Moonshiner," has said that outrage over the Waco conflagration fueled the militia movement in upstate New York. "We figure this country is in real bad shape," he has commented, adding that "Jewish people" are responsible for the financial difficulties faced by grain farmers.

Near New York City, militias were formed in November 1994 in Dutchess and Orange Counties. The Orange County Militia, which has more recently been known as the Committee of Correspondence, has distributed literature incorporating conspiracy theories from political extremist Lyndon LaRouche. Founder Walter Reddy, while reportedly distancing himself from the group, has also expressed the suspicion that the federal government was involved in the Oklahoma City bombing. Reddy stated, "It was CIA-orchestrated, from the information I have."



## NORTH CAROLINA

The Alamance Minutemen is a small and secretive militia group whose communications appear to be conducted largely through the "Spirit of '76" computer bulletin board, operated by the group's leader, Jeff Rudd of Alamance County.

Another organization, Citizens for the Reinstatement of Constitutional Government, meets in the towns of Monroe and Matthews, both near Charlotte. While it once promoted militia-style themes, it now claims to engage only in Bible study. Indications are that the group's one-time leader, Al Esposito (see *Armed & Dangerous*), may no longer be active in that role.

## OHIO

The first few months of 1995 were marked by the widespread organizing throughout the state of the "Ohio Unorganized Militia" -- loose-knit groups that conduct various paramilitary exercises. However, low attendance at meetings since the Oklahoma City bombing suggests that the militia movement in Ohio may have lost some strength.

The Ohio Unorganized Militia has justified its activity by citing both the U.S. Constitution's Second Amendment and a provision of state law: the Ohio Revised Code provides for an "unorganized militia ... of all able-bodied citizens of the state who are more than 17 years of age and not more than 67 years of age." The group has been active in Franklin, Brown, Clermont, Hamilton, Stark, Coshocton, Columbiana, Williams, Lucas, Medina and Montgomery Counties.

Despite the claimed legal basis for its existence, the militia has used highly inflammatory language. Rod Scott, a captain in the Brown County group, has stated: "Any armed agent of the United States Government who comes to my home or any militia member's home to take a gun, to steal my property, to violate my freedom, will be met with deadly force."

### OKLAHOMA

To date the most visible militia in Oklahoma, the Oklahoma Citizens Militia operates in Eufaula, southeast of Tulsa, under the leadership of denture maker Ross Hullett. Hullett has condemned the April 1995 Oklahoma City bombing, stating, "Christians don't do this to people." But Oklahoma militia members also share the characteristic, paradoxical "patriotism" of the broader movement. "I would lay down my life for my country," member John Harrell told *The Wall Street Journal*, "but I wouldn't spit on a congressman if he were burning to death."

### OREGON

Oregon's militia movement, which began to emerge in late 1994, appears still to be in its infancy. Touting the familiar theme that "a Civilian Militia is a final line of defense against all enemies both foreign and domestic," the Central Oregon Regional Militia has operated modest units in the town of Prineville and neighboring Deschutes County.

The Salem-based Northwest Oregon Regional Militia was disbanded by its founder, insurance salesman Mike Cross, following the Oklahoma City bombing. Cross said he feared "persecution" by the federal government. He stated, "If they would blow up one of their own buildings, who knows what they could do to militias."

### PENNSYLVANIA

In recent months, sporadic militia organizing has been conducted throughout eastern and southeastern Pennsylvania -- including Dauphin, Delaware, Bucks, Berks, Montgomery and Chester Counties. Some of this activity may have been spurred in part by a November 20, 1994, recruiting speech in suburban Philadelphia by Samuel Sherwood, head of the Idaho-based United States Militia Association. Sherwood subsequently appeared on local talk radio programs.

Similarly, in Crawford County in the western part of the state, a February 4, 1995, appearance by Michigan militia proponent and video agitator Mark Koernke attracted various militia sympathizers and groups. The Keystone Militia has a base in adjacent Warren County.

Militias have formed in Potter and Elk Counties in north central Pennsylvania. Ken Haupricht of the Elk County group has acknowledged that two members also belong to the Ku Klux Klan. The Potter County-based Bucktail Militia (named after Civil War sharpshooters who trained in the area) claims "brigades" in neighboring counties.

### SOUTH CAROLINA

In the early months of 1995, the South Carolina Civilian Militia began actively recruiting in the Greenville-Spartanburg area, seeking, in particular, pilots and those with military skills. The militia's self-proclaimed leader, Ian Roebuck, a preacher, claims 80 members in several counties. Roebuck and "information officer" R. C. Davenport disclaim any ties with white supremacist organizations, but advance the notion, standard in the militia movement, that the United States is on course to succumb to a United Nations-led tyranny.

### SOUTH DAKOTA

The Rapid City-based Tri-State Militia is described by its leader Rodger Chant as an umbrella organization for militia groups across the state. Chant also claims that the group maintains ties with 35 other militias across the country, including the Michigan Militia.

### TENNESSEE

George Etter of Morristown leads the pro-militia Christian Civil Liberties Association. He publishes a newsletter, *The Militia News*, which he claims circulates to "millions" of militia members, and reportedly distributes materials that explain how to make automatic weapons and explosives. Etter, who has a felony record, is himself prohibited from handling firearms. Like many militiamen around the country, Etter reportedly claimed the federal government engineered the Oklahoma City bombing to discredit the militia movement.

Additionally, a militia has been reported to be operating near Memphis.

## TEXAS

An active militia presence was established in Texas with the founding of the Texas Constitutional Militia in 1994. The organization's manual includes language identical to the Michigan Militia's literature, with a pledge to "stand against tyranny, globalism, moral relativism, humanism, and the New World Order threatening to undermine our form of government and these United States of America."

Since Fall 1994, the Texas Constitutional Militia has organized widely, with groups active in the San Antonio, Dallas, Houston and Beaumont areas. The militia's "commanding officers" include, in Collin County, welder John A. Turner of Plano, and in Dallas County, Russell Smith, a glass artist. A separate group, the Red River Militia (or Red River Militia Guard), has organized in east Texas, and is believed to be active in Gilmore, Marshall, DeKalb and Texarkana.

On November 12, 1994, the Texas Constitutional Militia convened an "Alamo Rally" in San Antonio "to honor the Alamo heroes ... and to petition the government for redress of grievances." The rally was advertised in the anti-Semitic Liberty Lobby's tabloid, *The Spotlight*. Anti-Semitic and racist materials produced by such groups as Liberty Lobby and William Pierce's neo-Nazi National Alliance were distributed at the rally.

The Dallas-area militia, known as the North Texas Constitutional Militia and based in suburban Richardson, has engaged in paramilitary and survival exercises near the Texas-Oklahoma border. These exercises have included the S.T.A.R. (Strategic Training for Assistance and Readiness) program. According to its materials, S.T.A.R. is conducted by a "cadre" of "former Rangers, Seals, Green Berets, and Martial Arts Experts." On April 19, 1995, the day of the Oklahoma City bombing, and two years to the day after the Branch Davidian compound at Waco erupted in flames, the North Texas Constitutional Militia erected near the site of the compound a stone tablet in memory of those killed in the blaze.

Several militias are also believed to be active in Kerrville, northwest of San Antonio, among them the U.S. Civil Militia, founded by Betty Schier and her son Carl. In early May, the pair reportedly turned over to federal authorities a variety of explosives, including TNT, nitroglycerine and a homemade material incorporating ammonium nitrate and paraffin. Betty Schier, 66, a retired gun dealer, said she and her 35-year-old son "don't condone" the Oklahoma City bombing, and claimed they only had the explosives for purposes of producing

a video called "The Mad Bomber," which the son has been trying to sell through a survivalist magazine. The authorities questioned the pair and took possession of the explosives after Carl Schier alerted the FBI that an acquaintance had asked him for information on making a car bomb. No charges were filed against the Schiers.

### **Gritz Visits Texas**

On February 18, 1995, Bo Gritz (see **Idaho**) brought his SPIKE (Specially Prepared Individuals for Key Events) weapons and survival training workshop to Dallas. Several timeworn anti-Semitic screeds were sold at the seminar, including *The Protocols of the Elders of Zion*, *Jewish Ritual Murder*, by mid-century British anti-Semite Arnold Leese, *The Jews and Their Lies*, by Martin Luther, and *The Truth About the Protocols*, by Gerald Winrod, the Kansas-based Jew-hating demagogue of the 1930's and 40's known as the "Jayhawk Nazi."

The local contact person for Gritz's visit was Tom Baker, who runs Baker's Outpost, a "Survival & Preparedness Center" in nearby Plano. Along with survival and "defense" supplies, Baker sells conspiracy literature, including Peter Kershaw's *Economic Solutions -- The Incredible Story of: How You and America are Being Bankrupt & What You Can Do to Avoid the Wipeout*, which advances the anti-Semitic canard that the Federal Reserve is run by eight Jewish families. The book carries an endorsement by Bo Gritz.

Gritz returned to Dallas the following month for "Preparedness Expo '95," where he shared the podium with, among others, the Michigan-based militia figure Mark Koernke. On a more recent stop in Dallas, shortly after the Oklahoma City bombing, Gritz deplored the tragedy, but went on to describe the bombing as "a Rembrandt, a masterpiece of science and art."

### **Congressman Steve Stockman**

In an official letter dated March 22, 1995, Congressman Steve Stockman wrote to Attorney General Janet Reno claiming that "reliable sources" had informed him that several federal agencies were preparing a paramilitary style attack on the militias, whom he described as "Americans who pose no risk to others." Mr. Stockman even specified the dates and hour of the alleged impending attack: March 25 or 26 at 4:00 a.m.

Warning that the assault would "run the risk of an irreparable breach between the federal government and the public," Congressman Stockman asked for detailed information

about the military arrangements for the assault. The purported plan of attack, it turned out, was a fiction.

Stockman also wrote an article which appeared in the June issue of *Guns and Ammo* magazine, claiming that the raid on the Branch Davidian compound in Waco was conducted by the Clinton Administration "to prove the need for a ban on so-called assault weapons." Earlier, Stockman appeared as a guest on the radio program of Liberty Lobby, the leading anti-Semitic propaganda group in the nation; he has since said he was unaware of Liberty Lobby's anti-Semitism. ADL has recently conveyed its concerns over these matters in a meeting with Congressman Stockman.

## UTAH

News accounts citing law enforcement sources report that at least seven militia units are operating in Utah. One group, the Box Elder County-based Unorganized State Militia of Utah, was disbanded this spring by leader Doug Christiansen, who said he disapproved of the growing militancy of the movement.

Johnny Bangerter, the leader of a St. George-based neo-Nazi Skinhead group called the Army of Israel, claims his organization has ties to militias in Montana, Texas and Utah. He and other Skinheads traveled to northern Idaho in 1992 to express support for white supremacist Randy Weaver during his standoff with federal law enforcement agents -- an event that later contributed to the genesis of the militia movement. Bangerter has asserted that he wrote a note delivered to Weaver during the episode by influential far-right figure Bo Gritz (see **Idaho**), who assisted in Weaver's surrender to authorities.

## VIRGINIA

James Roy Mullins, a founding member of the militia-like Blue Ridge Hunt Club (see *Armed & Dangerous*), pled guilty to federal firearm offenses on February 27, 1995. On May 15, he was sentenced to a five-year prison term. The trial of Warren Darrell Stump II, another Hunt Club member accused of firearm offenses, was delayed on April 26, 1995, when a federal judge determined that the Oklahoma City bombing might affect jury deliberations. Two additional club members await trial.

In Bedford County, pastor and gun dealer William Waters claims to lead the 1st Virginia Freeborn Civilian Militia. Douglas Jeffreys, a state highway department worker from Hanover County, says that he has been touring the state working to form the Virginia Citizens' Militia, an organization of loosely affiliated groups.

### WASHINGTON

Washington has been the site of frequent recruitment and organizing drives by militia groups based outside the state. Militias have emerged throughout the state, particularly in the counties surrounding Seattle, in the Spokane area, and in Clark and Cowlitz Counties in southwestern Washington.

In central Washington, leaders of the Lake Chelan Citizens Militia have been active in the Populist Party of Washington State and in the 1992 presidential campaign of far-right figure Bo Gritz (see *Idaho*), who was the Populist Party nominee.

In Clark County, along the Oregon border, David Darby leads a branch of the Idaho-based United States Militia Association. The Association's prime mover, Samuel Sherwood, has spoken to Darby's group.

The Militia of Montana (M.O.M.) has also recruited extensively in Washington. M.O.M. sponsored a tour of the Northwest by Michigan's Mark Koernke, during which he visited Spokane on December 2, 1994. In February 1995, M.O.M.'s Bob Fletcher recruited in Snohomish County, north of Seattle.

M.O.M. has continued its outreach efforts, particularly around Spokane, in recent months.

### WEST VIRGINIA

The leading militia figure in West Virginia is Ray Looker, whose group, the Mountaineer Militia, holds periodic meetings. Echoing the oft-repeated militia story that mysterious unmarked black helicopters are surveilling leaders of the movement around the

country, Looker recently claimed that such copters have circled over his home in the Clarksburg area. He has also asserted that the West Virginia National Guard has been denied ammunition by the federal government.

### WISCONSIN

The Militia of Wisconsin (also known as Freeman Militia of Wisconsin) is an amalgam of three small organizations -- one under the leadership of Don Treloar in Waupaca County, one in Vernon County under Will Holzli, and a third near Slinger. Unified around the pro-gun, anti-government, conspiracy-driven philosophies that characterize other militia groups, they meet regularly and claim to engage in weapons training and maneuvers. Treloar, speaking of the group's regular field exercises, says "we are preparing men for battle." Holzli, who called media within hours of the Oklahoma City bombing to say that he thought it might be part of a government plot, has boasted of 10,000 members statewide, a plainly exaggerated claim.

Ernie Brusubardis III of Slinger has developed a 10-minute video to be shown to recruits. While the militia claims to be open to any man 18 or older, the video reportedly states that only "professing Christians" can become officers.

### WYOMING

The Western United Militia (WUM), a small group based in Cheyenne, is led by Robert Becker, identified as "Col. Becker" in WUM materials. The group has advertised for recruits in a free shopper's weekly in Cheyenne, and a WUM flier was distributed at a Cheyenne gun show in May. Headed "Patriots Unite!", the handbill contends, in familiar militia fashion, that President Clinton, the United Nations and other global conspirators seek to establish a one-world government, and that -- presumably toward this end -- Soviet-built tanks are being transported to various U.S. locations. The flier, which makes the (certainly exaggerated) claim that WUM has "21 divisions in 17 Western States," instructs would-be members to enclose 20 dollars with their applications.

In Sweetwater County, in southwestern Wyoming, leaflets headed "Wyoming Militia" have surfaced, possibly indicating some nascent local activity. The materials cite several laws



as justifying the militia's existence, but they also offer, for use in unsecured telephone communications, suggested code words for "enemy," "contraband," "weapons," and "making or using explosives." Recommended reading includes such titles as *The Ultimate Sniper* and *Can You Survive?* -- the latter work written by Robert B. DePugh, who served time in prison for firearms violations and other offenses related to activity with the Minutemen, a heavily armed, far-right group he founded in the 1960's. Other names that appear on the leaflets include "Sweetwater Citizen Emergency Response Group" and "Wyoming 'Unorganized' (Reserve) Militia, 4th Group."

## Anti-Defamation League of B'nai B'rith

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## AMERICA UNDER THE GUN: THE MILITIA MOVEMENT AND HATE GROUPS IN AMERICA

Congressman CHARLES SCHUMER. Since this is not an official hearing, we don't have an official gavel, but I will wrap the unofficial gavel to convene the hearing. And I want to thank everybody for coming, particularly our witnesses for being here. Good morning, and I also want to thank all of my colleagues from various committees throughout Congress who are participating.

Let me say, ladies and gentlemen, that the Oklahoma City bombing was a great awakening for many Americans. For the first time, people realized that terrorism could strike in our heartland, and for the first time, the country was introduced to the phenomenon of right-wing paramilitary militias. From watching the news, you might think that these groups did not exist before April 19th, 1995, but as you will hear today, John Trochmann, Norm Olson, the Michigan Militia, the Wise Use Movement, the so-called patriot organizations, have been active for a very long time.

Some militias have been busy intimidating, threatening, and harassing law enforcement, local elected officials, environmentalists, and pro-choice activists. We in Washington know all about street crime. We rightly hold hearings on whether it is rising or falling and how best to fight it. But for people in large parts of this country, violent muggings are rare while violent militias are not. Yet, inside the beltway, we are all too ignorant of these groups and their activities.

Let me explicitly state at the outset that not all militias are bad, and not all or even a majority of militia members break the law. But some are bad, and some militia members commit illegal acts. Some militias are bent on threatening and harassing law abiding people, and chilling the speech of those with whom they disagree. We've heard a lot from the militia leaders and their members. We've heard their complaints, their conspiracy theories, and their paranoid ranting, but, as is too often the case, the stories of the victims have been lost. We've heard more from the intimidators than from the intimidated. Militia leaders have gotten their fifteen minutes of fame while their targets live in fear twenty-four hours a day, seven days a week. Today, that will change.

We're here today to give voice to the targets of militia violence. We'll learn more about a movement that we don't know that much about, and we'll hear from people on the grass-roots level who have been monitoring militias for so long.

I am only sorry it has taken us this long to address this issue on Capitol Hill. When hundreds of innocent people were killed in Oklahoma City, apparently by a man with ties to the militia movement, Congress should have immediately responded with hearings. Instead, we got silence. I called on the Republican leadership repeatedly to schedule hearings on the militia movement. I wrote a letter to Speaker Gingrich with sixty of my House colleagues, and I have talked to everyone, from Crime Subcommittee Chairman Bill McCollum on up. So far, there has been no response from Newt Gingrich and the Republican leadership, only deadening silence. Last week, I invited Speaker Gingrich to participate in this public forum or send Republicans to join us, and again we were stonewalled. This total lack of interest shows that the GOP leaders are either out of touch with the fears of the American people, or afraid to upset the radical fringe of their own party.

Many in the Republican party have simply become mealy-mouthed mollifiers of militias. If the issue were the Nation of Islam on the streets of Detroit instead of the militias in the woods of Michigan, members of Congress would be fighting with each other to see who could hold the biggest blockbuster of a hearing. Next week begins eight weeks of hearings on ATF and FBI abuses—or supposed abuses—at Waco, and still, deafening silence on the hearings on militias.

Well, we need balance, and without balance, we run the risk of legitimizing the paranoid delusions of those who believe in a grand government conspiracy involving Waco, the United Nations, the New World Order, and, as I learned from the Washington Post over the weekend, secret signals on the backs of cereal boxes, Korn Kix, in this case. If we look into one and not the other, extremism may become the mainstream. I am not opposed to looking into what happened at Waco, but it is absolutely absurd to not, at the same time, investigate the rising threat of militias in this country.

So after being blocked for almost three months, my colleagues and I decided to take matters into our own hands, and hold this unofficial congressional hearing. According to a recent poll, by a three to one margin, the American people are more concerned with paramilitary extremism than supposed law enforcement abuses. After all, it is pretty obvious: who are the American people more afraid of? The FBI, ATF and law enforcement established to protect them, or paramilitary militias established to intimidate? And if you need evidence of how important an issue this is for the people of Montana, Washington, New Mexico, or Utah, remember the wit-

nesses you'll hear today have paid their own way to fly across the country and tell their stories.

Last month, Senator Specter held a hearing on the militia movement which quickly disintegrated into a soap box for the wacky right, lending legitimacy and exposure to the militia movement generally. These hearings fell far short of investigating the militia movement and their threat to Democratic discourse. Senator Specter left out people like Karen Mathews from California, who is here under FBI protection today, because she is testifying against militia members who beat her up because she would not record their bogus property documents; Judge Marty Bethel from Montana, who was harassed and intimidated by several members of a militia after hearing their traffic violation cases; and Jim Nelson, a supervisor at the Toyabee National Forest, whose ranger district was bombed in Carson City, Nevada.

The ideological roots of the militia are found in the Aryan Nation, tax protest, county supremacy, anti-gun control, anti-abortion and anti-environmental movements. They have been galvanized by Waco, the assault weapons ban, and the Brady Law. These groups are sending a chill through sections of this country. People are afraid to participate in town hall meetings and express their views publicly or take part in the political process. You'll hear stories today about places where laws are no longer respected, and where individuals feel that they can take up violence against anyone at any time. In many parts of this country, we're facing a breakdown of law and order, yet, we know little about who is committing the crimes.

There are important questions to be answered. For example, what is the connection between white supremacists and anti-environmentalists and anti-abortionists and militias? Is enough being done by local law enforcement to stop the threats and harassment? Are State and Federal laws on paramilitary extremists strong enough? Do we need more enforcement power? Is the Justice Department doing enough? These are some of the questions that we'll answer in the hearings today that Congress has not even touched on yet.

I hope a year from now, we can look back at this open forum and say that it was the opening salvo in a series of hearings on paramilitary militias. Unfortunately, at this point, there is no evidence that the Republican majority has any interest in an official, thorough investigation. But I give my word to every victim and target of militia violence and threats that we won't stop here. We will keep calling attention to the growing militia movement until, no matter the political stripe, members of Congress will be fighting with each other to hold hearings on paramilitary extremists. Thank you.

I now call on my colleague, George Miller. He's the ranking member of the Resources Committee. He, John Conyers and I worked hard to set up this hearing.

GEORGE MILLER. Thank you, Chuck. The Congress, the public and the press have an important opportunity this morning to hear very disturbing testimony about the growing threats, intimidation and violence against public officials and government workers by growing, dangerous and misguided cliques of extremist Americans. I want to commend Congressman Schumer and the other Democratic member of this panel who have taken the initiative to convene this very important and timely forum. My only regret is that we have been forced to convene this unofficial forum instead of a regular Congressional hearing because of the unwillingness of the Republican majority to agree to conduct regular oversight hearings with respect to acts of violence and intimidation against public resource management officials who compose the second panel this morning. I, like Congressman Schumer, sought to go through the regular channels of our committees of jurisdiction. I called for hearings by the Committee on Resources over two months ago, based upon multiple reports of alarming threats and other acts of intimidation against our natural resource managers. One month ago, every Democrat on the Committee on Resources wrote Chairman Don Young requesting that he convene such hearings. Earlier this month, Chairman Young responded to our request, and refused to conduct such hearings alleging that it was not an appropriate use of the Committee's resources at this time. Congressman Young went on to recite the frustration and anger of some Americans with certain laws and policy. Most of those laws are management policies designed by the Congress to safeguard the Federal lands and the resources belonging to all Americans. That frustration cannot justify violence. Those who want to change public policy in this country can stand on a soap box and vote at the ballot box, but they must not reach for the cartridge box. Those who take extremist actions must be punished and every public official must condemn such irresponsible and illegal behavior. These threats are real, they endanger the lives of dedicated men and women who risk their lives to protect the safety and the resources of all our citizens. This reliance on violence instead of debate jeopardizes our democracy, as does the

refusal of responsible officials to speak out in the defense of the laws and those who are in charge of enforcing them.

We want to hear from the men and women whose lives are on the line every day defending the laws written by this Congress to protect the people and the property of the United States of America, and we appreciate your joining us this morning, and we look forward to the testimony from all of the witnesses before the committee.

SCHUMER. Congressman Pat Williams of Montana.

Congressman PAT WILLIAMS. Thank you, Mr. Schumer. I want to spend a couple of minutes this morning talking about the atmosphere in America that has allowed the militia to flourish. America is now in a decade and a half of almost unprecedented doubt, anger, paranoia, fear, distrust, racism. After the tragedy in Oklahoma City, and we all saw that now famous film of the suspect Tim McVeigh shackled, walking out surrounded by enforcement people. My phone rang. It was my son in his late twenties. He lives in California. He said, Dad, I went to school with that guy. I said, you did, what kind of a kid was he, and he said, no, not Tim McVeigh, but I went to school with that guy. Dad, we all went to school with kids like that. They were sullen, they had few friends, and they had copies of Soldier of Fortune magazine in their high school lockers. My friends, it is rampant in America.

And now, let me spend a couple of minutes telling you why I think why, and it doesn't just have to do with the militia. It has to do with other groups that unfortunately they are being accepted in this country, and tragically are being funded by American and foreign corporations, and money is fungible, and members of these groups including the militia, belong to each and the other organizations. Out our way in Montana, Sun Yun Moon, a decade and a half ago, began the funding process with his millions of dollars. We now have the Shooting Sports Association, the American Freedom Coalition, that is the one funded by the Moonies. We have something that goes by the rather popular and apparently benign name of the Wise Use Movement. People within the Wise Use Movement, some of the leaders of the Wise Use Movement belonged and still belong to the American Freedom Coalition, the Moon group. We have a group called Freedom of the West, People for the West, excuse me. People for the West has a lot of good people in it. Some of my friends belong to People for the West, and they are being used as pawns because the leaders for Freedom for the West move freely between these groups, and in my opinion, use each other's money. Where does the money for the People for the West come from? Chevron, Asarco, Louisiana Pacific, Boise Cascade, Potlatch, British Petroleum. There is a group called the National Federal Lands Council. They produced a film called the "making of America, the Substance and Meaning of the Constitution," by a gentleman named W. Cleon Scowson. He is funded by Sun Yung Moon.

But the National Federal Lands Council of which he produced this film is funded by the Plumb Creek Timber Company which, by the way, is the biggest private land owner in my state of Montana. Does it reach in high places, this fear, this distrust, this preaching that government is out to get us? You bet. People moved from the Reagan administration under Jim Watt back out West and joined and helped form these groups. People who make presentations to these groups have been elected recently to the United States Congress and states in the West and are presenting here the same kind of legislation virtually identical to legislation which is being presented in legislatures in the West and is considered extremely right wing legislation, some of which, for example, you know about. It has to do with the power of the county sheriff being greater than the power of any other law enforcement official-federal, state, county or local.

Now, here is my point. Many of these people, very far right, very extreme, and, in my judgment, very dangerous, use the militia now as saying, oh, see, they are extremists, and that makes what previously had been far right extremists, look moderate. They are not moderate. One thing more, Mr. Schumer. I call upon the otherwise great companies and industries in this country to quit funding this fear and paranoia that is leaking throughout the West and has now leaked into the highest levels of the Federal government. Thank you.

SCHUMER. Thank you, Pat. Louise Slaughter of New York.

LOUISE SLAUGHTER. Thank you, Mr. Chairman. I first became aware of the militia movement about a year and a half ago, when my constituents began asking me about the black helicopters, and also trying to assure me that Fort Hood, Texas had been taken over by the United Nations, the purpose being that the American military there would not disarm the population. Later, I received a paper from Linda Thompson, a name that many of you know, which was an alert. (See Exhibit A). Let me just read one paragraph.

All militia units will convene at 8am Monday, September 19th, 1994, in Washington D.C. armed and uniformed, to deliver the Declaration of Independence to the White House and to enforce this ultimatum. The militia will arrest

Congressmen—I guess I would have been OK—who have failed to uphold their oaths of office, and who will then be tried for treason by citizens courts.

Mr. Chairman, I was going to ask you to consent that this be put in the Record, but I realize we don't have one. This is my first renegade hearing since I have been in Congress, but I do want it to be available to everyone.

This didn't take place. I am not sure why. It may be that thousands of uniformed people fully armed couldn't make it to Washington, D.C., but I don't know. Last week, it came to my attention that a front page story in the New York Times, (see Exhibit B) which I also want everybody to see, is about how this conspiracy theory has spread. Fifteen states in the United States have adopted what they call the Tenth Amendment of Constitution, which basically tells the Federal government to get out of their way, that they are sovereign in the country, and that we have nothing to say about them. A group called the Conference of States, which has been in effect in the United States for many years, was going to hold a conference to discuss the new largess that the Federal government is handing down to State governments.

One by one, the States began to get the message on the Internet and faxes that this was not really a conference of States, but this was a meeting, a sort of constitutional convention—an illegal meeting basically. They said the purpose was again to turn the United States government over to the United Nations. In the end, only fourteen states agreed to come, and the meeting had to be canceled. Fifteen states, as I have already pointed out, have already passed this resolution in their states, and four others have it pending or it has passed one House. Their intent is that once thirty-eight states pass it that they will hold a constitutional convention. To quote a Senator from Colorado, he says "once we get these thirty-eight states, we created this government, we will uncreate it, this corporate entity that calls itself the United States."

I find this extraordinarily dangerous, and I am appalled, like all the rest of my colleagues, that Members of Congress don't really want to discuss it. We have found that militia movements are everywhere. In February, two months before the bombing, I asked the FBI to give me a briefing on the militia movements in the United States, and they sent two agents over. Frankly, I am not really clear on whether these are the two agents that they always send over to Congress—one who talks and one who watches to see how little they can say—but they assured me that the militia was only in Idaho, Montana and Michigan, and that we had nothing to fear in New York. They also said they have no powers whatever since the 1970s to oversee what was happening with the militia movement.

After the bombing in Oklahoma City, I've asked that the same two agents come over and tell me how they feel about it now. But they have refused to come. My newspaper in Rochester, New York has followed the militia movements since the bombing a little bit, and we have found that there are at least four units in my own district. One of them, according to the paper, uses the same mail box of one of the Baptist churches in Rochester. I find this one of the most frightening things. I am absolutely baffled as to how it could possible be, in this age of information, when we are absolutely inundated by information, that this underground group of people can be fomenting this kind of hate against Washington, and can believe that the United Nations and the United States government in Washington is their enemy. And yet, it is widespread. I don't think, to this day, anyone has any idea of how many units there are or how many people belong. But I know according to people in my district, that since they ran a television program interviewing the man who heads the militia in Chemung, New York, they have been inundated by people asking how to get a hold of him, so they could join.

I think that there has been a great growth in this movement since Oklahoma City. The Government has been sort of sitting by letting everybody get the impression that the Government blew up its own building, and then sent its own employees, at great danger to their lives, to try to rescue people. Very little appears to be of concern to the people who are responsible for making sure that the United States stays strong and safe, and absolutely no attempt is being made to try to change those ideas.

One other sidebar to this which causes me great personal pain is that in my former life I was a microbiologist, and I have been so concerned that the United States' rate of inoculation of our children is deplorably bad. If not for Haiti and Colombia, we would be the worst in the Western Hemisphere. And I have thought about the many reasons why, but it suddenly came to me in the last year or so. One of the reasons is that there is a great movement to not vaccinate the children because of some belief, again, that is being fostered by the Internet and a lot of subversive groups, that the Government is trying to implant microchips through those inoculations into the children of the United States, so that at some future time, we

can turn them into robots. I don't know where this great control room is supposed to be that will control all of the people of the United States, but on the surface, it may seem almost absurd for anyone to even believe any of this, but it is there. I think we ignore this at our peril.

I am awfully pleased that you are holding this hearing today, Mr. Schumer, and I look forward to hearing from these very brave people who have come to tell us about their experiences this morning.

SCHUMER. Thank you, Congresswoman Slaughter. Now, John Conyers, the ranking Democrat of the Judiciary Committee who has been a leader in trying to bring some semblance of balance to what the Congress is doing after Oklahoma City.

Congressman JOHN CONYERS. Thank you Chairman Schumer. This hearing has been a long time coming. About ten years ago, the Congressional Black Caucus held Criminal Justice Workshops which I chaired where we heard regularly from people telling us about the existence of not only militias but of even more extreme groups: the Skinheads, the Aryan Nations, the knights of one flower or the other, and many other organizations. Today, I am so proud of the eight members that are part of this hearing because this is a hearing that could not have been held unless a lot of people said we've had enough. We've had enough of hiding these paramilitary organizations who have had past run-ins with law enforcement, and maybe even had some former law enforcement people as members. I want to thank Reverend C.T. Vivian of the Center of Democratic Renewal who has been working on this issue ever since he left the Civil Rights Movement where he worked with Dr. Martin Luther King, Jr. Reverend Vivian has been the voice that we heard every year at the Congressional Black Caucus trying to warn us about the prevalence of these groups. Now we've reached a point where the truth has got to come out. These may be ad hoc hearings, but I can assure you that this is the beginning of hearings that are going to follow this. We are going to have hearings in the Judiciary Committee, I can assure you, before this matter is resolved.

I want you to understand what it is we are trying to do here today. We are not looking for new laws. We are not out to harass people with whom we don't agree and whose ideas don't conform with ours and probably don't conform with what people think are standard political ideas. You've got the right in this country to believe anything you want. I am the strongest advocate of the First Amendment that anyone will find, but when that activity begins to intimidate and jeopardize other Americans, begins to become secretly funded, when groups accumulate large numbers of weapons, we are hearing these groups say that some people need to be "taken care of," that Government officials must be punished, and that property must be taken back, we are faced with a serious problem. I don't know yet what the paramilitary role was in the Oklahoma City bombing. We'll find out. We know that there were people involved with paramilitary, that appeared to be involved in the bombing. We have now reached a point in our history that if we are to promote justice and fair play, we've got to find out who is intimidating people among us. A few months ago, a couple came up to me in the state of Michigan and said, "Am I glad you are calling for a hearing on paramilitary organizations. My husband and I stumbled across these people in uniforms with weapons, and we were afraid that we weren't going to get out without being stopped." The woman said, "John, it would have been so easy for us to have been killed, our bodies buried and nobody would have found out about it for months." She said, "I have never been so frightened in my life. Thank God you are calling for hearings." And you know I began to think that there may be millions of people in America living around this type of activity but who are afraid to show up at a hearing, who are afraid to speak out about what they see and know is going on in their rural isolated areas, because the people with the guns are the only authority that they see. You might see a state trooper every now and then, but forget 911, there is nothing around there. On those areas, it is the militia members and you, and they've got the guns, and they've made it clear that they are willing to use those guns.

And so, I want Reverend Vivian to know that his messages over the years have not been forgotten. I also want to commend another brave citizen, Morris Dees of the Southern Poverty Law Center, who has been fighting racism, violence, threats, bombings and murders committed by Ku Klux Klan members. In Alabama, we've finally gotten judgments against the Klan for the harm that they've done to other citizens. The Southern Poverty Law Center has kept working, struggling and fighting in the South, and those people too want to know that their day has now come. Not in a spirit of hate or in a spirit of retribution, but as the lawmakers for this country, we want to find out who is behind these militia organizations, what they stand for, and what they represent. We need to get the story out. We have neo-Nazis, white supremacists, skinheads, the Aryan Nation, klansmen, and offshoots of all those organizations that, let's face it, have been operating for decades without

interference. As Pat Williams, from Montana, has said, these troops are being funded by somebody. They are being supported by people that you would never think are connected with them. We have their local elected representatives coming forward, and now members of Congress representing their views to bear in the Congress. This is why we had to hold hearings without the Chairman of Judiciary, Henry Hyde, even acknowledging our letters. This is why we had to hold hearings without Speaker Gingrich. This isn't a partisan affair. Republicans were invited. None wanted to come. None of them chose to be here. Not a one in the whole Congress. We've been put off for years.

If there was a black organization out in Michigan or anywhere else, its members would be followed, videotaped, harassed, and God knows what else, but the members of these groups are white citizens who have somehow been acceptable. And so I am saying to all of you here, we are keeping a record. You can put it up here in front of Chuck Schumer. We are going to keep all of the records and all the testimony. We are taping this hearing. This hearing is going to be as important as any we've had, and it is just the beginning, because I want to know who is behind these organizations, and what are they up to. I want to get some questions answered.

If you want to get some idea what they are doing, just check out their recorded telephone lines, these hate lines, and listen to what they are saying, in some of their more candid moments. We want these groups to know that finally, their moment has come. We will not simply give them a forum, a million-dollar forum to spew what they were doing and why, as the Senate did. We are saying we want to hear from all sides under the reasonable rule of discussion that governed our committee.

Again, I want to tell Chuck Schumer and everybody on this panel, that this is one of the most important hearings that Congress will hold this year.

SCHUMER. Thank you Mr. Conyers. I just want to make a couple of quick points. We will get into the issue of funding when we like Joseph McCarthy in the United States Senate started this kind of stuff in the 1940s, people sat quietly and let it get going and let it ferment, and ferment, and actually threw gasoline on the fire. And my belief is that this is the time when we can stop it, we can use the power of the Federal Government for good. There isn't anybody up here who is so naive as to think that sitting up here is not going to turn loose your fax machine and your telephones in your office. We are all going to get inundated with stuff. My staff has already had it in the past, but my belief is, once elected to the United States Congress, you have the responsibility to stand up as a public official and say what is going on is wrong, and any public official who does not do that, unequivocally, is not really holding office and not serving the office that they were elected for.

For that reason, I want to congratulate the people who took the effort to put this together, but I really want to hear from the people of Washington State who have been through the wringer.

Congressman JOHN LEWIS. I want to thank Congressman Schumer and my colleagues for holding this hearing. I am pleased to be here today as part of this effort to explore the true nature of these extremist militia groups. However, I am disappointed that none of my Republican colleagues has chosen to join us. I am disappointed that the leadership of this House, the Speaker, has refused to hold this hearing. Since the bombing of the Oklahoma Federal Center, we have learned a lot about these right wing groups. We have seen the politics of hate and division. We have seen that the politics of hate and division have not been without cost. These groups have been a threat to our country, to the lives of our citizens. The House, this House, must become involved. Dozens of House members wrote the Speaker asking that we investigate these groups. Still, we have no hearing. This House has held hearings to repeal the assault weapons ban; they are holding hearings on Waco, but the leadership of the House will not hold hearings about the militia, about those who abuse their right to bear arms. There is no constitutional right to own a machine gun. There is no constitutional right to have a private army, to be a gun-holding thug.

Today, we will hear from ordinary citizens who were harassed and even beaten when they stood up to these extremists. Today, we will see the hatred and the violence that is part of this growing movement. I hope the Republican leadership will pay attention to this hearing. I hope they will open their ears and minds. There is a lot they can learn from this hearing today. When you preach hate, when you preach anger, you get hate, you get anger. Some members of Congress have been all too willing to attack the Federal government. They have created an environment of hate toward the Federal government and its employees.

As I said, during the Civil Rights movement, Governor George Wallace of Alabama never pulled the trigger, never threw the bomb, but he preached hate and division, and what do we have? Hate and division. Yet, the average American family does not want hate and division. They do not cry out for assault rifles. The average



American family simply wants to feel safe in their own home. Ask the average American: who would you rather have living next door, the FBI or the Montana militia, and they will say the FBI. Ask the average American: who would you rather have next door, the BATF or the Aryan Nation, and they choose BATF.

In today's hearings, we will see why. We will hear how these fanatical groups bully their neighbors, how they beat up unarmed men and women. We will learn what these groups and their members are: cowards, cowards hiding behind their guns. At another time in my life, not too many years ago, I knew some of these groups. The Ku Klux Klan, and the John Birch Society were also unhappy with the Federal government. The Federal government wanted to treat every person with dignity and respect.

The hate groups of the '50s and '60s were not happy with the Federal government, so they hid behind their sheets, they hid behind the cover of night, they hid behind their hate and their guns. And like the militia of today, they terrorized ordinary, law-abiding American families. They attacked innocent men and women and children, they bombed churches, schools and synagogues in the South. They killed friends of mine. This is the legacy of the militia groups. They legacy of paranoia, violence and fear.

The United States is a democratic society, a democratic society where we treasure our freedom of speech, our freedom to disagree. It is a society where we have the freedom to hold political beliefs, to express them publicly and openly. If you disagree with the government, do not pick up a gun. Pick up a ballot. Let your vote be your voice. The voice of the ballot is louder than any gun. As during the Civil Rights movement, it is again time for the Federal government to step up, step in and assure that all Americans are safe from these thugs.

I hope this hearing will open the eyes of the Republican leadership. People have been harassed, intimidated, beat up and bullied. I urge the Republican leadership to confront the problem caused by these militant groups. The individuals who will testify today have the courage to stand up, and we must stand with you. It is time for the leadership of the House to do the same. Thank you, Mr. Chairman.

SCHUMER. Thank you, Mr. Lewis. We are ready for our witnesses. I just want to make one point for those who don't know. We on the Judiciary Committee will sit through nine days of hearings on Waco. That was the Republican leadership's response to Oklahoma City. We think at the very least there ought to be a response looking into these groups, and that is why we are here today. Nine days of "Iran Contra style" hearings on Waco, and not a peep on these right wing groups that are far more of a threat to people than the FBI or the ATF, and that is why we are here today. I'd like to call the first panel to come forward. Your names, I don't know if you can see them there, but your names are up there.

We have two panels of people who have been threatened by violence and intimidation where they live. The first is those generally trying to execute the civil laws of our society, and the second deals with Federal land managers. That is how we have divided up the two groups, and first let me thank all of the witnesses.

Since this is an unofficial hearing, they flew here at their expense because they wanted their stories heard. Second, more importantly than the expense, is their courage. They will tell their stories today, but they are going back, and they are going to have to, unfortunately, live with the kinds of things you are about to hear, not just today, but every day, and I think all of us salute your courage.

SLAUGHTER. I was really struck when you all came up to this table that all of you were women. It says two things to me. First, you are extraordinarily courageous, which doesn't surprise me in the least. But the second, is because of what you've been through, that these groups may particularly intimidate and attack women.

SCHUMER. Right. Louise, I asked the panels. We did not design or deign to choose women. We just wanted people who were victims of the harassment.

SLAUGHTER. And courageous enough to come.

SCHUMER. And courageous enough to come, and all women came, and I think that does show the bullying nature of some of these groups. You know, we have bullies in Brooklyn too, and they always try to pick on people who they think they can intimidate or think they are stronger than.

OK, our first witness. Let me, briefly, I have longer statements, but I don't think I have to read them, but our first witness is Karen Mathews. She is the County Reporter of Stanislaus County in California. She was violently assaulted by members of a right-wing tax protest group, the Juris Christian Assembly, and because Ms. Mathews is a witness in a pending criminal matter, she'll present a statement from a written script, and in order to protect the rights of the defense and the government, she will not be answering questions from any of us.

The second witness is Judge Marty Bethel of Hamilton, Montana. She came into contact with the militia while presiding over several traffic violation cases. The mili-

tia members and other self-described freemen and "Christian" patriots have followed her home, harassed her over the phone, and then increased the harassment of her after she testified on behalf of legislation introduced into the Montana legislature by Representative Debra Kottel, who is also here. Judge Bethel has had documents served upon her by "the common laws courts" stating she would be arrested and tried for her actions.

The third witness is Ellen Gray. She was harassed and threatened after testifying at a public hearing on land use issues sponsored by her county council in November of 1994 in Everett, Washington. Daryl Lord, who is the current director of the Snohomish County Property Rights Alliance and the Local Freedom Forum, shook a hangman's noose in her face, among other things. I've mentioned Representative Kottel of the Montana State Legislature. She sponsored legislation which would have made it a felony to threaten public officials or their families and has received as a result threatening phone calls, not only targeting her, but her seven year old child as a result. Several representatives refused to co-sponsor the legislation because they feared they also would be subject to threats, harassment and physical harm. That's some way to legislate.

Ms. Cynthia Sypolt is an Assistant Attorney General in Washington State. She has been stalked by members of right wing patriot groups because she was working on a case where the claimant was a woman associated with the Posse Comitatus movement and the infamous Bo Gritz.

Ms. Susan Schock is Executive Director of the Gila Watch in Silver City, New Mexico. She also has been harassed and intimidated because of her involvement to enforce grazing regulations and environmental restrictions in Catron, New Mexico.

And finally, Ms. Virginia Johnson, who is the legal counsel for Planned Parenthood in Lincoln, Nebraska, will testify about a group called the Plainsmen who have attached hangman's nooses and bullets riddled with steel plates outside her health clinic where abortion services have been provided.

They are here, and I should mention also Ms. Schock's daughter, Katy is here as well, and she is saying hello. Ms. Mathews, you may begin.

Ms. KAREN MATHEWS. Congressman Schumer and members of your panel, thank you for holding this hearing today. The time has come for this hearing. My name is Karen Mathews, and I am here to share experiences I've had in the past few years with what is described as a local tax protestor group. As you will see, my story is not a pleasant one. My staff, my family and I have been the victims of a series of escalating threats and violence.

The high point or the low point, depending on your perspective, occurred eighteen months ago when I was attacked and terrorized in my home. Two weeks ago, nine people were arrested and charged with crimes related to this event. The arrests were the result of indictments handed down by a Federal grand jury.

I want to begin by telling you just a few things about myself and the office I hold. The position of Clerk Recorder in my county and in most of California is an elected non-partisan office. The Clerk Recorder is responsible for conducting elections, maintaining and tabulating vital statistics, issuing licenses and most significantly, in the context of this discussion, recording and maintaining legal documents related to property ownership and real estate transactions.

I was first elected to County Recorder in June of 1990 and was re-elected last year for another four-year term. By any standard, I believe I am an average American citizen and the proud parent of two grown children and I've worked most of my adult life. At different times, I have struggled with marital and financial burdens, like most people. Like the office I hold, I am essentially non-partisan and make no pretense about being politically sophisticated. I emphasize this because I want you to understand that I have no political agenda, hidden or otherwise, and in the event that I appear a little nervous, it is only because appearing before a committee like yours is a little awe inspiring.

My story begins on November 12th, 1993, when I was approached at my office by several members of what is now known to be a local tax protestor group, who demanded that I remove a \$416,000 IRS lien against a member of their group. I refused, because I don't have the authority to remove IRS liens. I was threatened by one of the men as he left, saying, "You are going to be very sorry you made that decision."

Days later, members of the same group returned to the office to record so-called "common law liens" against property owned by IRS agents. Again, I refused. For those of you who are unfamiliar with common law documents or liens, unlike genuine liens, which creditors place against property of people who owe them money, common law liens are typically filed by tax protestors who aren't owed money but use these liens to harass public officials and IRS agents. If recorded even bogus liens make it difficult for property owners to refinance or sell their property. If re-

corded, a property owner may not even be aware of this type of a lien until years later. They use these documents to cancel their driver's licenses, birth records, and social security numbers, and to revoke their citizenship. I won't record any of their documents.

Within weeks of the second visit, I began receiving anonymous phone calls at home. The gist of these threats is the caller identifying where I lived, identifying my car, and telling me that if I knew what was good for me, I would begin to record their documents. Do your job, or something will happen to you.

Although the calls were disturbing, I didn't take them seriously until December of 1993 when, after work, a box was found underneath my car. When the box was opened by law enforcement officials, a simulated pipe bomb was found. The situation escalated dramatically a short time later when shots were fired through our office window with employees present. Fortunately, no one was injured.

On January 30th, 1994, after returning home from dinner at a local restaurant, upon entering my garage, I was attacked and beaten by two men. I was knocked to the floor, slashed with what I believe to be a knife, kicked repeatedly, punched, and finally, a gun was placed to my head and the trigger was pulled several times. My assailant said I was a messenger to all recorders. That if we did not begin to do our jobs and record their documents, this would happen to them too. He reminded me that I would be easy to kill. As you can imagine, these incidents have been tremendously difficult to deal with. The beating has changed my normal existence dramatically. Among other things, I carry a gun at all times, and I am well trained in its use, but I never imagined I would have to carry a gun.

All these people have accomplished is beating up a woman. They are cowards. Although this was the last incident personally directed toward me, in the ensuing months, a call was made to my elderly parents who live in another city, threatening the life of a family member or myself if I didn't begin to cooperate.

From a larger perspective, what has happened to me personally is not the main issue. What is important is first, what was this really about and second, what does it say about what is occurring in our country today. With regard to the first question, what is this really about? The available evidence strongly indicates that what transpired in Stanislaus County is an attempt by an organized group to intimidate and coerce an elected government official into committing illegal acts which in turn are directed toward harassing and intimidating Federal IRS agents. Simply put, this was an effort to undermine our Government through the use of violence.

With respect to the second question, what does it say about what is occurring in our country today. As I emphasized in the beginning, I make no pretense to being politically sophisticated. However, it is very difficult for me to avoid making some inferences from the nature of the group which allegedly attacked me.

Recently, after the indicted parties were arrested, associates of the group met with local newspaper reporters. According to published newspaper accounts, these associates shared pamphlets with a reporter reflecting their beliefs. One pamphlet was entitled "Why A Bankrupt America." This pamphlet was about the Federal Reserve System. Another pamphlet was entitled "The Hidden Tyranny of Purported Jewish Domination Over the Nation." These associates also stated that the Constitution is based on biblical laws and principles, and that politics and religion are inseparably intertwined. They considered themselves to be sovereign entities and not subject to federal or state law. They asserted United Nations equipment was sighted and was being stored at the Modesto Airport and was involved in a recent fatal air crash in Fresno, California. They stated that the Federal Government can and does manipulate the weather, encouraging the destruction of agriculture in California's Central Valley.

The person who was accused of actually attacking and beating me was apparently recruited for this purpose from Oregon. Five years ago, he was arrested and convicted in Northern California for threatening the lives of two California State Representatives who favored gun control. When he was arrested, law enforcement officials found four semi-automatic weapons, more than ten thousand rounds of ammunition and twenty pounds of marijuana in his cabin. One of the other accused parties was convicted in February in Federal Court of conspiracy and counterfeiting charges, and apparently faces up to fifteen years in prison.

When you compare this group's apparent ideology, methods and paranoia to other shadowy radical groups operating in this country, and the group's ability to recruit a hit man from another state to attack me, it is difficult to avoid speculation that some wider conspiracy may exist. I hope this committee and other appropriate authorities will thoroughly investigate this possibility.

In closing, I have two final comments. First, due to my experience, and the horrendous Oklahoma City bombing, I hope that all elected officials, community leaders, and other public personalities will aggressively and forthrightly condemn the

actions and tactics of groups like the one who allegedly attacked me. I have become weary of officials who for whatever the reason fail to do this. Finally, I want to tell this committee that I've been deeply impressed by the professionalism, dedication and concern I've witnessed with the many FBI, IRS and Justice Department officials I've been working with over the past few months. Notwithstanding the nonsense which is put forth by some elements of our society, I, as one American citizen, feel we are very fortunate to have people of this quality protecting our rights and freedoms. Thank you for affording me the opportunity to speak to you today.

SCHUMER. Thank you, Ms. Mathews, again, for your courage and stalwartness. Ms. Bethel.

MARTY BETHEL. Congressman Schumer, members, my name is Marty Bethel. I have served as a non-lawyer City Judge for the City of Hamilton, Montana for the past nine years and for the past three and a half years for the town of Darby. These towns are located in Western Montana. You've heard what has been going on, and I am here to tell you I am living it. Hate groups have been active in our state for many years. Over the past five years, five Federal district court lawsuits have been filed against me personally, just because of the work that I do. Four are still pending. These have been brought by what is described as a Constitutionalist group. They also publish a newsletter, I guess you would say, that is really incredibly slanderous toward the public officials in my area.

On a much more serious note, members of the Freeman Movement with ties to the Militia of Montana and various fringe groups, as you know, have become quite active in the State of Montana. My experience with this group began in January of this year, when one self-titled Freeman appeared before my smaller jurisdiction facing charges which amounted to routine traffic tickets. He termed his appearance not by his choice, rather one under duress. He termed it as his special visitation in response to the tickets. He alleged Freeman status, and for that reason, claimed that my court had no jurisdiction over him whatsoever. He refused to cooperate and was just pretty much difficult through the entire process.

During January and February of this year, he filed a barrage of notices, motions, and demands, all vehemently challenging the authority of my court, law enforcement and the related statutes. One night in February, after my full day's work in Hamilton, I travelled down Highway 93, some twenty miles further south; this is a two lane road which winds through a canyon along the Bitter Route River it is remote. I travelled to Darby to preside over a session of night court. That morning, I had received a call there were plans for a large demonstration at Darby City Hall by the Freeman or the militia group and that an attempt might be made to take me into custody during court.

Other than one sole law enforcement officer there, the only other backup was forty minutes to an hour away, as far as response time goes. I requested extra patrol and they did arrive. Two officers arrived. No demonstration occurred, and at 9:30 p.m., roughly, I locked City Hall and drove the forty miles or so back through this canyon and to my home in Stevensville. I was followed all the way home that night by two members of the militia group, right to my driveway. I received an anonymous call a few days later, informing me of this, and to prove it, they gave a description of where my home is.

On March 1st, 1995, members of the Freeman Militia Group created their own common law court in my county. Their caption is "Ravalli Valley County Court, Common Law Venue, Supreme Court, Country of Montana"—three justices, a marshal with arrest authority, and a court clerk were appointed. Most frightening was the assertion that this court had supervisory control over my jurisdiction, if not higher jurisdiction when it came to anything falling within their realm.

On March 3rd, my Darby jurisdiction was served with a lengthy set of documents with their court caption. It had to do with this gentleman who had traffic tickets before me. These documents recounted a hearing before their common law court held two days prior, on March 1st of this year, at which their justices ruled the local courts lacked jurisdiction, that basically the charges against their freeman, were a conspiracy of some sort, a "sham process" or proceeding, as they called it, that I had committed treasonous acts and violated my oath of office and on and on. We are talking twenty-eight pages.

The justices demanded dismissal of the charges against their defendant within ten days or "lawful" warrants of arrest will issue. On the same day these papers were delivered to me, similar filings were made with Justice Court and District Court and one other, smaller jurisdiction in our valley. One additional jurisdiction has been served since that time. The defendant focused upon here is one of those fugitives "holed up" on a ranch in southwestern Montana for quite some weeks.

In the spring of '95, I testified before the Montana legislature on a bill which made impersonating or intimidating a public official a felony, rather than a mis-

demeanor. It is no coincidence that the threats escalated after that time. I have since that time received hate mail from across the country. On two separate occasions, I've had to have my children live elsewhere for a week at a time because of threats. I would like to spare my kids the terror of watching mom kidnapped.

After threats of riddling my home with gunfire and the like, law enforcement officers visited my home, and basically mapped my property, my residence. They instructed me which room to hide in if my home came under fire, and I mean which room they expected me to be in. They explained how the kids could hide under the house. We were instructed to pack a duffel bag with a police radio, flashlight, gun and everything by the door, and it sat there for a good two and a half months. It is still there. They mapped in the woods, the forty acres adjacent to my home, where I should hide with my children. They are ten, eleven and thirteen years old.

Over Easter weekend, law enforcement suggested that I take the kids and leave the county after they received credible information that an attempt was going to be made at my residence. I was also advised by law enforcement to hold all proceedings at the County seat, for security reasons, until further notice.

On a day a jury trial was held on this Freeman, we convened the trial in the basement of the County Court House. During the trial, our federally funded research facility was evacuated, due to a bomb threat. Our entire County Courthouse was evacuated on the day before the Oklahoma City bombing, again, due to a bomb threat.

Those public officials who have been threatened have been met with incredible support from my community, throughout this traumatic time, for what it is worth. At the same time, we all share a sinking feeling because these activists seem so staunchly anti-law enforcement.

Over the past seven months, the threats that have been communicated to me include kidnapping me from my home, from my vehicle on the highway on my way to work, that I will be tried before their common law jurisdiction under civil and criminal charges, and summarily sentenced to hanging for acts which have been described as treasonous. Another local judge who wishes to remain anonymous was told that he'd be shot in the head. I received a phone call, "don't come to Darby tonight, or you will not be leaving". A prosecutor received threats of burning his home and shooting him in the back. Our District Judge has been threatened with being dragged from his chambers to being hung openly in the city park.

In June, roughly four weeks ago, I was informed by Federal law enforcement that a contract had been issued for my murder in the Southwest U.S. These threats are being made against people in our area for no other reason than the positions we hold as members of our communities. I can only speak today for myself, but I am sincerely concerned these threats may be brought to fruition. I made this trip to tell you enough is enough. I can't emphasize that enough, when simply because of the work I do, I lie awake worried about being kidnapped under the guise of lawful arrest. Some of these individuals, ladies and gentlemen, involved with these groups, can be properly characterized as terrorists. One such Freeman stated, "I'd rather die with my children lying at my side than look that, expletive deleted, in the eye again; the next time I look her in the eye will be at a time when I am in control". Is this not a threat? Faxes have been received by local law enforcement threatening, "How many of yours will go home in body bags before these people are taken seriously," or along that line.

I guess I was invited to come before you to put a face with this fear. This has been a living nightmare. My family, my coworkers and community have been affected by all of this. I took this job nine years ago, with the realistic belief that it would be a real challenge. I never expected this position to be one of popularity. Quite the contrary, anyone who takes the bench must realistically expect to deal with threats and accusations and even lawsuits, with difficult people, most of the time, who are unwilling to accept responsibility for their actions, but, at the same time, with many wonderful people. If people like me who work hard and take their work very seriously are allowed to go through this (I've been on house arrest since January of this year. Every movement I make is with attention to who is around me, what vehicles are behind me, or in front of me;) but if people like me are allowed to go through this, you may not find many people like me who are still willing to take the risk of standing firm under these threats.

In closing, I am overwhelmed by the support, the first support I've felt for a long time. I'm pleasantly surprised that I have a voice at this level, and thank you.

SCHUMER. Thank you, Ms. Bethel. Our next witness is Ellen Gray of Everett, Washington, and the Pilchuck Audubon Society.

ELLEN GRAY. Thank you, Congressman Schumer and honorable members of Congress. Thanks for the opportunity to tell my story, and to share with you the unfortunate climate that has enveloped Snohomish County, Washington. My name is

Ellen Gray. I am Director of Pilchuck Audubon Society's Smartgrowth Campaign. It is a program to involve citizens in environmentally sound local growth management planning. We have 1400 members in Snohomish County and Camano Island. We're located just north of Seattle. Our eastern border is in the Cascade Mountains, and our western border is on the shores of Puget Sound. Pilchuck Audubon Society's mission is to conserve and restore natural ecosystems, focusing on birds and other wildlife, for the benefit of the Earth's biological diversity.

On November 14th, 1994, I attended a public hearing before our County Council members on the critical areas ordinance. This is an ordinance that would establish protection requirements for critical areas which include food plains, aquifers, geologically hazardous areas, streams, wetlands, and fish and wildlife habitat. Government regulation of private property has been opposed by members of the Snohomish County Property Rights Alliance. This is a local property rights advocacy group. Since my program started in 1994, the Snohomish County Property Rights Alliance has continuously harassed me and my employer in the monthly newsletters, their monthly meetings, their letters to the editor, and in their public testimony. They have filed ethics complaints against me, they say I "use Hitler's big lie technique." They continuously refer to me as "the anti-property rights ethics code violator." They accused me of tax payer rape, ripping off the county for a hundred thousand dollars. Now, they have started to list the names and addresses of my volunteers in their actions as illegal maneuvers and attacks. Citizen activists who have worked in the community for years are now referred to as fascists and eco-nazis. Their newsletters are full of violent language, fueling flames of hatred and intolerance. I've submitted copies from some of their newsletters that are in your packets, and I have some with me today as well.

This group focuses on people to hate, rather than issues. When one issue passes, they move to the next, but they are always focusing their attacks on individuals, and they have successfully polarized our community into an us versus them scenario. The hearing in November on the critical areas ordinance very quickly developed a hostile overtone. Testimony was primarily from the property rights alliance members who advocated no protection for critical areas and no government regulation of land. Several referred to environmentalists in their hearings as fascists, econazis and eco-terrorists. Many citizens who had come that night, planning to testify, chose not to speak because of the hostility and the anger from some of the members of the crowd. During my testimony, I was presenting Pilchuck Audubon Society comments on the ordinance, several members of the audience spoke very loudly trying to interrupt my presentation. Towards the end of my presentation, a loud cat call came from the audience, again, trying to interrupt my testimony, but I finished my testimony. The council called for a short break, after I finished. I stood up to stretch. I noticed the commotion two rows ahead of me. A man I did not recognize reached under his seat, pulled out a hangman's noose, and shook it in my face, and said "This is a message for you."

Immediately afterwards, another man I did not recognize approached me, he leaned toward me and he said "We have militia of ten thousand, and if we can't beat you at the ballot box, we will beat you with a bullet." I asked him if it was a threat. He did not respond. I asked him his name, he did not respond. He then turned and left the hearing. I reported the incident to the council chair. I then asked the president, the current president of our local property rights alliance to identify the man with the noose. He said his name was Daryl Lord. I then went up to Mr. Lord, and I asked for the name of the militia member who had threatened me. He gave me a name, but it could not be verified, after an investigation by the local police department.

Mr. Lord testified at this hearing. He used the same noose to express his belief that government regulation of land was fascist, and that he "would never surrender to the fascist agents of force." After his testimony, he distributed what I'm calling calling cards to several members of the audience, and copies of these are in your packets. On one side, it says "Treason equals death," with a hangman's noose drawn on it, and the other side says "Eco-fascists go home," with the definition of fascism that I haven't found in a dictionary.

Daryl Lord lives in Snohomish County, he has been supportive of militia activists and White supremacist groups. He is head of what they call the Freedom Forum Supper Club. He has recently been elected to director of our Snohomish County Property Rights Alliance. At his meetings of the Freedom Forum, he distributes racist and anti-semitic material, including the Spotlight and America's Bulletin. Many of you know, Spotlight is the leading anti-Semitic publication in the country, supporting conspiracy theories and holocaust denial and including writings of praise for the neo-nazis, the Klans, the Christian patriots and the militia organizers.

The current climate in Snohomish County has discouraged many citizens from participating in the Democratic process. It has discouraged them from expressing their opinions. It has discouraged groups from taking strong positions. For example, we are currently working on a signature gathering campaign to place a takings bill that was passed by our State Legislature on the ballot in November. The local League of Women Voters did not want their volunteers working locations in north or east Snohomish County because of the potential for violence and the confrontation with the property rights advocates. We've encouraged volunteers to work only in pairs, to never go out alone. Local groups are also scared to take strong positions. One group did not join in the appeal of a weak, very weak environmental ordinance because they were worried about retaliation from members of the property rights alliance.

I work for an organization that has been educating citizens on environmental issues and encouraging citizens to participate in the public process for over twenty years. Never have the leaders of this organization seen the mood so hateful and vindictive. When average citizens are scared to attend meetings alone, when they feel physically intimidated at public hearings, and they are frightened to express their opinions, the basic foundation of democracy is cracking, and I really appreciate your holding the first of what I hope is many hearings to get to the root of who is funding these groups, how they are being interconnected, and I thank you for the opportunity.

SCHUMER. Thank you very much, Ms. Gray. Next, we have State Representative Deborah Kottel.

DEBORAH KOTTEL. Representative, members of the Committee. I am a State Representative from the State of Montana, and I sit on the House Judiciary Committee. This past January, I served my very first term in the House of Representatives, and I have to say there was much that surprised me when I came there, but nothing surprised me more than the depth of anti-Federal government sentiment that I found from the Representatives and members of the Senate in the State of Montana.

One bill, Senate Bill 160, would have required Federal law enforcement agents to get permission from the local county sheriffs before they could do any investigation or arrest anybody in a county inside of the State of Montana. Another bill, Senate Bill 143, proposed to change the Montana Constitution, and I just want to read you one line of language in Senate Bill 143. It says "whereas, in 1995, the states are demonstratively wrongfully treated as subservient agents of the Federal government with Tenth Amendment protection usurped." Someone, I guess, with the rhetoric running as high as it did from legislators themselves, it is not surprising that when citizens came forward to testify before our House Judiciary Committee, that we also had this type of rhetoric, and I just want to give you some of it.

As I sat in the House Judiciary Committee, in the State of Montana, I had people testify that there were federal death squads out there firing on our citizens, that federal law enforcement is no different than hit men from the mafia. And this is my favorite quote, "black suited baby burning neo-communists from the federal government," not to mention also that the IRS are a lawless terrorist organization that do not have a right to exist.

You know, I give you this rhetoric just to show you the depth of dissatisfaction that appears to be out there among some of our citizens out in the west and in particular in Montana. I guess it would be easy to dismiss these statements as the raving of lunatics. But I have to tell you, many people in my district feel that there is something amiss between the relationship of federal and state government, and I think it would be a mistake to dismiss the warning signs.

For our democracy to flourish, there must be a choice of candidates, and Representative Jim McDermott made that statement clearly. My head jumped up when you said that in your statement, because our best cannot be driven away from public service, our best must choose to run for public office, and unfortunately, with the rise of the Freemen and the radical right fringe of the militia, many will choose not to serve in public office in Montana.

Joanne Stanton is a Garfield County Clerk and Recorder. Last year, she was confronted by Freemen to file legal documents that she could not file. When she refused to file those documents, they threatened to kidnap her and to attach her personal property. She was then told to go to a Freemen court where she would be tried for official misconduct which, of course, is treason and punishable by death. Joanne Stanton believes that the terror these threats have caused is tremendous. I am quoting her, not just to the public servants, but to the community she serves as a whole. She says "the majority of the people in our community do not feel that public servants should have to put up with this type of harassment."

I am here to tell you that this terrorism is not just the terrorism of verbal threats, and physical threats, it is called also paper terrorism. It is the terrorism of thou-

sands of thousands of pages of documents that have been filed against public figures, common law liens on their property, tying up their businesses, costing them thousands of dollars to defend twenty-eight pages of rhetoric that is filled with quotes from the Bible, and for some reason, the uniform commercial code and the Constitution. (laughter). This paper terrorism, according to Garfield County Attorney, Nicholas Moran says that "his county attorneys have dreaded going to work, they've lost weight from stress, their husbands have started packing guns, and many government officials in Garfield County have considered resigning from office." He went on to say that the threats are not just to the Garfield sheriff, as you know, and a bounty was issued for him. He says, "as public officials, our oath of office does require us to take a certain amount of harassment from the public, since we are public servants, but it is clear that the threats and the intimidation that we have been subject to by the Freemen is above and beyond anything that a public official should have to take."

Because of these increased threats to public service, I sponsored a bill, House Bill 347, which would make it a felony to threaten a public official or a member of their family, or to impersonate a public official. I believe this get-tough attitude is very important. No one person should ever be allowed to further their political agenda through the threats of violence. Our public officials must be free to vote in the best interests of their constituents. Once I agreed to sponsor this bill, I also became the target of several individuals who were upset with me because they said I was harassing militia. One man, of many, called me a traitor and threatened to kill my children. Why my seven-year-old son should have to feel fear because as a state legislator, I sponsored a bill, I don't know.

In Montana, we have citizens legislature. I am a college professor. The Montana legislature sits for four months, once every two years. I serve in the House of Representatives as an extension of a volunteer activity, as an extension of my service to my community. In fact most of us who sit on city commissions and county commission boards and zoning boards and land use planning boards serve as an extension of our ethics to our community service. When citizens, and even one citizen, refuses to run for any office because of concern for their family members of their own personal welfare, then I think we have lost our democratic government. I think we have taken the first step down a road where this country is going to become like Colombia and other South American countries. We have taken a step down a road where we will have democracy by gun, democracy through violence.

I know there is a lot in the press about the Oklahoma bombing being called the heartland of America. Well to me, the west is the soul of America. That is what we think about when we think about America, the Great West. It is about independent people. People who vote at the rate of sixty-two percent. Well I have to tell you the soul of America is sick. The soul of America is being inundated with terrorism, and I think it is time that we put a stop, and we put a stop to it now.

THUMER. Thank you, Rep. Kottel, for your words and eloquence. Ms. Sypolt.

CYNTHIA SYPOLT. Thank you Congressman Schumer and members of your panel, and Congressman McDermott. Good morning. I am a Labor and Industries attorney of workmen's compensation attorney. I work for Christine Gregoire, who is Washington State Attorney General. My involvement in this hearing today came by way of my involvement with one of my cases which might seem rather strange. Workmen's compensation cases don't generally generate this type of scrutiny or inquiry, and it certainly surprised me as well.

Early in last November, I had occasion to defend a department order against a claimant who was bringing a claim for her benefits which had been cut off by the Department of Labor and Industries. In a normal day, I defend the department orders. But this case was vastly different from any others that I have thus far litigated in that the claimant immediately at the first hearing made assertions that the Department of Labor and Industry had committed fraud toward all of the citizens of the State of Washington, and she saw herself as some sort of spokesperson for that group, and that she intended to prove these sort of allegations. It was readily pointed out to her at the onset, that this wasn't the forum for any sort of tort action against the State of Washington, but nonetheless, she kept on and as many of the panelist here today have indicated, inundated us with thousands of pieces of paper. She proceeded representing herself, pro se, as her own attorney, and I know you have a prepared statement in front of you that I gave you. I would like to add my comment to that by specifically giving you examples more in detail of exactly what I've experienced.

This woman's allegations of government conspiracy led to threats against me. Our hearings run out over a span of time, you understand. It is not like the O.J. Simpson trials or whatever. In other words, we do these piecemeal with interruptions over a period of time. The claimant presents his or her case first, and because we



have mostly medical witnesses, we go to where they are located to curb expenses for both the claimant as well as the State. So they run on for several months, generally, before everything goes to the judge, and then it takes a couple of months for him or her to make a decision, and in this case, we have concluded the hearings, but the judge has not made a determination as yet.

During the course of some of the hearings, during the claimant's case, at a recess for lunch period, she came down into the restaurant where I was waiting for my lunch, along with one of my colleagues, put her finger in my face, and basically told me that if I did not persuade the Department of Labor and Industries to see the situation in her favor, and conclude the case in her favor, that we had not seen the end of whatever outcome she thought should be determined. In other words, I guess basically what she was saying to me is, as she was pointing her finger in my face, is something like, this isn't the end of it Ms. Sypolt, you are going to have other repercussions if you don't do this.

This was something that was rather unprecedented, at least in my legal experience. I thought maybe she was just someone who felt strongly about her case, and so I tried to listen patiently, and to give her as much latitude as she needed to have her day in court, which is the right of every citizen. And although I do represent a state agency, I also believe that I represent all the citizens indirectly in the State of Washington, and they all have their right to have their appeals heard. So I proceeded in that manner, trying not to in any way, have her feel like I've intimidated her, but nothing ended there. The more I acquiesced or the more patient I became, the more threatening she became. The threats then escalated to letters to the Director of Labor and Industry in Olympia, Washington, basically giving him fifteen days to either see things her way or there would be unspecified reprisals. If there was no response forthcoming from the Director within fifteen days, then that lack of response would be an admission of guilt of fraudulent conduct by the agency. She also then sent letters to the Chief Appeals Judge, basically telling her the same thing, that she would be guilty of committing fraud.

At the conclusion of our case, the claimant filed paperwork with us, "charging" us all, the witnesses in my case, as well as the judge, with Class C felonies. She has intimidated me by bringing a group of people into the hearing process who are known paramilitary organizers, members of the Posse Comitatus group in Stevens County, north of Spokane, According to affidavits filed by the claimant these people recorded my movements, followed me everywhere I went in the building, recorded what I did, what I said, and where I went. I believe that they recorded these things inaccurately. They accused the hearing judge as well as me of altering transcripts. All of this was at the outset, mysterious to me, because I had never encountered any of it before. I was feeling extremely threatened.

My client, as a result, would not come in to testify without armed security which we had to provide. After the hearings had initially begun, I did further investigations, because I was very curious as to who these people who accompanied the claimant were. Further investigation by myself led to the discovery that the claimant had paramilitary people in gear, marching around her house with guns shooting out in the back of her property. She had filed identical lawsuits to the suits and allegations that she had made against my agency with other government agencies verbatim. She had filed documents with the Country Clerk up in Stevens County, declaring herself to be "a free White citizen of the Washington Republic." She stated in these documents that she was outside state and federal jurisdictions for the purposes of social security and licensing. She filed frivolous property liens against literally all of the judges in Stevens County, one of our Spokane County Superior Court judges, Stevens County Commissioners, the prosecutors office, and various other country agencies. I brought a copy of one of the liens with me, because I think the language is really important. She states in this document, "your relationship to me, as a public servant, and your oath of office, gave me the consent to file consensual commercial liens against you, and if and when I find that necessary in order to secure just compensation, in return for my support of you and your office, your oath of office and you consequential public responsibilities as a public servant when violated by you, are my commercial authority to file a just compensation lien against you."

I believe all of these acts to be a purposeful plan to disrupt the legal process through intimidation, threats and filing of these property liens. Once I got into the hearing process, it was very apparent that there was an underlying agenda associated with this case, that it was not really about a labor and industry case. In learning more about the claimant in my case and her associates, through the Coalition for Human Dignity, I discovered that Mr. Shaver, Mr. James Shaver, who was the gentleman she brought down with his associates to watch the hearing process, is a supporter as well as a member of the Bo Grits Presidential Campaign Committee.

After moving up to Stevens County, Mr. Shaver, in 1993, filed documents with the Stevens County auditor, declaring himself outside the federal jurisdiction and immune from federal taxation and a citizen under the Fourteenth Amendment. Mr. Shaver also offered his services as the head of the Posse Comitatus to a group of commissioners in Stevens County to "run the Federal Government out of Stevens County." Furthermore, he was reported to have distributed a booklet to the Stevens County commissioners and sheriff entitled "Citizens' Rule Book" containing a Christian supremacist philosophy, and also another document entitled "World War III Declared". He also made statements that the American Bar Association had undermined the United States Constitution with an international conspiracy.

After learning more about the claimant and Mr. Shaver, I became convinced that their intent is to forward the conspiracy theories through intimidation. I don't think it would have made any difference how I would have conducted myself during the hearing process, as it didn't seem to me to matter exactly who I was. It was like I was an invisible person; that they were following through with some agenda of their own that had nothing to do with who I was other than being a member of the government. I also heard that there was some report up in Stevens County that they believed me to be a member of Janet Reno's staff. I guess they couldn't differentiate between the fact that I, you know, worked for the state attorney general, instead of the federal attorney general.

At any rate, I want to thank you all very much for listening. I, again, want to reiterate that it is a bit overwhelming to be here in Washington, D.C. because I guess, a person feels somewhat alone in their experiences. Sometimes, colleagues don't take things very seriously, but, and it is not that they don't pay attention, it is just that I think people basically have an attitude in the United States of wanting not to deal with it. They just don't want to really believe that some think like this can be going on in our country, and as part of this panel, I'm here to tell you that it is, and thank you very much for paying attention.

SCHUMER. Thank you Ms. Sypolt. Ms. Schock, those bells that you just heard mean we have two votes coming up, so we are going to recess and come back as quickly as possible. Let's say we will resume in fifteen minutes. We'll resume at 11:35. The hearing is temporarily recessed.

#### RECESS

SCHUMER. I want to apologize to the last two witnesses, to everybody. We thought there would be only two votes, and instead, there were four, and so now we are ready to go. So that we can try to finish the hearing at a reasonable hour, I'd ask our two remaining witnesses to be as concise as they could, but don't hold back anything. I now call on Susan Schock of the Gila Watch.

SUSAN SCHOCK. Congressman Schumer, members of the panel. Southwestern New Mexico has been caught up in a sweeping anti-environmental movement that threatens both public lands and private citizens. It is not just militia members. Members of the Wise Use Movement and a loose assortment of anti-environmental and property rights groups are just as potent, just as extreme, and just as ruthless in achieving their goals. They demonize and threaten citizens working to enforce environmental laws. They claim private property rights to the Gila National Forest and Gila wilderness, and they threaten violence to anyone who gets in their way.

Environmentalists have been branded as pagan nature worshipers and compared to Hitler's Nazis in local radio ads. These ads were produced by Minuteman Media which was a coalition of livestock, mining and Wise Use executives. What is more frightening is that these groups are in control of many of our county governments. Two Catron County commissioners have threatened violence. One logging contractor, Carl Livingston, warned that there would be some kind of violence if the Forest Service moved cattle off parts of the Gila wilderness to protect streams. The other public lands rancher, Hugh McKeen said two years ago, we'll sue to protect our lifestyle, but there are a bunch of people who are buying ammunition. Last year, he warned, on BBC TV, it will go all the way to civil war, if things don't change.

Catron County has twenty-one unconstitutional ordinances that establish grazing permits as private property rights, and then established criminal penalties for Forest Service employees seeking to regulate federal lands. Gila Watch is one of the plaintiffs in that suit.

Federal officials have been threatened in Catron County. They have been told that if they return, their heads will be blown off, that the Endangered Species Act must be repealed or there will be "rioting, bloodshed, rebellion and conflict that will make the Serbian and Bosnia affair look like a Sunday picnic."

The day after the Oklahoma bombing, Kit Laney, who is a public lands rancher in the Gila wilderness warned the Forest Service that if you try to, "if you come

out there and try to move my cattle off, there will be a hundred people out there with guns to meet you." Five days later, the Forest Service reversed its decision to reduce cattle numbers.

Wise Use leader, Dick Manning, warned, "we are in the beginnings of a revolution. You are going to see a complete dismantling of the Federal Government." The Smokey the Bear sign was shot, decapitated and burned. The Catron County Militia which was organized last fall was a natural outgrowth of the beliefs and rhetoric of these extreme groups. It provided a direct link to white supremacist, anti-Semitic and neo-Nazi groups. Members burned a United Nations flag at the Catron County Courthouse while U.S. flags flew upside down. Of Catron's twenty-six hundred residents, over a hundred attended the meeting. The keynote speaker was Reverend Pete Peters of the Christian Identity Movement, which brands Jews as satanic, and blacks and other minorities as mud people. There was a lot of talk about Federal storm troopers and U.N. troops poised to invade the U.S.

The federal government has responded by backing off of enforcement of environmental regulations. Citizens groups are forced to sue to have laws enforced, and as we do, then we become the targets. We receive hate mail, threats and harassment. Speaking out in public meetings has become dangerous, and day-to-day living is an ordeal.

In 1993, in a letter to the editor of the Silver City Daily Press, a retired postal worker, Robert Anderson, wrote the following recipe for killing environmentalists. "We might utilize some heavy wire and a few large heavy rocks," he wrote. "We could attach the wire securely to the rocks on one end. The other end could be attached securely, very securely, to the arm, leg or other body extremity of an ecopornographer. Deposit all three objects in one of the deep pools in the river, and presto, or adios, or something."

Last summer, after a Catron County Commission meeting, where they passed a resolution urging each head of household to maintain a fire arm and ammunition, a gang of ranch women encircled me on the courthouse steps. They yelled, "why are you here, get out of our county. We don't want you here. Go home." One woman lunged at me and had to be restrained. When I told them I was exercising my First Amendment rights, they told me to get out. Another woman put her face inches from mine, and growled, "do you want to go at it?"

At the Catron County Commission meeting early this year, the woman who had lunged at me last summer, shadowed me. She followed a few steps behind me the entire afternoon, through the halls, into the meeting room, across the street to the pay phone.

A regional Wise Use newspaper, the Hatch Courier, which brands environmentalists as eco-terrorists, targeted me with false accusations of cattle rustling, and I was reminded that this was a hanging crime, and collusion with the Forest Service. It described my legally protected involvement in forest planning as "idiotic interference." When a photo of my home appeared in the Courier, a couple of months ago, my ten year old daughter asked, "mom, won't this put us in danger?" and I had to answer "yes", and as I did, I remembered last fall, coming home, and a man following me home in a pickup truck, skidding around the corner, and yelling, "God damn hippy environmentalist bitch," as I walked into the house. It hit pretty close to home, because Kate was waiting alone for me at the time. I've been warned that the Courier's editor who is a convicted murderer, and who is a partner in a ranch investigated several years ago by the ATF for illegal fire arms and explosives, had me tailed by a private detective, and when I saw a picture of my house in the paper, I knew that both I and my family had become targets.

The situation in Southwestern New Mexico is heating up. On May 18th, eighteen sticks of plastic explosives were found in the Gila wilderness near a trail. The Forest Service did not disclose this to the local media. I found out about it two weeks later from a reporter from the Federal Times who had been there, at the time, or no media would have known about this. Gila Watch sharply criticized the Forest Service. We told them they were putting the public in danger by covering this kind of thing up. They responded that they thought it was a one time incident, and they could not establish any malicious intent. They said it might have been someone just trying to get rid of it, or some kids, and I had to say, well, what kind of kids play with plastic explosives.

Just before I left, last Thursday, a second pipe bomb was found in Catron County in the Gila wilderness, near White Creek. This time, it did have a fuse, it was rigged to explode, and the Forest Service officials said that a rock falling on it or someone maybe kicking it or stumbling over it, could have set it off.

I've been advised to leave the area by environmentalists, by many of the leaders in the bigger cities, and my response is "no, You make it safe for me to be here." If we start running away from these situations, then the people that perpetrate the

violence and the violent threats are going to take over. Unfortunately, a lot of these groups, the Wise Use groups, are funded by the livestock, the mining, the logging industries, and unfortunately, a lot of those people have a lot of clout at the State and Federal government level, and it is pretty frightening actually not to see any Republicans here today because they should be, and I want to say thank you for convening this, and I hope it is the first step. Thank you.

SCHUMER: Thank you Ms. Schock, and finally we thank you for your patience, as well as your courage, Ms. Johnson.

VIRGINIA JOHNSON: Congressman Schumer and members of the panel. Good morning. My name is Virginia Johnson, and I am legal counsel for Planned Parenthood of Lincoln, Nebraska. In Lincoln, we are in the process of constructing a family planning clinic which will be our second site in Lincoln. We are going to offer a variety of services at that second site clinic, one of which will be first trimester abortions. We have had protests, both at our original site and at the second site, but on February of this year, we had a particularly disturbing protest. It began with a person attaching a bullet riddled steel plate and hangman's noose made out of thick rope to the fence surrounding our construction site and we do have a picture of the individual doing that.

The protest was conducted by a group called the Plainsmen, and they issued a news release on that day, on February 1st, in which they explained the symbolism behind their actions. In the news release, it was told to everyone that cared to view it, that the bullet riddled steel plate symbolizes the Federal government's tyranny. The examples of the tyranny that the Plainsmen put forward included the murdering of innocent babies by legalizing abortions. A second example of tyranny by the Federal government is that there is a protection of criminals, and so it causes an undue tax burden on the ordinary citizen, and the third example of the tyranny of Federal government that is put forward by the Plainsmen is gun control.

In relation to the hangman's noose, the Plainsmen claim that that symbolized God's judgment, that our society is dying, because the body politic has lost its virtue. Expounding upon that viewpoint, the Plainsmen say that, on the other hand, what they are doing is following God, the Creator's declaration and direction to protect the innocent and punish the guilty. This they contrast to what they claim the Federal government is doing, which is protecting the guilty and killing the innocent.

These acts and these actions by the Federal government lead to what they claim is general social unrest throughout the country. The social unrest includes law abiding citizens considering rebellion, and it also then goes on to promote and to support people forming militias.

To Planned Parenthood, this kind of demonstration with angry rhetoric and the use of symbols and of hate and violence leads to a climate that is becoming extremely disturbing. In our own community, it leads to situations in which people are having to go to work to perform functions that are legal and Constitutionally protected, functions within a health clinic, and they must do that in a climate of hate and violence where they are actually in fear of their own personal risk.

We, from Lincoln, applaud the panel for going into this discussion. We hope that your examination can shed light on what we believe to be a national problem, and we thank you for your time. Thank you.

SCHUMER: Thank you, Ms. Johnson, and I want to thank all of the panel members. This was about one of the most powerful testimonies that I have heard in my fifteen years in Congress. I think that most Americans thought that a climate of fear and intimidation and threat left all of America after the 1960s in the South in the Civil Rights era, and obviously, it hasn't. I think each of you coming here and exhibiting your courage is a clarion call to the rest of us to wake up, because if you don't stop it where it starts, it spreads.

Your testimony spoke for itself, and I've talked to my colleagues here. We are not going to ask questions, because there is nothing more we could elaborate on, but we want to thank you very, very much for being here. I also, just to follow up on what Pat Williams said, I am going to submit for the record a memo from the Environmental Working Group that talks about some of the large, very well known, very responsible corporations that fund some of these movements, and I guess what I would say to them is, shame of you for funding this, and please stop. If not, maybe we can explore ways that don't allow you to do this or certainly not to get any kind of tax deductions for doing it. With that, I would like to thank you again and express heartfelt thanks again from all of us to the panel. Keep it up. Keep up with your courage because you are an inspiration to everybody here, and to many others who will see and hear what you have done. Thank you.

We now would like to call Panel Two, which deals more directly with federal land use, threats and intimidation of federal land use issues, and my friend and col-

league, George Miller has worked hard on this panel, and I think he is going to introduce our witnesses.

GEORGE MILLER. Thank you very much, the second panel.

SCHUMER. Well, just give him a chance to come up here, I guess.

Unidentified Congressman. Mr. Chairman, if you would yield while the second panel is coming forward, I'd appreciate it, and I would like to draw my colleagues as well as folks here, attention to something from the last panel. This hearing has been kind of noticed as a hearing about the militia. The last panel had seven people on it, six from it from the west and one from the midwest. The word militia was used only in passing two times, but what we did hear about from the last panel was the Plainsmen, People for the West, Wise Use Coalition, Free White Citizens Group, Posse Comitatus, Freedom Forum Supper Club, property rights groups, Freemen movement, constitutionalist groups, and local tax protester groups. My point being Mr. Chairman, which you have now emphasized is that yes, the militia is a real problem, but the distrust and the hate in America is not the result of the militia movement alone.

SCHUMER. As we will hear later on, these groups and the militia groups often have the same people moving back and forth between them, and we will hear about that from the third panel. So now our second panel is seated and Congressman Miller will introduce them.

Congressman MILLER. Mr. Chairman, the second panel is made up of individuals who have been very involved in resource management of the natural resources of this country that are on federal lands, and the personnel that is charged with that obligation which, as we have heard from the previous panel, very often finds itself in a confrontational situation where they are simply doing with this Congress and the administration has ordered them to do in terms of the protection of and the wise stewardship of those resources. We'll hear from Mr. Jeff DeBonis who is Executive Director of the Public Employees for Environmental Responsibility, Mr. Jim Nelson is the Supervisor of the Toyabe National Forest in Nevada, Martin Phillips who is the Special Agent in Charge of Law Enforcement Bureau of Land Management in Utah, and Mr. Robert Marriott who is a Special Agent in Charge of Law Enforcement for the National Park Service in Washington, D.C. I think as you listen to this panel, Mr. Chairman, and others, that you should keep in mind what Mrs. Schock said in her testimony, and her written testimony, and that is, a climate of fear has a chilling affect on the Forest Service's management of the Gila National Forest. Instead of responding appropriately to these situations, the Federal Government is backing down. Without adequate support from the Clinton administration, Federal employees find it extremely hard to enforce existing environmental laws and regulations. Instead, agencies are avoiding confrontational situations and often excuse offenders. Meanwhile, the public's national forest and wilderness areas are left unmanaged. Forest streams and water sheds are grazed to the bone by cattle, and water supplies in downstream communities are threatened by pollution and dropping water tables. By backing off the enforcement of regulations, the Federal government is emboldening the most militant element of the Wise Use movement, thereby setting the stage for further law breaking and confrontation. I think that combined with many of the statements, unfortunately, that we have had from elected officials in the House and in the Senate and in our Speaker, suggesting that somehow these reactions, these violent activities, these confrontational behaviors by those who disagree with the laws of this nation, somehow can be rationally understood, draws into focus this panel and the kinds of issues that these individuals are confronting on a day to day basis on the front lines, so to speak, on the management of the natural resources of the public lands, and with that, we will begin with Mr. DeBonis. Welcome.

Mr. DEBONIS. Thank you Congressman Miller. Thank you Congressman Schumer and the rest of the panel for allowing us to testify here today. I think it is a very important time to make the public aware of what is going on. My name is Jeff DeBonis. I am a former Forest Service employee who worked in Montana, Idaho, New Mexico and Oregon, and I am currently the director of Public Employees for Environmental Responsibility, PEER. PEER is an association of state and federal land management and environmental regulatory agencies who take seriously their public trust mission and are trying to instill the ideal of environmental ethics in their agencies. Public discourse on natural resource management issues has sunk to a new low. Rather than seek change through the public process, extremists opposed to federal land management pursue their private agendas against the public servants who enforce the law. Employees who work for the BLM, the U.S. Fish and Wildlife Service and the Forest Service have been shot at, verbally threatened, had guns flashed in their faces, their houses defaced, offices bombed, and their pets killed. In short, working for the federal and state land management environmental

regulatory agencies, particularly in the west, has taken on the flavor of a UN peace keeping mission in Sarajevo and has become extremely hazardous to the health of these employees. Managers have even been forced to issue so-called safety guidelines to field going employees regarding Wise Use county supremacist activities. These guidelines state that employees should use their own personal unmarked vehicles rather than use official agency vehicles, they should travel in pairs, they should not even enter some areas of public lands under their jurisdiction for fear of confrontation or physical violence. And if arrested by local officials enforcing county supremacy ordinances, they should not resist arrest but call the U.S. Attorney.

We have here today employees from federal agencies who have been at "ground zero" of the Wise Use movement's attempt to intimidate land managers. One of these employees, Mr. Forest Cameron, a refuge manager at the U.S. Fish and Wildlife Services, Malheur Wildlife Refuge in Eastern Oregon was supposed to be here. He has a chilling tale to tell of intimidation against him and his family. Unfortunately, and unlike the Forest Service, the Parks Service and the Bureau of Land Management, the Fish and Wildlife Service equivocated on making Mr. Cameron available and thus, he chose not to attend. Mr. Cameron's most recent incident involved the building of a fence on government property to prevent cattle trespassing on the refuge. The owner of the cattle who had repeatedly and illegally let his cows onto the refuge, was finally arrested for threatening Fish and Wildlife employees with a bulldozer that he was using to try to destroy the fence. In response to this incident, a rally of 400 Wise Users was organized by Chuck "Rent A Riot" Cushman, a well known Wise Use organizer from the northwest. One of his tactics was to give refuge employees' phone numbers to the crowd of activists that he had convened. Later, while Mr. Cameron was out of town, his wife and children received several death threats, some of which threatened to wrap his wife and children in barbed wire and stuff them down a well. They fled their home in fear of their lives until Mr. Cameron, her husband, returned.

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 the mine on Forest Service property. This spring, three Fish and Wildlife 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 enforcement officers, the local sheriff came to the aid of the rancher on whom the warrant was being served. The agents left, after the sheriff threatened to go to plan B, which was to call the local militia which had been notified the previous evening.

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

The first step is for the Justice Department to aggressively prosecute incidents of intimidation of Federal employees or destruction of federal property. Instances such as the recent bombing of Forest Service and BLM field offices in Nevada appeared to have received low investigative priority prior to the Oklahoma bombing. In response to Nye County's aggressive implementation of its county supremacy ordinance, the Clinton Justice Department finally filed a civil suit against Nye County which will grind through the court for years and fail to seek criminal penalties or even a restraining order to stop ongoing threats of intimidation of Federal officials. Meanwhile, Justice has not acted on several criminal referrals from land management agencies seeking to enforce the laws that protect our natural resources.

The second step should be directed at the counties that have implemented supremacy ordinances asserting control over Federal lands. These counties pass so called county ordinances which claim exclusive local ownership or control over Federal land and authorize the arrest of Federal or State employees who "trespass" on Federal land which has been declared 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 who are performing their duties. To borrow a phrase, this is a hell of a way to run a railroad.

Counties that reject Federal authority, arrest federal employees, should do so at their own peril. And finally, top agency managers need to aggressively and publicly support their embattled employees in the field. A commitment by top officials would be most effective if delivered in the very communities that their people are at most

risk, the kind of support that I think this panel is showing today for Federal employees is what we need to see more and more across the U.S. I thank you for your time.

MILLER. Mr. Nelson.

Mr. JIM NELSON. I did not prepare a speech for you folks, so I do have some notes, and I will go through those. So, if you will be patient with me. First of all, I am speaking for me, not the Department or the Agency. I want to share with you some of the things that have happened in Nevada. I feel like I have been in this effort since 1987, when I was sued by the Defense for Free Enterprise, and the case was filed in the state of Washington, so it was a frivolous suit, but it was just an attempt by Ron Arnold to gain audience with various people in Nevada to start talking about this stuff.

We had a sage brush rebellion back in the late '70s and early '80s, and the intent was to privatize the public land and that has been revisited now, and I have a new term for you, and I call it county supremacy. The large difference between this sage brush rebellion is the involvement of some county commissioners, even to the point that they are willing to break the law and defy the Federal government. When you hear about individual incidents, sometimes they don't appear to be too significant without the specifics, but when you add them up and you have employees living in those environments, it gets very difficult.

What is different now is that within the last few years is the number of incidents. They are happening more frequently, their boldness, the rhetoric, the lawlessness by some government entities, state legislatures and county commissioners, the general use of partial truce and lies to create false fears being created within the general population by the county supremacy advocates. Some of the specific instances involving county officials, or county, and this is only a few counties, we have had good relations with most of the counties, and are doing some neat things, but a few counties have passed ordinances and sent us letters, the Federal employees, saying that we do not have authority to manage the land and we may be subject to arrest if we try to enforce our regulations. One of the counties in Nevada specifically, Nye, made that statement and had said that if our road maintenance crews come out, they will be arrested. As a result of that threat, we haven't sent road maintenance crews out again until recently. We have made attempts recently to talk to the commissioners and we've had some flood damage out there, and they have requested our help, so our crews are back out there again.

They have illegally opened roads that we have closed or they rebuilt roads that have washed out without working with us. There is currently a lawsuit that Jeff just referred to that the Justice Department is enforcing.

Several times, we've had county commissioners involved with rounding up a group of people when we've met with permittees, for example, or people who have an issue with us, a large group of people would be at the meeting for purposes of intimidation. A state assemblyman has been quoted as saying that if the Government doesn't back off the states rights issues, there will be bloodshed. A state assemblyman organized a group to openly and publicly violate several Federal statutes. One state politician was quoted in a paper as calling for a revolution and talking in other statements like force will be used if necessary. The state of Nevada, this year, passed a law giving sheriff's authority over Federal law enforcement officers. Fortunately the governor vetoed that.

Generally things that have happened are pointing out Federal employees at public meetings, statements like there is a dangerous man. A range con called a permittee and said it is time to get your stock off, and this happened last fall, and set up for a meeting the next day. There were 20 ranchers there waiting on him, looking for a confrontation. These are all incidents threatening or intimidating employees. Forest Service families have been intimidated in school. We had one incident where a part time teacher told a class to go out and participate in an illegal fence building activity around the spring that was also illegal. One of the students said, "well my father works on this district." The teacher said, "well, you better not go because there will be a lynching." Employees have stopped going to their church. In a few instances, we have been refused to be served in grocery stores or restaurants because we had a uniform on and were Federal employees.

There is a lot of local media encouraging this action. I don't know if a lot is not the correct statement, but some of the local media are encouraging this action, and there is some talk radio where specific people are mentioned. So it is tough working in this environment. I was going to send one of my rangers to give you this testimony, and she declined because we are really working hard at improving relations and developing better relations with our local communities, and she couldn't come in, she didn't feel, and I agreed with her because if she came in and talked about

it, and then go back and talk to them again, there would be more recriminations as a result of that.

Armed confrontations are advocated by citizens. We have two situations where a large group of two hundred people came to perform an illegal activity, like opening a road or fencing a spring, and there would be a lot of folks there with guns and a lot of harsh statements made. Other statements in Idaho and in Region Four, telling Federal officials if you do certain things, we are going to come after you personally, we know where you live, et cetera, with threats like that.

There haven't been any actual assaults on Federal officers, as far as I know in Nevada, but there are lots of intimidating things happening. In one case, I read a notice, this didn't actually happen to me, but we have some permittees, they are ranchers that have cattle on Federal land that are refusing to take them off, and one particular rancher said if you show up, and to cite me, I'll have a hundred people here, and I'll defend my rights with my life. As a result of that, the law enforcement officer did not cite him, and the sheriff refused to provide him support, and that was turned over to the Justice Department. We've had the bombing in Carson City, as you are well aware, and the district ranger, in watching the affect of that, on those employees. . .

LOUISE SLAUGHTER. Explain the bombing.

NELSON. Oh, I am sorry. Sorry, I figured that was pretty well known. Excuse me. The Carson City Ranger District office, which Carson City is our state capital. On March 30th at about 7:30 PM, a bomb went off right at the window sill of the ranger's office. Had anyone been in that room, they would have been killed. It wiped out his desk. It wasn't found until the next morning, when one of our employees came to work. Quite a few people reported it, and the sheriff's people came and looked for it, but they didn't find it, and we found it the next morning. The FBI very vigorously got involved as well as ATF, and so far we haven't had any solutions in this act. As far as I know, there hasn't been any significant results of their investigation, but.

SLAUGHTER. Do you know what date it was?

NELSON. I think it was March 30th. Yes Ma'am.

SLAUGHTER. That's a month before Oklahoma City.

NELSON. Yes, that is correct. So immediately after that, we had a bomb threat in my office in Sparks, Nevada, and evacuated the office. The bomb threat was a male voice that said you are next. Since then, my office in Sparks has been burglarized, my desk has been gone through as well as deputy Forest Supervisor's desk, and they stole a few dollars and stole a truck from us, and there hasn't been any results from that investigation either.

Last week, I guess, the BLM office in one of their (inaudible) offices in Las Vegas burned down. There have been threats of citizens arrest, and character assassination has been ongoing by various people in the state, especially about me. So far, we have submitted eight complete investigative reports to the Justice Department. They have taken action on two of them so far. One of them is Nye County which has been discussed. The other one is with a ranger who has cattle on us, saying that the State owns the land and that he is not taking them off, and they've filed a civil suit asking for an injunction.

Like I indicated earlier, most of the folks and most of the county commissioners in Nevada, we have good working relations with, we are making a real effort to work with people, to make ourselves visible. One of the things that I think has happened over the years as the budgets have stayed the same and the regulations have increased as our jobs increased, a Federal Manager of Land has three basic jobs: the technical aspects, the management aspect, and then working with the public, and we've tended to slide the things off the table that we weren't required to do, and I don't think we have done as good a job in recent years involving the public, and we are really trying to renew that involvement on a day to day spit and whittle type basis. We have always worked with the public on our project planning and things like that and get their input.

We've gone even in the town of Tonopah, which is the Nye County Commissioner's seat. We've had a warm reception from the public there, as far as the business community, chamber of commerce and Kiwanis, and we are back working with Nye County on a better basis now, I believe. So that concludes my testimony.

SCHUMER. Thank you. Mr. Phillips.

Mr. MARTIN PHILLIPS. Mr. Chairman, and members of the Committee. I'm pleased to appear here today to talk about threats to Federal law enforcement officers. My name is Martin Phillips, and I am Special Agent in Charge of Law Enforcement for the Bureau of Land Management in Utah, and I've held this position since 1985. During this time, I've worked with three other agents and ten rangers, and we are responsible for over 22 million acres. We enforce Federal law on Federal lands. We



work closely and in cooperation with State, County and other local law enforcement officers who have personally expressed their appreciation to me for the work that we do.

The great majority of people using public lands are law abiding citizens who are enjoying themselves or who are going about their business in a safe manner. These people have an expectation of privacy and safety in the public lands, and many have personally expressed to me that they expect law enforcement officers to keep them safe on the public lands. However, a great majority of citizens are occasionally endangered and threatened by a few people who have used the public lands for illegal activities. It is my job, along with other law enforcement officers in Utah to protect citizens from the few people that are conducting illegal activities and threatening the public with bodily harm. We encounter just about every crime imaginable, including family violence, spousal and child abuse, assault and battery, theft, aggravated sexual assault, rape, drunkenness, DUIs, suicides, the cultivation and distribution of drugs, and even gang activities.

With your permission, I would like to relate a few of the incidents and threats I have personally encountered in my ten years with the Bureau. During the course of an extensive interagency archaeological resource protection investigation in the mid-1980's, which involved the Bureau of Land Management, the U.S. Forest Service and the local sheriff's office, there were numerous threats and acts against the Federal and local officials. We were told that pot hunters were armed with .223 calibre rifles, and that we would be killed on sight. Subsequent investigation confirmed that pot hunters were in fact loaded with firearms and prepared to kill local and Federal officers upon contact. We found a couple of sites where the individuals had practiced shooting, leaving behind empty cartridges and shot up targets. In addition, individuals removed artifacts and we were warned that we would be killed if we attempted to seize the stolen artifacts. During the service of one warrant, one suspect even attempted to obtain a firearm to shoot the officers.

Recently, during the eco-challenge race in Utah, there were threats of explosives being placed along the route, and threats of snipers hiding among the rocks to shoot the contenders. We worked with State Parks and Recreation officials, the National Park Service, and the County Sheriff's officers to ensure the protection of the public. I am happy to report that due to the cooperation of all the local law enforcement agencies involved, there were no incidents.

In May, we received a letter from a teenager who had visited a portion of the San Raphael Reef, known as Black Dragon Canyon. While attempting to hike in the canyon, he was confronted by a group of some thirty-five people firing weapons and trespassing with four-by-four trucks in an area which is off limits to unauthorized vehicles. The young man wrote to us expressing the fear he felt. He was threatened by these trespassers and their shooting, and was afraid to return to the public lands in question. After investigation, BLM officers apprehended fourteen of the offenders, cited them, and required them to pay to replace the gate they had destroyed. It should be stressed that these fourteen individuals are not like the average people using public lands. As I mentioned before, we are protecting the average citizen from the few criminals who are threatening them. Many of the defendants in this instance had extensive criminal records, and our officers had to exercise great care in their apprehension.

Three years ago, a gentleman I know personally was out with his two small children, cleaning up public lands. This gentleman is a volunteer who helps out on a regular basis. He was confronted by three men. One man was armed with an SKS assault rifle. The armed man pointed the weapon at him and his two young children and demanded that he tow the remains of a jeep to private property. We were able to prosecute and convict two of the three men for felony and assault. Recently, in southeastern Utah, while working with the local sheriff's officers and state law enforcement officers, we found a cache of explosives that included home-made hand grenades. This was a great danger to the public. Within the following two weeks, we discovered a cache of firearms and ammunition that was booby trapped. Such stockpiles are a danger, not just to law enforcement personnel, but to the unsuspecting public.

In my experience, the Utah BLM law enforcement office has formed excellent cooperative partnerships with local, county and state law enforcement agencies. Many of these partnerships are formalized with written agreements. In Utah, state law enforcement officials have delegated to the BLM law enforcement officers statewide law enforcement authority down to the misdemeanor level. Some county sheriffs have also chosen to delegate law enforcement authority to BLM law enforcement officers within their counties. In most localities we work cooperatively with the sheriff's departments. The sheriffs and the Bureau of Land Management find this to be mutually beneficial. Rural sheriffs' departments are usually small, with few depu-

ties. As I previously mentioned, we have a very small number of BLM law enforcement officers covering a very large area. Therefore, it is necessary for local and Federal officials to work together in order to provide safe public lands for the citizens. The support of the Utah sheriffs has been a key to the cooperation between federal and local officials. In fact, this spirit of cooperation was recently expressed at the National Sheriffs' Association annual meeting in Texas. The membership invited representatives of the BLM to attend and unanimously passed a resolution supporting federal resource law enforcement.

As a BLM law enforcement officer with thirty years of public service, I've dedicated myself to protecting the public in its use of the public lands. I hope the few experiences I have shared with you today have been useful in this forum, and I'd be more than happy to answer any questions you might have. Thank you.

SCHUMER. Thank you. Mr. Mariott.

Mr. ROBERT MARIOTT. My name is Bob Mariott. I represent the National Park Service. I don't have any prepared notes, but I will just discuss some facts and answer questions, if necessary. I have twenty-three years experience with the National Parks Service. I've served in Grand Canyon, Lake Mead, Olympic National Park in Washington State, and Smokey Mountains in Tennessee and Washington, D.C. Our primary purpose in the National Parks Service is resource protection, resource management. We are not a law enforcement organization. However, we do become involved in law enforcement functions. We are 2300 rangers who are commissioned and capable of conducting professional law enforcement programs. We have a program to protect the land, and our officers are taught that.

I'd like to go through a few of the incidents, just to apprise you what is going on in the National Parks Service. Over the years, we have had a number of assaults on our employees. Mostly our rangers, but some of our uniformed people. As you know, most of our people wear uniforms and are not distinguishable from law enforcement or our general interpretive persons. The most recent incidents and the ones that I, after twenty-three years, have begun to notice is threats and statements against our employees are, you'll be killed—death. In the past, you know, it was a rancher mad at us or something like that. But the words death and shot are now common. Somewhere this rage of hate is beginning to well up, and it just comes out. We don't do anything different than we did in the past. National parks have boundaries, we operate within our boundaries. We are not regulating, to any great extent, very many things. We do work with EPA in air pollution programs. I'll relay an incident as an offshoot of the spotted owl in Olympic National Park. Over the years, we've dealt with the folks in the State of Washington, and I've lived there for years, and I like the state of Washington. But the spotted owl issue, which is not the Park Service, has caused the citizens to rise up. They killed spotted owls, they posted them in our buildings. They burned down our ranger stations, they burned down our fee collection booths at least three times, they threatened our rangers, and threatened our employees' children who were in school. This was an older incident, but it was the beginning: it is hard to describe the rage, the hate of federal employees. We have done nothing different.

Most recently our superintendent's house in Barstow, which is a new park established last year by the 103rd Congress, was vandalized, the word death was written on his garage, he was threatened with death, in reference to a California law.

We, in Zion National Park, are under a siege-type atmosphere with the White Supremacists. They have claimed Zion National Park as the White homeland and the throne. We have exactly twelve rangers there, who live daily under the threat of being shot, killed, murdered or whatever by the Aryan Nations and another offshoot group who were involved in another incident in Oklahoma City we suspect.

The stress on our rangers is increasing, but stress, quite frankly, is also on our other employees. They have to go home, they are proud of working for the National Park Service, they like to associate with other folks, but if they go in their churches and their schools, they become targets of conversation and things of that nature. I don't have much else to offer at this point.

The National Park Service is not undergoing as intense of an assault yet as our sister agencies. However, the Barstow incident which was just last week brings up the fact that death threats and those things are beginning to occur. I thank you for the opportunity to discuss this. If you have any questions, I would be willing to answer them.

MILLER. Thank you very much, and I want to thank all of you for your testimony. I think you make a very clear and compelling case that we are talking about people who are duly sworn, duly authorized representatives and law enforcement officials of the Federal government who are now coming under constant assault again for engaging in a pattern of resource management that others simply don't like. Whether it is for monetary reasons or because they believe that they somehow now have

some property interest that far exceeds their leases or their grants or their grazing permits, but it is part of this pattern that fits into what we heard earlier this morning, and that is, the outright assault upon these federal officials. It is absolutely the responsibility of this government to back you and your employees up in this process, and to let this absolute paranoia rule the day in terms of how we are going to manage our resources and how we are going to preserve the public lands to pass on to the next generation will be just an absolute horrible outcome, if that is what is going to take place. Excuse me.

Congresswoman SLAUGHTER. One thing that is coming through all your testimony, that to me is really dreadful, is that your employees live in total isolation. Is that correct? You know, they don't have any friends, the children at school are harassed?

Mr. NELSON. This is in a few locations, it is not a statewide thing in my case. I am a supervisor of two national forests, about six and a half million acres, and we have tough situations probably in five communities.

Congresswoman SLAUGHTER. Let me ask one more question. I believe we talked about an employee's wife and children being threatened with being tied up in barbed wire and thrown into a well or something?

DEBONIS. That is correct.

Congresswoman SLAUGHTER. Well, what was done about that?

DEBONIS. Well, because of the bulldozer incident, the U.S. Attorney in Oregon did take that particular case on, but after repeated assaults against them, I can't say assaults, after repeated pressure from the Oregon Congressional delegation, at what time I believe Denny Smith was a member, they reduced the charges to a misdemeanor and pretty much a slap on the hand, and I believe that is still an ongoing case. But they reduced charges against the person that ran the bulldozer and threatened the agents. Now, the people that threatened Forest Cameran's wife and children may or may not have been the same people. We don't know. As I say, an organized rally of three or four hundred "Wise Users" were handed phone numbers of employees, and, as far as I know, nothing has been done about that threat. It is hard to track down. People like Chuck Cushman have training sessions for Wise Use organizers to do all the kinds of activities that you've heard here today, following people home in cars, getting their phone numbers, sending death threats, doing the paper terrorism we heard earlier. Panelists, this is a concerted effort, and I believe an organized conspiracy, to threaten and intimidate Federal employees and green and environmental activists around the country. We have a memo from a BLM employee from two years ago that outlined these tactics from a "Wise Use" meeting he attended. He went to a Wise Use organizing meeting, and they outlined a lot of these tactics that would be very effective in threatening and intimidating Federal employees in doing their jobs. So it's tactics that you hear about from all across the country.

Congresswoman SLAUGHTER. But there was a member of Congress that interfered with that investigation?

DEBONIS. There have been several members of Congress who continually interfered against employees.

Congresswoman SLAUGHTER. I would surely love to have their names. If you would give those to me?

DEBONIS. Senator Larry Craig has been one of the instruments in many of these efforts to intimidate employees. He's been behind many, many incidents of threats and intimidation to employees. Helen Chenoweth, right now, is one of the leading contenders for Wise Use wackos' intimidation against the Federal government. There are several of them in Congress, some that have since left.

Member of Congress. Do they interfere with the legal process? In other words, charges are filed, and then they call up and say please reduce the charges on this.

DEBONIS. That is what I've heard. That's what we've heard, and we also know that directly from employees.

Member of Congress. That is pretty serious stuff. That could be a violation of law. DEBONIS. We often wondered if there wasn't an ethics charge or many ethics charges involved in this incident.

Member of Congress. I think all of us would be interested in any evidence you have.

Congresswoman SLAUGHTER. I would like to have all the evidence you have and any information you may have about interference by a member of Congress, and any kind of legal action taken on it.

DEBONIS. As a matter of fact, I am not sure why Senator Jesse Helms wasn't charged with threatening the President when he told people if Clinton were to come down to military bases in North Carolina, he'd better have a bodyguard. If I had made that statement, I would have been arrested by the Secret Service for threatening the President.

Member of Congress. Thank you very much. First of all, I think you have the admiration and respect of most of the American people, and a lot of people who hadn't started thinking about the day to day real dangers that are involved in your work. So we want to thank you, and I want to do it personally.

What is it like for the families of DeBonis and Nelson and Phillips and Mariott and others, and what do your superiors in your agencies or department heads have to say about it, and how can we help them give you more support?

NELSON. Well, first of all, I would like to make a strong statement. We get great support from our regional office, at least my regional office is in Ogden, and in the Washington office, including up to the Secretary. So, they have been very supportive and very encouraging in all of this, through all of this. On a very personal level, there has been a lot of anxiety in my family, as you would expect. We are determined to do our jobs, and we see our jobs as taking care of the land and servicing the public, and we are not going to back off from that. One of my rangers made the statement, as a matter of fact, the ranger at Carson, he was emotionally upset, and that had a major, the whole incident had a major impact on that man, and he is one of the best rangers I have ever known, and he made the statement, well, they can blow us up, but they can't blow us away, and that is the way we feel. We have a lot of hard working and dedicated employees, and we are working in some of the toughest times, I think, as a Forest Service employee we've ever worked. We have had time like this before but never this serious or this intimidating or this widespread. So it is difficult, sir.

Congresswoman SLAUGHTER. You know, I understand what you are saying about your agencies, that they're really wonderful, but.

NELSON. I am not saying that. If they weren't. I would tell you. (Laughter)

Congresswoman SLAUGHTER. I appreciate that, but I can't imagine, nor can any of the rest of us, what it is like. We get death threats, but our families are not intimidated by being thrown down a well. Do you feel abandoned by your Federal government here?

Unidentified Male Voice. Do I feel abandoned by?

Congresswoman SLAUGHTER. By the Justice Department.

NELSON. I guess I would have, if I had been making the decisions, I would have moved a little faster if I was the Justice Department. I am disappointed with the speed in which they are reacting.

Member of Congress. Well, there are some things that they haven't even done, and it is not the speed.

NELSON. I am hoping that they will act on those. They haven't told they weren't or they would not.

Unidentified Male Voice. Right. We get the message. We get the drift, but does anybody else want to give us a little understanding about the family tensions that develop?

Unidentified Male Voice. Well, like my family has also been threatened at times. A young man who we had arrested threatened to rape, beat and kill my wife, and I have four daughters and a son, and kill me. And later on, we found that on my vehicle, on the far side of the car from where my wife is employed, all the lug nuts were missing except two, which were barely threaded on. Fortunately, we found that in time, to prevent any problems, but it is stressful at the present time. The Bureau has been wonderful about supporting law enforcement in the Bureau as far as threats against the officers as well as their employees, and I can only speak for Utah, but certainly at the national level, they have been supportive of our state's administration, and that is where I work.

Unidentified Male Voice. I just want to comment. I know that the Secretary's office supports the Interior employees. I'm part of the meetings here in Washington, and there is a significant effort afoot at this point in time to pursue some of these things. There is not too much you can do when you are living out there. And I'll just comment. I am somewhat reluctant, but I will. I now live in northern Virginia with the CIA, FBI, and all that stuff, and it is a lot different atmosphere than if you were living in Nevada. I like Nevada. I lived in Clark County at the time, but I know our folks up in northern Nevada have problems, and a lot of us like to go to church and do the community type things, and those are the things you miss if you feel intimidated. You just don't send, my son whose name is Bobby, to the swimming pool, so I don't do it.

WILLIAMS. I want to say to Mr. Nelson. Mr. Nelson, you mentioned some of the differences between the sage brush rebellion of the late 1970s and the Wise Use movement today. There is another difference that strikes me as critical, along with the ones you mentioned, and back then, there were no dues paying members in the sage brush rebellion. In fact, the sage brush rebellion reached its height when there was the famous photo you may remember at the time in Newsweek of then Sec-

retary James Watt resplendent in his brand new jeans posing on the cover. That was the sage brush rebellion. It began and ended with that, because there was no dues paying members. Now there are. There are thousands of them, but the critical point is, in America and some foreign, extractive corporations pay eighty percent of the cost of the Wise Use movement. They are the big dues paying members. Money is the difference between what is going on now with these groups and the sage brush rebellion.

Unidentified Male Voice. You have to wonder why they are doing that and what they are after?

Unidentified Male Voice. That is not too hard to figure out, Mr. Nelson.

Mr. NELSON. One of the things I didn't share with you is the changes we have implemented as a result of all of this. We've asked our employees to stay in radio contact, to travel in pairs, always to let someone know where they are at. All of our employees carry one of these cards in case there is a citizens arrest or something like that. They are told who to call, at the U.S. Attorney or the FBI. All of our offices have set up security procedures and rules. Six months ago, anybody could walk into my office and come see me. Well, they can't do that anymore. And that is kind of a shame too, you know. It is really bad that we have to do things like that.

WILLIAMS. Mr. Nelson, I don't agree that these corporations who are funding the Wise Use movement are necessarily supportive of the far right wing agenda that many of these movements espouse. I don't agree that any of these corporations are for the disintegration of society to the degree you have seen it in the west. What surprises me is that now we've had a full decade of this happening to us, these corporations continue to fund these groups. That surprised me. That is shocking, and it has got to stop.

SCHUMER. Thank you very, very much, for your testimony, for your time and again for your courage to come forward and to explain this publicly and to members of Congress.

LORETTA ROSS. While we are changing panels, though, I would like to cite young Katy Schock for her courage as well.

SCHUMER. We all thank you. OK, folks, if we could resume. We now have seven witnesses, and these are people not out there, well, some of them are on the front lines, but they are the more academic oriented group. They study these things, they don't just experience them, but they study them, and try to see what is going on and draw conclusions, and we are going to do this in, I've been told, in reverse alphabetical order, so we are starting that way. Let me just introduce briefly the panelists. They are Bill Wassmuth, he is the Executive Director of the Northwest Coalition Against Malicious Harassment. It is a nonprofit umbrella organization that monitors hate group activity and promotes community responses to bigotry in Colorado, Idaho, Montana, Oregon, Washington and Wyoming. He is going to testify about the impact of militia organizing in communities throughout the Pacific Northwest and the links between militia and hate groups.

Mr. Ken Toole is Executive Director of the Montana Human Rights Network, a statewide research and advocacy organization that monitors the activities of extremist groups, and he is going to talk about militia activities in Montana, how the groups recruit radicalized individuals in communities, and the grass roots efforts by the communities to respond.

Mr. Ken Stern is the Program Specialist on Anti-Semitism and Extremism of the American Jewish Committee, and he will testify in general about links between militias, hate groups, supremacist and white supremacist. He is the author of the AJC's April 10th report, "Militias: A Growing Danger."

Ms. Loretta Ross is the Program Research Director for the Center for Democratic Renewal which was found in 1979 as a national anti-Klan network. It is a clearinghouse for information on hate groups, and she will talk about militia groups that are attempting to mainstream their image and popularize their ideology.

Jonathan Mozzochi is Executive Director of the Coalition for Human Dignity out of Portland, Oregon. It has monitored the activities of far right groups in the Pacific Northwest since 1988. Mr. Mozzochi will testify about attempts by militia members and right wing extremists to recruit from the ranks of law enforcement as well as the paramilitary activities of the self-described Christian patriots.

Mr. Dan Levitas is Executive Director of the Institute for Research and Education on Human Rights in Kansas City, Missouri. Founded in 1983, the group conducts research on the Far Right, analyzes trends involving bigotry, race relations and human rights, and he will testify about the effectiveness of state anti-paramilitary training statutes as well as the Constitutional and legal theories used by many in the militia movement.

Tom Halpern is Acting Director of Fact Finding of the ADL, the Anti-Defamation League. They have tracked activities of extremist groups and promoted inter-group

relations for more than eighty years, and recently issued a report "Beyond the Bombing, the Militia Menace". He will testify about the militia movement, conspiracy mongering, and anti-Semitism.

And finally, last, but not least, Mr. Rick Eaton, he's the Senior Researcher at the Simon Wiesenthal Center. They have offices in Paris, Jerusalem, Buenos Aires, Toronto, four U.S. cities. They combat bigotry, prejudice and anti-Semitism worldwide. He'll testify about the use of computer communications technology, the Internet, by both militia and White supremacists.

**BILL WASSMUTH.** Congressman Schumer and members of the committee. Thank you very much for convening this hearing, this forum. Public dissemination of accurate information is most important as we deal with this current threat to justice and peace in our society. The Northwest Coalition Against Malicious Harassment formed in 1987, is a coalition of over 250 public and private entities in the six states of Colorado, Idaho, Montana, Wyoming, Washington and Oregon. Our purpose is to support communities and to develop community based groups in the Northwest, as they address the threat of bigotry based on race, national origin, religion, gender and sexual orientation. In that capacity, we monitor supremacist organizations and other groups that promote bigotry, "hate groups" in popular terminology.

Because of our concern about the rapidly increasing activities associated with militias, we convened a meeting in January of this year, a meeting of researchers and representatives from around the country to take a look at militias, to share information. The two day meeting resulted in a good deal of information sharing, and a great deal of concern. A summary of that meeting has been included with my written testimony.

We see the militia movement as the para-military expression of the Christian patriot movement; they are very much tied together. Because there is a great deal of variation within the militia movement, as well as within the Christian patriot movement, we must avoid painting them all with the same brush. But we have serious concerns that seem to pervade all of the groups and all of the people who identify themselves under that title of militia and/or Christian patriots. Those concerns are three. One, the negative impact of the militia movement on the orderly and peaceful functioning of communities and government; secondly, the promotion of racist and anti-Semitic philosophies within the militia movement, and its ties to the White supremacist organizations; and thirdly, the potential of violence from the militia movement.

The first of these, I am going to deal with only briefly, because you've been hearing testimony about it all day. In the Northwest, there are a lot of issues that are causing spirited debate, and the militia movement and the Christian patriot movement have done well at being able to exploit these issues to their own advantage. Public officials are being intimidated, government workers are not able to carry on their responsibility, and law enforcement officers are at some point, not enforcing the law. Just to give you one example that came to my attention several months ago. A woman phoned saying that she had purchased some land at a sheriff's auction that was being sold because of the man's refusal to pay taxes. He belonged to a Christian patriot militia type organization. He had lost the property, he refused to move, even after it was sold. The sheriff pleaded with this woman. "Do not force me to evict him, because I don't think I can do that without bloodshed." Several years have now past, the man still sits on that property, the woman still does not have possession of the property that she legally bought and owns. Other similar kinds of confrontational situations have taken place in the Northwest. Some of them have been resolved peacefully. Others, I suspect, are still unresolved because of legitimate concern about violence.

You've heard testimony about the negative impact on the conduct of society from the threats and intimidation. Just recently, this affected our own board of directors. Our board of directors is made up of people from around the region including six representatives appointed by the governors of each of our six states. We had a meeting in Denver June 24 to 25. The newspaper headlines that talked about our meeting erroneously identified it as an anti-militia group. We do deal with militias, but that is not our only issue. A threat was phoned in after that newspaper article, to a TV station. A man who self-identified as a militia member basically said, "we'll be there, we'll be armed, and someone is going to get hurt." Extra security was arranged, no militia person showed up. We conducted our business without incident, but the threat was taken seriously by ourselves, by the hotel, by the FBI and by the local police. I just wanted to add those accounts to support what you've already heard in terms of the impact of the militia movement, and their use of the tactics of force and intimidation to disrupt the orderly and purposeful functioning of society.

Secondly, I want to focus more of my attention on the promotion of bigotry within the militia movement, and its ties to White supremacy. Certainly, the bigotry of the militia movement/Christian patriot movement is not as blatant as that of Aryan Nations or the KKK. However, the philosophy of the movement is laced with anti-Semitic conspiracy theories and old state's rights theories that were used in the past to support bigotry. The militia movement generally has determined that the Federal government is in violation of what they perceive to be the real Constitution, namely the Constitution written without all of the amendments and without two hundred years plus of court interpretation. They want to implement a vision of the Constitution that would return to a form of society that provides more privilege for some, generally male, Christian, straight and White. This vision of the Constitution has been used in the past to promote discrimination and bigotry. Simple denial of racism on the part of militia leaders is not enough. This vision of society will contribute to the maintenance of current patterns of bigotry in American Society, and it will trigger new attacks on the efforts for justice and equality.

Not everyone in the militia movement holds these anti-Semitic conspiracy theories or views of the Constitution that promote privilege for some and oppression for others, but these theories are woven throughout the underlying current of the movement, and they do guide the vision of society that is being promoted. It is important for us to remember that bigotry is not limited to those who threaten physical harm or who use racial slurs. Also guilty of bigotry are those who promote a society which, along the lines of race or religious belief, grants privilege to some and withholds opportunities from others. I submit that the militia movement/Christian patriot movement generally promotes such a vision of society.

Moreover, we find in the Northwest especially that the militia movement is providing a welcome home for members of the White supremacist movement, and in some cases the leaders of the militias are known White supremacists. In other cases, there are frequent ties between the militia organizations and members of White Supremacist groups. If I can move to my poster here briefly, we'll be able to dramatize that a little bit better. This is a confusion of lines, but what I had hoped to show with it is simply the fact that there are all kinds of connections and ties between these various organizations and groups. Take the militia of Montana, for example, headed by John Trochmann. He was a part of the Estes Park meeting that was convened after the Randy Weaver tragedy in 1992 by Pete Peters who is a leader in the Christian identity movement which is the theology of racism. The militia of Montana has ties with the Aryan Nations, it has ties with Jubilee, which is a Christian identity magazine out of California. It has ties with Louis Beam, who is a former Klan leader out of Texas who has now moved to northern Idaho. It's been involved with the Idaho Citizen Awareness Network which is a Christian patriot organization. It's been involved with Chris Temple, who is a Christian identity leader from Montana. Chris Temple was the organizer for Bo Gritz, for the 1992 Populist Party Campaign. The Populist Party in Washington State at least is controlled by remnants of the Klan, and by other supremacists. The populist party leader has been at the Aryan Nations compound. The militia of Chalan County is organized by people who ran the Bo Gritz campaign in 1992 in Washington State.

You can see by the lines that I attempted to create here showing the inter-ties and connections that organized supremacy in the Northwest, the militia movement and the Christian patriot movement are all interwoven. Some of these are just connections. Some of them are organizational ties. But they are connections and ties that show the various kinds of interaction that is going on with this supremacy movement.

In short, both in terms of leadership and followers, the militia movement has many ties with the White supremacy movement. Because of the underlying philosophy of the militia movement, it provides a welcoming home to those who believe that to be White and to be Christian is to be superior to others, and who believe that somehow this country really belongs a little bit more to them. I submit that the underlying philosophy of racism in the militia/Christian patriot movement and its ties to White supremacy present a serious threat to civil rights justice in this country. Not only does it threaten physical harm to individuals, but it also creates a certain climate in some communities, a climate that excludes whole groups of people from participating in those communities with a sense of comfort and fairness. It is hard to imagine, for example, that Jewish people or people of color could live in small rural communities which are seriously affected by militia type groups such as Noxon, Montana or Kamiah, Idaho without somehow feeling threatened or feeling like second class citizens. Society as envisioned by the militia/Christian patriot movement is not a society designed to provide equality and justice for all.

I thank you very much for giving us this time and for holding these hearings, and I hope that it is step one to some further activity.

SCHUMER. Thank you Mr. Wassmuth, and indeed it is. We do intend to do more after this, which we will talk about. Mr. Toole, and we've asked each of the panel, if possible, and I know you have a lot to say, to try, because we have time constraints here to limit testimony to about five minutes. Thank you.

KEN TOOLE. Congressman Schumer, members of the committee, my name is Ken Toole. I am the President of the Montana Human Rights Network. The Human Rights Network was formed in 1990 in response to white supremacist activity in Montana. We dedicate ourselves to local community organizing in response to the activities of organizations which advance radical right wing ideas. We currently have eleven local affiliates, and some of those are in communities as small as 150 to 200 people. Others are in the major cities in Montana which have about 100,000 people, so we are governed by local people who have been active at the local level really confronting these groups.

I want to start with a brief discussion of the militia of Montana, because one of the frustrations that we've had in the last two years is watching this organization form and portray itself as some kind of neighborhood watch organization, as John Trochmann said in the Senate hearings which were held a short time ago. From our perspective, this is very clearly an organization that grew out of the White supremacist movement. I think Mr. Wassmuth has already addressed that, and so I am just going to skip over their history and focus more on just the last couple of years of activity to give you an idea how these folks are recruiting in communities.

Essentially in late 1993 and early 1994, we began to see militia of Montana which had been around for a while but didn't seem to have much support, all of a sudden holding community meetings which were attracting anywhere from 150 to 250, and in one case about 750 people in Montana. Those are big community meetings in Montana, and what was going on is the organizers were promoting themes around gun control, the assault weapons ban, and the Brady Bill, really kind of moving through communities, based on those themes rather than the bizarre U.N. conspiracies that they believe in, kind of moving through states most almost like a funnel, at the wide end that funnel, picking up people on themes of gun control and anti-Federal government sentiment.

As people got more involved in this movement, and I am sure most of you have seen some of the kind of material, they are introduced to more and more bizarre conspiracy theories. The U.N. troops hiding in the mountains, black helicopters coming over the next ridge, and they move further into those conspiracy theories, they are introduced to the concepts of who are behind those theories—the Illuminati, the Freemasons, these kinds of shadowy conspiracies that ultimately often end in international Jewish banking conspiracies, and so we see this movement as having a real capability to have some appeal to people based on "legitimate" stories of the day or issues of the day, and followed by a process or radicalization that at the far end, you get people who are angry, agitated and very committed to direct action.

In our work, we often confront individuals who are involved in this movement at the local level. Over the last four or five months, we have seen a real escalation in the activities of the militia movement and other right wing groups in the Bitter Root Valley. I think Marty Bethel, the judge from Hamilton articulated what has been going on there with an out and out standoff with law enforcement and a member of the North American militia. In Central Montana, we've had a confrontation between law enforcement and some so called Freemen who are very clearly linked up with the individuals who are active in Ravalli County, and we are very concerned that the attention, both national and also within the state of Montana, has served the purpose of legitimizing some of the activities of these groups. Our legislative session which ran from January to April, this last time around was absolutely bizarre. Deb Kottel went through and talked about some of the legislation, about a Federal law enforcement getting permission from a local sheriff. We had proposals to register homosexuals, it was a radical environment, by an stretch, but what we saw in local communities that was serving the role of legitimizing some of these very radical organizations. We routinely face the problem of organizing people and trying to get them to speak out in the face of these things, and I can tell you that they are fearful. People won't write letters to the editor, not because they don't agree with things, we have to say not because they aren't dedicated and committed, but because they are fearful that if they do speak out, they are going to get a midnight phone call, or that they are going to get a letter and unfortunately, that is not an unrealistic fear that happens on a fairly regular basis. We have people who won't do media interviews and identify themselves by name because they are concerned about retribution. I heard some of the panel members use words like thug and bully and that is exactly how we see this movement. Thank you.

KEN STERN. Thank you Congressman Schumer and the panel. My name is Ken Stern. I work for the American Jewish Committee, and about less than two weeks



before April 19th, we issued a report with a 600 page appendix to make the point about how serious this is, called "Militias: A Growing Danger". Let me just read you one paragraph from the opening of that report. It said, "we issue this report with a sense of urgency. This movement is quickly spreading, and has all the ingredients to lead to disaster. An ideological caldron of disaffection, hate, conspiracy and violence brewing a fast-growing grass roots movement, and documented ties to hate groups. Some people connected with this movement advocate killing government officials. They may attempt such an act." Our urgency is only heightened now compared to back then.

I've been asked to speak for a few minutes about the connections between the White supremacists and the militia movement as a whole, and there are some that Bill and Ken talked about a little bit, so I won't go into too great detail, but people like John Trochmann who testified in front of Senator Spector's committee have documented ties to hate groups. John Trochmann has spoken at the Aryan Nations congress. He is associated with the Christian Identify folks, and he is one of the most significant people in the militia movement, far beyond the borders of Montana. They have a catalog business, they sell all sorts of information, conspiracy theories. They have a 600 some odd page blue books they send out, and they are a very significant part of the national militia movement.

First, another connection that Bill Wassmuth has mentioned, is Pete Peters and Estes Park. There was a meeting following the Randy Weaver situation in Idaho where Peter Peters, one of the leaders of the Christian Identity movement, pulled together about 150 or some odd people from around the country who were the who's who in the white supremacist right-way movement, and included others, such as Larry Pratt, of the Gun Owners of America. Part of what came out of that meeting was a plan for something called leaderless resistance which was an idea that you have small cells that can commit some type of paramilitary activity without the direction of a leader, and that has had some impact on this movement.

You have heard from some of the first panel about people that have file court papers and otherwise who have renounced their U.S. citizenship. John Trochmann has renounced his U.S. citizenship. What this means in terms of Constitutionalist is I think very significant. They have almost a religious belief in the Constitution and the Bill of rights up to the first ten amendments and that is it. They see themselves as not needing the other amendments. People of color they define as Fourteenth Amendment citizens, and in other words, slaves were freed by the Fourteenth Amendment. They weren't freed, they don't need the Fourteenth Amendment. They say the White Christian males have no responsibility to pay taxes. The Sixteenth Amendments set up the IRS, and presumably they would feel that women should not have the right to vote, and the slaves should not be freed. That is very much a part of that ideology.

Second, even with some of the groups around the country that have no direct ties to White supremacy groups, you cannot, I would warrant, go to their meetings without picking up literature from White supremacist groups, whether it is from Spotlight, the populist party, Bo Gritz from Larouche. You can also pick up from these meetings, books like the Turner Diaries which has gotten a lot of press lately. It is something that Timothy McVeigh read. It outlines how, on page 38, to deal with a government building as with fertilizer, blowing it up and so forth. That type of literature is around these meetings, even if they are not run by White supremacists.

Third, the conspiracy theories, and I think is something that is critical, and we all sort of laugh about black helicopters and people would say about government controlling the whether, but stop for a minute and think about how you would view your government, if you actually believed that government controlled the weather and was involved with getting forces around our border and invade us and take every gun away from every American and put them in concentration camps, and that is why there are numbers on the back of road signs to give themselves instructions about how to do that. That type of evil government these folks believe is not one you vote out, it is one you war with, and the ideology is one that says there is an unseen hand behind our government that is pulling the strings and making these folks serve this other interest. That is a rewrite of the "Protocol of the Elders of Zion." That is anti-Semitism, re-cast as anti-governmentism, and it acts as a conduit for anti-Semitism as well and other forms of bigotry as well.

Also, I think what we are seeing, really for the first time in some ways, that is highlighted, I think, by some of the comments from the second panel particularly is that there is a new form of bigotry with government and government officials and public service employees who are replacing in the vocabulary Black and Jews and the other traditional suspects. You can go to Burns, Oregon, and find in some local stores signs that say this establishment does not service Federal employees. Imagine if there were signs that said no Blacks or no Jews in 1995, no one would tolerate

it. But that is the type of bigotry we are seeing recast against Government officials. It is critical that they get more and more support.

In terms of what the Federal government can do, my agency has been proposing Federal legislation to outlaw paramilitary groups. It is our belief that the First Amendment allows people to say whatever they want, we agree with Congressman Conyers about that, about government, and they have the right as far as the laws allow for them to possess guns. There is no right, under the First or Second Amendment to combine together to arm yourself for the purpose of committing war with the government, and we think that is something that should be outlawed. Secondly, I think there is an interest here in terms of federal protection of First Amendment Rights. You've heard about people who are afraid to run for government offices, people who are afraid to participate in democracy and appear at meetings, people who are afraid to send a letter to the editor, and we've heard from both panels about kids being targeted. That people, just because they are in the public limelight, or just because they are doing their job, are having their kids threatened. I was talking to one of the members of the first panel before the meeting. She was telling me about her child that needed psychological counseling. It is having a traumatic effect.

In closing, let me just thank Congressman Schumer for holding this. I know that there are some Republicans who have been courageous in pushing for full Congressional hearings such as Peter King. I would hope that the testimony here today will give them further ammunition to succeed in that goal. Thank you.

LORETTA ROSS. . . . has been in the position for the last ten years as Congressman Conyers said of feeling like Chicken Little, telling people constantly, these people are coming, they are out there, they are dangerous. I think the problem was that their primary targets were people of color and Jews, so people weren't paying attention. We've been around for sixteen years with this drum roll, talking about the Far Right. I also wanted to, before I get into my comments, talk a little bit about the fact that even though we are professionals who study the phenomena of this movement, we are not ourselves exempt from these threats. Since the bomb went off, my mother, who is 72 years old and in a wheelchair has gotten calls. My brother has gotten calls.

I am going to talk mostly about the mainstreaming of white supremacist ideology embodied in the militia movement, but I do want to take one of my minutes to refute the claim said June 15th that the militias are part of the non-violent Civil Rights movement. I was absolutely outraged by that claim, and I don't think that we could let these hearings continue without directly and specifically refuting that claim. There are people in our public who are confused right now. They don't know whether or not the militia is part of the white supremacist movement or is it in fact part of the Civil Rights movement, and we have to say in no uncertain terms that this movement is an outgrowth of the white supremacist movement. It is peopled by members of the Ku Klux Klan, of the Aryan Nations, and even though they don't use the gutter racism that is normally associated with these groups, we cannot let them get away with the covert bigotry and racism that they do use. I have a whole statement on that but I am going to pass by that right now, but you can tell I have strong feelings on it.

But I do want to talk mostly about mainstreaming strategy because that was what I was asked to speak on. Perhaps the most dangerous trend represented by the militia movement is that it does provide a means for elected officials to carry the white supremacist beliefs of the militia movement into the political mainstream. Militias, for the most part, are a reaction to the feeling by many white men, that the government doesn't respond to their needs, but in particular, they are angry over very specific things. They are angry over Civil Rights, they are angry over gun control, they are angry over the United Nations, they are angry over the women's movement, they are angry over the environmental movement, they are angry over the globalization of the economy. What they are trying to do is to broaden their appeal to take these ideas into the political mainstream, and unfortunately, they have politicians who are opportunist enough to follow them, to follow their lead. Right now, within the militia movement we are hearing a lot of discussion about states rights. Now, states' rights was something that has only been used in the history of this country to defend racism and segregation. First, in the Civil War, and secondly, to halt desegregation, and to stop integration, so it is coming back again, and I maintain the reason it is coming back again is to halt further advancement by the Civil Rights and the social justice movements. It is not accidental or illogical, that fifteen states have been convinced to pass some form of states rights legislation, all without ever uttering any word about race or racism. That is how racism looks in the 1990s.

We have also had the resurrection of the White Citizens Councils which are now called the Councils of Conservative Citizens, but even a member of the White Citi-

zen Council from Mississippi has already admitted that the Council of Conservative Citizens is nothing but a new evolution of that same old belief, and they are active right now in twenty-four states. They claim to have between eighty thousand to a hundred and fifty thousand members. They enjoy the support of a lot of politicians, and I'll run through them quickly: Senator Trent Lott of Mississippi, Missouri Congressman Mel Hancock, former Alabama governor Guy Hunt, and current governor of Mississippi, Kirk Fortice. These are people who have ties to David Duke's campaign. Of course, they are opposed to affirmative action and need I say they are opposed also to celebrations of the Martin Luther King holiday.

One of the most vocal supporters of the militia movement that is an elected official is Colorado State Senator Charles Duke. Duke travels the militia circuit over and over again with the drum roll of states rights, states rights, states, rights, and he has had some effect, as I've said. Fifteen states have passed resolutions belligerently asserting their sovereignty. He also, by the way, is known for his anti-Semitism. He cast a vote against the holocaust resolution because it included gays and lesbians in its victims. Duke also spoke at a convention called the Constitutionist Networking Center, which claims that more than two thousand clubs belong to their group. In his own words, Duke says, we're trying to find ways to convince sheriffs whose side they are to be on. If push comes to shove, people are ready, the militias performing with or without sheriffs. The CNC convention that Duke spoke at, Kirk Lyons also spoke at. Kirk Lyons is the attorney who represented David Duke when he was trying to sue for status on the Georgia ballot. To make the connection, even though Kirk Lyons was invited to speak at the CNC convention, he didn't actually speak there. His wife's parents are Charles and Betty Tate who were former leaders at the Aryan Nations, so the connection becomes very clear. You have Charles Duke, a state representative appearing, or attempting, to appear on the same panel with someone who represents David Duke.

The CNC is chaired by impeached former Arizona Governor, Evan Mecham. There are a lot of details in my statement about that, but I just want to name names of some of the mainstream people that are involved in this.

A key organization which you should pay attention to, because I know I am getting to the end of my time, is Guardians of American Liberties. Guardians of American Liberties is attempting to be a networking group. Involved in the Guardians of American Liberties are: Committee to Restore the Constitution, We the People, the Christian Coalition, the Colorado Tax Payer's Party, Citizens for the Constitution, the Libertarian Second Amendment Congress, the Liberty Lobby, the Christian Identity Movement, Citizens of the Republic, Freedom Associates, the Fully Informed Jury Association, the Aryan Nations, and the Ku Klux Klan. Now, you ask me, how can all of those groups be under the same umbrella and not have some kind of ideological common ground? There is some, obviously.

Other examples of mainstreaming by the militia movements include California State Representative, Don Rogers, who spoke at the first annual Jubilation Celebration. Other people will be talking about Jubilee. What is also important is to raise the name of a man named Larry Pratt who is the executive director of Gun Owners of America. He is also the founder of the English First movement. They in fact share the same office. Larry Pratt is probably the most direct connection between Congress and the Far Right. He is an advisor to a congressional task force to repeal gun control. He was at the Colorado meeting that also had Pete Peters and all the other people we talked about in 1992, that jump started the militia movement. He has met frequently with Dick Armeey, with Tom DeLay, with Phil Gramm, but he also hangs out with Bo Gritz, Gritz, from the South, I want to call him grits. (laughter) Bo Gritz, Mark Koernike, Jack McLamb. This year, he has thrown the GOA support behind Pat Buchanan, forming Gun Owners for Pat Buchanan. So Larry Pratt serves as that bridge. Among other politicians who worked with or have benefited from some such support, as Representative Steve Stockman who received nearly \$7,000 from Larry Pratt, the Gun Owners of America. The connections go on, and of course other people will talk about Helen Chenowick. I am running out of time, but I just want to close by saying that we do a disservice to our constituencies and to the people we represent if we don't call this racism and bigotry specifically that every time it comes up. We should not let these people get away with calling themselves a non-violent neighborhood watch group. Secondly, we need to hold people who are elected to public office accountable for the company that they keep. People should not be allowed to speak with Klansmen one day and then come up and represent people who have constituencies that have people of color and Jews and people who are not white, and any of the others, without being held accountable. Thank you.

JONATHAN MOZZOCHI. Good afternoon, members of Congress. Thank you for the opportunity to testify. My name is Jonathan Mozzochi, and I am the Executive Di-

rector of the Coalition for Human Dignity. We are a six year old information clearinghouse and civil rights organization based in Portland, Oregon and Seattle, Washington. Our organization conducts research into right wing social and political movements, and analyzes trends and events involving these groups, primarily in the Pacific Northwest. We provide support to civil rights groups, journalists, communities targeted by the extreme right.

Our work monitoring the growth of these so-called citizen militias and the self-described Christian patriot movement extends back to 1989 when we first began actively investigating primarily rural networks of anti-Semitic tax protestors that were operating at that time in Oregon and Idaho. My remarks today will focus on two prominent militia supporters and their efforts to recruit from among the ranks of law enforcement, and through this sort of brief case study, if you will, I am going to attempt to illustrate some dynamics and trends within the broader militia movement. The two individuals are Gerald Jack McGlan and retired Army Lieutenant Colonel James Bo Gritz.

Bo Gritz is one of the most important leaders of the paramilitary right wing in America today. His influence is felt throughout the entire white supremacist movement. He is a former Army Green Beret, who retired from the military in 1979, and has since been involved in numerous private missions to search for American POWs in Southeast Asia. As an aide, some of those missions were funded by William Shatner and Clint Eastwood. I'll go into that later. Gritz tells the story of these and other exploits in his 1991 autobiography called *To Serve*. In the book, he also endorses explicitly anti-Semitic conspiracy theories about the Federal Reserve Banking system, and he claims that eight Jewish families virtually control the Federal Reserve banking system, and that only three are American Jews. In 1988, Gritz accepted the nomination of the racist and anti-Semitic Populist Party as a Vice Presidential running mate, with former Ku Klux Klan leader David Duke. So his credentials within the movement are strong. He became very important among militia circles when in August of 1992, because of his stature within the white supremacist movement, he was able to negotiate an end to the siege of Ruby Ridge with Randy Weaver. The Weaver siege, of course, has been cited frequently as being one of the principal events leading to the formation of militia groups. It was the rationale behind them.

Since 1993, Gritz has organized the ten part paramilitary training course and recruited thousands of individuals to participate in that. These are called SPIKE training programs. SPIKE is an acronym. It stands for Specially Prepared Individuals for Key Events. It is a program by which Gritz and his cohorts recruit participants through gun shows, tax protest meetings, patriot gatherings, and the racist lecture circuit. The training involves such topics as lockpicking, counter-intelligence maneuvers, cryptography and weapons combat. Among other things, the SPIKE trainings are designed to enable participants to go through these various levels of the training, and then form what are called Christian Covenant Communities, and these are essentially self-sufficient paramilitary enclaves within which these patriots, or so-called patriots, can enact their own laws to dispense their own brand of justice, separated from what they believe to be illegally constituted authority, namely you and your authority.

Gritz and his colleague, Gerald Jack McLamb have begun major construction on one such community in central Idaho near the small town of Camiat. Called "Almost Heaven" by Gritz and McLamb, this property sits adjacent to land owned by the Nez Perce tribe in Idaho County, Idaho. Tribal members have repeatedly expressed their concern with the potential for violence developing from the presence of Almost Heaven, as have other well-meaning people in the community. To the people of Idaho County, Idaho, the patriots, militia organizers, and so-called Constitutionalists who may soon flock to Almost Heaven are not merely withdrawing or separating from society as they often claim, rather they are engaging very real and in a very real sense close to home.

Jack McLamb is a retired Arizona police officer and former chemical salesman from California who has been active helping Gritz plan and lead the SPIKE training. McLamb is a particularly important figure on the paramilitary right, because of his role as the self-appointed ambassador to the law enforcement community. His "Aid and Abet" police newsletter and the various reports issued by his American Citizen and Lawman Association and Police Against the New World Order target police officers and military personnel, attempting to re-educate them in the ways of bizarre and thinly veiled anti-Semitic conspiracy theories. He has a training manual called Operation Vampire Killer 2000. The terminology is really quite interesting. It is a 75-page booklet designed to enlighten active duty officers in the way of the conspiracy. The book is widely distributed to militia meetings and gun shows, and

literally hundreds of copies have been delivered to police departments and law enforcement personnel by the militia activists throughout the country.

In Washington state alone, we know of at least four counties where the booklet has been distributed and recruitment has been attempted: namely, Stevens County, Pierce, Wacama, and King County. Like many activists in the militia movement, and in the paramilitary right, certain of McLamb's ideas could well be characterized as racist. For example, he stated that the globalists are promoting interracial marriage. You cannot have an interracial marriage in working to save America. You don't have to do that type of thing.

Playing on themes that have been developed over the years in the so-called Christian Patriot movement, both McLamb and Gritz tell audiences at these events that they need to prepare for the coming storm, what they refer to as the coming storm, and they encourage these participants to recruit law enforcement officers and military personnel into the movement. They both, of course, encourage the formation of citizen militias.

Both McLamb and Gritz recognize that if they are to make headway with their efforts, to disregard civil rights laws, tax laws, and a host of other legal responsibilities, that others have to abide by, they must cultivate support within law making and law enforcing bodies. Hence, their efforts to convince law enforcement personnel to serve the interests of the patriot movement.

One prominent supporter of the militia movement and the radical right from the ranks of law enforcement is Acting Sheriff Richard Mack from Graham County, Arizona. Mack has sued the Federal Government over the Brady Bill, which he refuses to enforce in his county, and he is a widely featured speaker on the militia circuit.

McLamb and Gritz, and by extension, the militia movement as a whole, are attempting to lay the groundwork for legitimizing the paramilitary organizing. For example, in Stevens County, Washington, at least one county commissioner sympathetic to the militias and a promoter of Posse Comitatus and the racist religion of Christian Identity, sits on a county advisory committee that ironically provides guidance for local authorities and their dealings with Federal land use bodies, such as the BLM.

Often the first target of militia support is the county sheriff. According to the traditional ideology of the Posse Comitatus, the sheriff is the highest law enforcement official in the county. Of course, according to the same ideology, if the sheriff is not enforcing the laws the Posse sees fit, it is duly empowered to discipline the sheriff. In the 1980s, Posse leaders distributed literature threatening to hang the sheriff at high noon at the County Courthouse.

In short, we see an almost identical approach towards county sheriffs by those in the militia movement today. The concept of the so-called unorganized militias is really no different from the bogus notion advanced by the Posse Comitatus. The idea that every able bodied white male resident over the age of eighteen is automatically a deputized member of the county law enforcement, the veritable Posse Comitatus, or power of the county.

When paramilitary hate groups find supporters in the ranks of law enforcement, the results can be devastating. Important information stored in police computers can be accessed, confidential contingency plans developed by law enforcement can become compromised and valuable police and military hardware placed at risk.

Lastly, I guess I'll say, one profound irony is that the vision of government advanced by many leaders at the militia is not necessarily the vision for substantially less government, and it is not merely anti-government or anti-Federal government. In fact, their vision, most of them in any case, is for a much different form of government, a different type, one in which religious freedom, racial equality, and individual liberty would be severely at risk. Thanks.

SCHUMER. Thank you, Mr. Mozzochi. We have a vote, so we are going to have to take a small break, and you'll remember last time's small break became a large break because we didn't know that there were other votes. But if there are no other votes, bells don't ring other than once more for the five minutes, we'll be back in ten. If you hear other bells, we'll be back when they stop ringing, probably no more than twenty minutes. We do have to finish by about 2:45, so I think that gives us enough, thank you.

#### RECESS

DAN LEVITAS. Congressman Schumer, distinguished members of the panel, I appreciate the opportunity to testify today about the militia movement, and to offer some observation in particular about the efficacy of state level paramilitary training and what may be done by you as lawmakers on a Congressional level in terms of legislation to respond to the challenge posed by the militia groups. First, however,

I want to address briefly the impact of the Oklahoma City bombing and the attendant publicity on the militia movement. You know, normally those of us in this line of work monitoring and tracking extremist groups operate under the general rationale that by shining the light of day upon hate and bigotry and violence, it will force these groups to go underground and will lose support. And while it is certainly the case that some militia organizations disbanded in the wake of the bombing some were affected quite negatively by the publicity related to the bombing. Unfortunately, in fact, the truly unprecedented scope and scale of the visibility that the militias have received has in fact helped these groups to grow, not shrink, and that is a significant danger. That is a quantitative assessment. Qualitatively, the militia leaders have been very successful in convincing their members that the bombing, of course, was orchestrated by the Federal government. Bo Gritz, whose name has been mentioned, referred to it as a "work of art," as a "Rembrandt," as if to imply that only someone trained in the use of ordinance and explosives affiliated with the Federal government could do such a thing, and this has contributed to a hardening, a radicalization of a hard core within the militia movement. And so at the same time, and as we believe, or at least as my organization believes, the militia movement is actually growing. We also believe that it is becoming more radical. That it is truly a dangerous prescription.

Second, I want to just go over very briefly some of the historical antecedents to the militia movement, and to point out what has been mentioned often by fellow panelists that the roots of this movement go back some twenty-six years, very specifically, to 1969 and the establishment of that preeminent rural radical right wing, the Posse Comitatus. From the outset, the Posse Comitatus, Latin for "power of the county," was always anti-tax, anti-government, anti-Semitic, and racist, and the themes of the Posse Comitatus are found in mirror image in the county supremacy movement of today in the militia movement of today.

In 1975, the Posse came to the attention of Federal authorities. They hatched a plot to kill then Vice President Nelson Rockefeller. The Posse is responsible for inventing all of these bogus theories of "Christian Common Law," these legal notions of Fourteenth Amendment citizenship, the idea that one should sever so-called "contracts of adhesion" to the state in order to assert one's sovereign status. Terry Nichols, the second co-defendant to the Oklahoma City bombing, attempted to sever his, attempted to establish his sovereign status, as did his brother, James Nichols in Michigan, when arrested for speeding in 1993. James Nichols went before a local traffic court and declared that he was a sovereign citizen. The Constitution guaranteed him a right to drive; therefore, he didn't need a license to travel; therefore, he didn't need a license to drive. And, of course, we've heard about the militia leaders like John Trochman and others like Calvin Greenup, of the North American militia, also in Montana, who have similarly filed court documents severing their status, asserting their "organic citizenship."

And so, when we hear about groups like tax protest organizations, and Congressman Williams, you mentioned in the previous panel, the word militia was only mentioned twice. That is because the tax protest movement, these other political formations on the radical right, are in point of fact, one in the same indistinguishable from the militias in terms of ideology and root belief. However, the militias have added a new element to the radical right in this country which I think makes them in fact more dangerous than any other right wing group that we have seen, at least in the modern era, and that is the almost brilliant combination of the First Amendment and the Second Amendment, by marrying the tolerance and strongly held support for the First Amendment that we as Americans have, with a fanatical interpretation and embrace of the Second Amendment, the militias are truly creating a prescription for disaster.

Many militia organizers and leaders have one clear goal in mind, that is the creation of private armies capable of resisting enforcement of current and future gun control legislation, and the bottom line really is this: given the guaranteed freedoms of the First Amendment, as I have stated, and the fanatical embrace of the Second Amendment, what measures, if any, can be employed to prevent the creation of private armies composed of thousands of heavily armed and right wing fanatics intent on creating a "White Christian Republic?" Forty-one states now have laws banning paramilitary training in some form or another. Twenty-four states have statutes that simply outlaw paramilitary militias outright, and an equal number, twenty-four states, have laws which outlaw paramilitary training only when the intent is to commit a "civil disorder." Seven states have both types of laws, that is the overlap, that is why it leaves us with forty-one states. Now, despite the proliferation of these statutes, no more than a handful of prosecutions have ever been brought by state authorities. In fact, in two of the most celebrated cases in which anti-paramilitary training laws were used, it was a private group, a private non-profit organi-

zation, not the government, not a state attorney general, it was the Southern Poverty Law Center that invoked these laws to shut down private armies. I think we have to ask the question: why are state attorneys general so reluctant to use these laws? Is it because these statutes are somehow flawed? Yes, I think so. Perhaps, at least in those cases where a criminal predicate is needed to prosecute. It may well be that the effect of these laws is minimal beyond their value as a deterrent. I don't want to diminish this deterrent value of the laws, but simply to say that as a prosecutorial tool, their effect is limited, and this, of course, is because in order to have proof of "intent to commit a civil disorder" prosecutorial authorities must show that those charged had definitive plans to do something, go out and blow up a building, incite a riot, and so on. Militia members and members of other paramilitary right wing groups can train, can conduct mock raids on the local federal building. They could even make a mock up of the federal building and pretend to invade it. Yet, until they actually inform their followers, "this is what we are going to do on Tuesday morning at 2 o'clock, and we are training to commit this act," effectively the criminal predicate does not come into effect.

Now, perhaps the problem doesn't rest with the language in the statutes themselves—at least in these other two-dozen states where you have paramilitary armies banned outright, where there is no criminal predicate. So then the question becomes, if you have two dozen states where you don't have to prove there is an intent to commit the civil disorder, why aren't the laws in those states being enforced? Well, I think in many cases, it may well boil down to simply a lack of will to prosecute. If this is the case, it won't be the first time that the Federal government was needed—certainly to establish jurisdiction in order to prosecute cases in which local authorities were reluctant to pursue. Maybe it is a lack of investigative resources. Maybe you've got paramilitary citizen militias out there that are doing paramilitary training, which are outlawed *prima facie* by virtue of the state statute, but in a state like Montana, you have no state police agency that effectively can go out and do the undercover investigation that is needed. You rely on local police, your local sheriff's departments. If that is the case, giving power to the Federal government allowing the Justice Department to use the resources of the FBI as they do, their investigative arm, may well enable prosecutorial authorities to build winnable cases against militia groups, but I truly believe that now is the time for Congress to pass a comprehensive Federal anti-paramilitary training statute. Is it possible to draft constitutionally-sound legislation, outlawing the existence of private armies outright, regardless of the intent of participants? Yes, I believe this is true.

Unfortunately, the impact of HR1544, introduced by Congressman Nadler and now pending before the House Judiciary Committee, I think the impact of this legislation will be minimal. Like its relatively ineffective counterparts at the state level, this law, too, requires criminal intent to "unlawfully oppose the authority of the United States government" in order to prosecute. Besides, what is the value of HR1544 when there is already on the books 18 USC Sections 231 to 233 which already ban the training and manufacture and transport of weapons with the knowledge or intent that it will create a civil disorder? Is it possible to craft language that distinguishes between private, combat-ready paramilitary armies and other groups, such as the Salvation Army or gun and rifle clubs? Yes, I think in the language of that Southern Poverty Law Center case in Texas, dating back from 1982, the ruling of the Federal judge in that case, we can see that when paramilitary groups cross the line into prohibited activity, when they endeavor to create "viable" military organizations with a command structure, training and discipline so as to function as a combat or combat support unit, the time is right for Congress and the American people to ask themselves a very straightforward question: What possible purpose is served by the existence of private armies unregulated by the states, trained in full-scale combat techniques armed with semiautomatic weapons, cop-killer bullets or worse? The answer, I think, is none whatsoever.

However, according to the logic of the militia, private armies are needed to defend against everything from the invading forces of the New World Order and the enforcement of the Endangered Species Act. In sum, the private armies being raised up by militia groups wholly reject the rule of law in favor of paranoia and conspiracy theories. We certainly saw this with the Linda Thompson purported march on Washington, D.C., but, according to the ideology of those militias, anything that you do that is done here in this city is patently unconstitutional. Being treasonous, it is grounds for affective capital punishment, executed by vigilante bands of armed civilians.

In closing, I wish to offer the following observations about the militia movement. First, citizen militias are a patent fraud. The language of the Second Amendment, which provides for a well-regulated militia, in no way authorizes or justifies the existence of private gangs of paramilitary vigilantes that make up the militia move-

ment. When the Governor of New Mexico meets with leaders of the militias and declares them reasonable people, that is certainly giving aid and comfort to a wholly undesirable element of the population. Of course, the Second Amendment authorizes states to create militias, which they have essentially done in the form of the National Guard. I would very much like to see the leaders of the National Guard come forward in a statement, in a press conference and in an official declaration and decry and denounce the so-called concept of unorganized militias. Every Governor in the United States of America should issue a proclamation declaring the concept of the unorganized citizen militia the legal and constitutional fraud that it is. When militia groups claim this constitutional high ground as their own, they are on slippery footage indeed. Through new legislation, Congress should once and for all put to rest this bogus concept.

Number two, we've heard about this before. Militias are unpatriotic, and their bigotry must truly be exposed and rejected. The paranoid fantasies about one world government promoted by many in the militias and the paramilitary right wing are especially poisonous, because they are often rooted in age-old anti-Semitic conspiracy theories, and the ideas of the Constitutionalists are likewise rooted in racism. Although these people claim to be patriots, there is absolutely nothing patriotic about racism and anti-Semitism, and as we have heard, of course, before today, threats, intimidation and law breaking must not be tolerated. And finally, people of good faith have an obligation and civic duty to respond. The leading panel today are very courageous people, and I think demonstrate this, but unfortunately, not all the people out there have the capacity to be as courageous as to withstand those kinds of threats. Beyond the question of illegal activity, when militia leaders and hate groups exercise their constitutional rights to free speech, we have to have elected officials, clergy and other people in positions, with the moral and civic authority that do the same, and unfortunately, to date the responses of political leaders, present company certainly excepted, have been truly underwhelming. Whatever you can do to engage your colleagues further along these lines, I think would be of great assistance. Thank you very much.

SCHUMER. Thank you, Mr. Levitas, and I think at this point, it is not only appropriate to thank you for your comprehensive testimony, but for all the help you have given us in making this hearing happen. You were wonderful, and we thank you. Mr. Halpern.

TOM HALPERN. Sometimes I wonder if the conspiracy mongers have given any thought to whether those behind the conspiracies invented air conditioning, making it possible for Washington to continue business into the month of July. [Laughter.]

SCHUMER. It still helped all my constituents move to Florida. [Laughter.]

HALPERN. This is an opportunity that I very much welcome. It is an honor for me to be here today to address this panel. I applaud the members of this panel for convening this session in order to address issues raised by the rise of the militia movement. My name is Thomas Halpern, and I am the Acting Director of Fact Finding for the Anti-Defamation League, and I am accompanied today by Michael Lieberman, the Counsel and Associate Director of our Washington office, and Steven Freeman, our Director of Legal Affairs. The Anti-Defamation League has been at work for more than eighty years in fighting racial and religious bigotry, and exposing and counteracting political extremism of the far right and the far left. In that regard, we have addressed the militia movement, and I will try to keep my remarks brief on that subject today.

For many people, it was the bombing of the Federal building in Oklahoma City that put the militias on the map. The militia movement as a whole, of course, is not responsible for the bombing, but even if no greater connection is found to that crime than the attendance at some meetings of Michigan militias by suspects Timothy McVeigh and Terry Nichols, the militia movement would still be of concern to us. The groups, especially those who are engaged in paramilitary training, present a real danger. The brew that they have been intoxicated on—conspiracies, hatred of government, the conviction of impending armed showdown—is a poisonous concoction. We recognized this more than a year ago, when we began to take stock of the growth of this movement in places around the country. These signals that we began to pick up and our urgings to our regional offices to pursue investigation resulted in a report last October, titled "Armed and Dangerous: Militias Take Aim at the Federal Government." This was followed up by continued monitoring of the movement's growth, and we issued a second report entitled "Beyond the Bombing: The Militia Menace Grows," whose main finding was, as we've heard, that growth in the militia movement has continued even past the Oklahoma City bombing, which, of course, many of the militia activities say was a government operation. But even if it were not for Oklahoma City, the militias are a concern. We had no foreknowledge, of course, of an Oklahoma City-type event, though it certainly wouldn't



surprise me if some of the conspiracy mongers say that we did. These are extremists, make no mistake. We are not talking about moderates here, and they have identified the Federal government and many of its public servants, particularly law enforcement officials, as an enemy with whom there will be an eventual armed conflict.

Preparing for the possibility of making political change through armed paramilitary activity is the chief hallmark of this movement. It aims to delegitimize and destabilize the democratic process, and it is reminiscent in that regard of the situation that existed in Europe between the wars, where you had political movements with uniformed armed wings that sought to move politics and the practice of politics from the parliaments into the streets, and this was true not only in Germany, with the SA, and Italy, with the Fascists, but you had it even in England, with Oswald Mosely and his group, and in France as well. There were efforts to destabilize and delegitimize the democratic process, and the language, the kind of language they used as frequently harking back to an earlier, purer time in those countries' history, much as we see with the militia movement, drawing on the kinds of rhetoric that recalls the revolutionary war-era patriots. In fact, you frequently hear them referring to themselves as part of a broader patriot movement, and what they are saying is that just as they—the militias and those like them—are targeting the Federal government and claiming that the Federal government is engaged in a conspiratorial process to impose tyranny on the American people, so did the British tyranny have that impact on the American colonists, and they are merely following in that tradition of the American Revolutionary War, patriots and true heroes. It reminds, me, of course, of the maxim, just as they like to quote Revolutionary War heroes, there is also a famous statement by one of them that patriotism is the last refuge of scoundrels; so we should always, of course, be wary of those who hide their true colors under the cloak of patriotism.

The groups are certainly conspiracy oriented, just as their predecessors at home and abroad have been, and there is a tendency among the conspiracy-obsessed, as also we have heard previously, to focus eventually on the Jews. In our first report, we identified an anti-Semitic strain that existed in the militia movement, and we believe, based on follow-up investigation, that the strain has increased. We find publications like *The Spotlight*, the publication of the Liberty Lobby here in Washington, D.C., prevalent at militia gatherings and gatherings at which militia members can be found in high proportions.

Also, we find other kinds of anti-Semitic literature, and even the distribution of or the endorsement of the Protocols of the Elders of Zion. Now some of these, *The Spotlight*, in particular, play a very important part in this whole process. While *The Spotlight* didn't invent the militia movement, it recognized it early on as a potential springboard for furthering similar conspiracy-oriented aims and theories, and *The Spotlight*, as evidence has come out in recent weeks, was a favorite piece of reading material of Terry and James Nichols, as well as of Timothy McVeigh. We actually revealed that in 1993 Timothy McVeigh advertised through a classified ad in *The Spotlight* military-style rocket launchers for sale in three consecutive issues. These were the same kinds of launchers that he was offering for sale through his Kingman, Arizona, private mail drop, and which he was selling at gun shows around the west. So we see a nexus between the militia movement and others like them with *The Spotlight*, and *The Spotlight* has promoted this to a fare-thee-well harping on the conspiracy theories and propelling them along. This was a special supplement that they published last September—headlined: "American Citizens Want to Know . . . Is Our Town Next? Why Are Strange Military Maneuvers Taking Place All Over America?"—harping on the theme, promoted by many militias, that there are secretly in place foreign military materiel, especially Russian materiel, and U.N. and New World Order troops ready for the impending government takeover, and here is a copy of a photograph with all sorts of lurid testimony underneath to this sort of impending New World Order threat to America, to the American lifestyle.

Now, I don't want to take too much of your time, but it is important, of course, to consider what the response ought to be to this problem. At the Anti-Defamation League, we have developed model legislation concerning paramilitary training, and we've heard the comments of some of the earlier members of this panel. There are difficulties in obtaining convictions on such charges, because gaining the evidence can be very difficult, but in addition there is the deterrent impact, which is real. For example, a group known as the Christian Patriots Defense league, several years ago, stopped having paramilitary training as part of its weekend gathering, as a consequence of legislation of this type being enacted in the state where they were to hold that training. But there is also another, not insignificant, benefit from such legislation, in that it provides state authorities with a means by which they can investigate groups that may be engaging in this kind of harmful conduct. It is another

in a larger quiver of tools that are available to law enforcement authorities at the local and the state and the federal level. I agree that there is room, at the federal level, for a statute of this type, because for whatever reason, it may be that officials at lower levels of government, local and state, either are not willing, or lack the investigative resources or other resources in order to carry through on this. There is another bill, I believe different from the one that Mr. Levitas mentioned, sponsored by Congressman Nadler, and this was HR1899, which proposes this very step.

The bill that ADL devised targets conduct, and also recalling Representative Williams' reminder that on the previous two panels, many of the people testifying were not talking about militia activists necessarily, but others who were engaging in threatening or even physically harmful conduct, that statutes which address conduct can be used in order to address these kinds of threats, because the leap is not so great from targeting individuals to targeting groups with which these individuals are associated. From individual public servant, perhaps, to an entire government bureau, and if the government entity that is responsible for those officials moves to take some sort of law enforcement protection, well, then, it is almost a sort of foregone conclusion that you will have brought in the very law enforcement officials who the conspiracy theorists have preordained as their enemy, and then they may go on to engage in the kind of planning that is required in order to engage those law enforcement officials in some sort of a confrontation. There may be the hook for engaging in the sort of training of both participants and by the trainer for the sort of civil disorder that our statute addresses.

I think that these are issues that have to be seriously considered at the Congressional level as well as the state level where those pieces of legislation are not enforced. I thank you for your time.

SCHUMER. Thank you, Mr. Halpern. Finally, the person who has waited the longest of all the witnesses to testify. As I said, last but not least, Mr. Eaton, of the Simon Wiesenthal Center.

RICK EATON. It is quite all right, Congressman, and distinguished members of Congress. I am happy to be here with you today. I am researcher with the Simon Wiesenthal Center, an international Jewish organization that monitors and combats hate groups around the United States and abroad. You've heard about the Turner Diaries, so I won't repeat what you've already heard. As you know, the Turner Diaries chronicles a race war. It talks about its coup de grace which is the blowing up of the FBI building here in Washington, with hundreds killed. The Turner Diaries, as I say, is a blueprint for a race war. It was written in 1978 by William Pierce, under the name of Andrew MacDonald. Pierce is the leader of the National Alliance, one of the most vehement hate groups in this country today.

The Turner Diaries envisions a time when our government will not be able to protect its citizens. The FBI institutes a new computer system tracking the movement of all citizens, and mass of gun raids have disarmed every patriotic American citizen, not unlike the rhetoric that you hear spewing forth from the militia movement today.

Until recently, the Turner Diaries could only be obtained by writing to the National Alliance or in a handful of survivalist stores. To even locate the address, one would have to stumble over a newsletter or find a sticker posted on a telephone pole somewhere. This is no longer the case, thanks to our wonderful new communications tool, the Internet.

Extremist exploitation of computer technology is not new. The Wiesenthal Center has been monitoring such activity for over five years, but the recent explosion of Internet access has been unprecedented. Over the past year, militias and at least fifty other extremist groups have embraced the Internet, and the exposure that it provides. Excerpts from the Turner Diaries, militia manuals and the continual stream of rabid anti-government rhetoric are only the beginning.

On March 25, 1995, complete instructions for preparing an ammonium nitrate bomb were transmitted over the Internet. Like a global version of the town hall meeting, one only need ask, and the request will be answered. On a regular basis, information from everything from pipe bombs to C4 is openly transmitted over the information superhighway. Within weeks of subway gassings in Japan, the full chemical formula for sarin was posted in the news group RRC Pyrotechnics. The only reaction came from a user who complained that the message was posted in the wrong place.

The militias have discovered this new communications tool as well. At least a half dozen news groups are available to promote their anti-government theories. One recent post, emanating from the University of South Florida, and inspired by the patriot movement, began by calling for supporters to not pay their taxes, and suggested dumping waste into local water supplies, setting fire to local forests, blowing

up buildings with government and high-profile people inside. The posting ended with an accurate formula for plastic explosives.

It was an anonymous post coming from the University of South Florida, which I can provide you with a copy. Three days ago, the moderator and founder of the Internet group "Miscellaneous Activism Militia," posted the following regarding this very proceeding: "I sure wouldn't cry if some militia fellow showed up at that meeting and gave Schumer a special high-energy present for his efforts." A discussion followed with: "Schumer is a very dangerous traitor," and—after discussion of a civil war between government and militia—the poster finished by saying, "I wouldn't cry if someone MP5d Schumer or Clinton or Reno or any of them. I wouldn't necessarily agree with the action, but once it is done, well, we are all better off."

There are other news groups and web sites which promote this type of information, conspiracy theories on the New World Order, and a one-stop shopping center for material on explosives, silencers, smuggling and burglary techniques.

The center is also currently investigating lesser known facets of the Internet with potentially more dangerous features than those described.

Cyberspace has suddenly empowered marginal local groups, militias and outright hate groups with a sense that they are part of an increasingly powerful nationwide movement. In addition to the obvious mainstream marketing capability, available technology also permits, when desired, anonymity to conduct their activities without fear or reprisal.

So what do we do with a network that is estimated to be over 30 million users? First, if nothing else, we need to give law enforcement the opportunity and the capability of monitoring hate and violence-oriented postings in Cyberspace. Local law enforcement officials will be quick to report that the routine traffic stop is still one of their most effective weapons. We need to insure that the appropriate officials have the opportunity to do the same on the superhighway. We are not advocating an attack on cherished First Amendment freedoms, only that law enforcement be given the ability to investigate potentially violent or illegal situations.

Congresswoman Slaughter, you mentioned that the FBI knew very little about the militias. I guarantee you that in talking to them, they know even less about the Internet. They claim that they have never read the Net, and had they—if nothing else—they would have seen the postings before April 19th, they would have seen militia manuals, they would have seen tactics, and they would have seen April 19th as declared militia day time and again.

SLAUGHTER. Also, wouldn't you know that the Carson City bombing might have alerted them somewhat?

EATON. It certainly would have alerted the FBI; but again, if they put all the pieces together, had they been reading the material, then they would have had a better picture of what was going on.

Secondly, contrary to popular belief, the Internet is not a free ride. Each user contracts with a private provider to gain access, and, as such, the providers would be well within their rights to draft and enact a code of standards or rules of engagement that their users must abide by. Commercial providers, such as Prodigy, have already taken actions toward this end. It is highly unlikely that Timothy McVeigh and his alleged co-conspirators downloaded the information for their bomb from the Internet. It is also unlikely that they were introduced to the Turner Diaries from the electronic sources—but what of the next generation? Young people, a target for extremists, are especially drawn to the cutting edge of technology. Placing extremist material within the borders of the computer screen gives it instant legitimacy. Some months ago, a fifteen year old not only downloaded bomb-making instructions from the Internet, but, to the horror of his father, he found that he constructed a workable device and kept it in his room.

For our part, the Wiesenthal Center has begun their own extensive Web page to disseminate information on the teaching of tolerance, combating bigotry, prejudice and extremism on the Net.

I would like to add one personal statement here. I am one of the few—or only people in this particular room—that has viewed extremist groups from a different angle. Unlike those who unfortunately have witnessed the threats, as the first two panels that we heard, or the people like myself who have researched the subject, I've had the opportunity to go under cover and meet these people on their own level and talk with them and hear what they have to say, and I can only say that you must take these people seriously. They mean what they say when they make threats against people, like we've heard from in the first panel; when they make threats against Congresspeople or Presidents or Attorneys General, take them seriously. I agree with the people that have gone before me that say there are laws that can be passed. We need to take a very, very close look at anyone who believes that the

government is against them, and they will take any actions to combat that. Thank you.

SCHUMER. Thank you, Mr. Eaton, and I want to thank the entire panel. Again, it has been extremely informative and helpful, and we are going to continue to follow up. I've had the opportunity to ask all of you questions before. We've had a little meeting on this, and I must excuse myself, but I know that my colleagues wish to ask questions and, hopefully with your OK, that you'll be able to be here for those, and so I want to thank you, and I just want to say as far as I am concerned, we're going to keep going on this. This is a very serious issue. It has not gotten the kind of attention it should have. This, today, was a start. We have a long way to go, and we're going to look at so many different aspects of this: in terms of the legislation you've proposed, in terms of looking at funding sources, and in terms of other types of things that are happening that the public ought to know about. So I thank you, and I want to thank my colleagues.

I don't think you often see a six- or seven-hour hearing where you still have five, six members here, and I think that is a testament to you and what you are saying as well as the importance of the subject. So with that, let me turn it over to Mr. Conyers and others who wish to ask questions, and, again, thank everybody for their help and participation.

Congressman JOHN CONYERS. Well, thank you, Chairman Chuck Schumer. This has been an important hearing, an historic hearing. We can spend a lot more time thanking you for the excellent testimony that you've given. Let me go through a few things here, because this panel is extremely important to the planning of where we go from here. First of all, we have to hold formal Judiciary Committee hearings that have been stalled, not just this month, or this year, but for years. We have never been able to hold hearings like this. The Congressional Black Caucus that the Criminal Justice Panels have been hearing from C.T. Vivian and Morris Dees and other lawyers and civil rights leaders for years and I want to say, Chuck Schumer, it was incredibly important for you to put this together. There will be more to come. This is the beginning, not the end.

Now, lets, you know, this reminds me of the civil rights movement era. I mean there almost hasn't been any change. There is a lot of *deja vu* going on here for me and for John Lewis, for some of the other civil rights people, and we've been very candid here. I've been deeply impressed by the thoughtfulness of not only the members of this committee who were members from all other committees. This is not just the Judiciary Committee. We have distinguished members from the Congress from all over, and we've talked about ex-law-enforcement officials that have been involved. Well, I came across the name of a former Department of Justice lawyer in the Reagan administration that is involved in this business, and I want to ask if anybody knows him by name. I'd never heard of him. I am sure he is a very famous lawyer. Mark Pollack, a former member of the Reagan Justice Department, who, anybody ever heard of him? Yes. It doesn't ring a bell. Oh, someone did raise their hand. Well, that is not a witness.

SLAUGHTER. He was a witness this morning, John, he was on the first panel.

CONYERS. The point that I am getting at, is that there are not only former members of the U.S. Department of Justice working with these groups, there are the retired members of police departments and law enforcement agencies, lawyers of some renown, members of the state legislatures, and even members of the U.S. Congress actively working against this issue. In addition—and this is the question I am moving toward we may even have some active law enforcement personnel presently working with some of these groups. The Civil Rights Movement isn't that old, we remember that there were police officers that joined the Klan and put on the sheets at night, and it was well known in every town that they were working with the Klan. They were members of law enforcement by day, and they were riding the range and burning crosses at night. I would like to ask whether this may be the case today, whether law enforcement personnel are actively involved in some of the less dangerous organizations. After all, these organizations do have trappings of legitimacy. I would invite some comments on that if there are any.

DANIEL LEVITAS. Well, Congressman Conyers, I would just say two points. One is that in preparing for this hearing, I put out numerous feelers to the law enforcement community and to organizations that work closely with the law enforcement community about this, and one of the words that we clearly got back, yes it is a problem, but no one from law enforcement will talk about it. So I think part of the difficulty is to identify the people within law enforcement who will come forward and say: yes, this is a problem, people are recruiting from my department. Secondly, you know, even not into the '60s, but in the 1980s, there have been civil rights lawsuits filed against members of police departments for their organized activity in connection with the Ku Klux Klan, and I think that particularly one organization,

COPS Confederate Officers Patriots Squad, in Kentucky, a successful Civil Rights lawsuit was brought against that group. I think it goes without saying, I mean, a working assumption of mine is that some active duty law enforcement officials as well as active duty persons within the National Guard perhaps, and certainly the military, are closely affiliated with these organizations.

I think there are two separate questions one might address. One does have to do with the Department of Defense materiel, and that we hear from time and time again, about missing military hardware from military bases and the inability of the Defense Department to account for this material. In Fort Benning, in Georgia, skinheads from Birmingham stole military TNT. In the 1980s, Posse Comitatus members were stealing M16s and plastic explosives from National Guard armories in Kansas. The Department of Defense never has a credible answer to this. They have not made public any kind of comprehensive reports that address this, and I think that on the question of local law enforcement jurisdiction, that may not be something you in Congress can handle, but I think with regard to the Department of Defense where you have direct jurisdiction, that is an issue. And finally, the Department of Defense does have guidelines with regard to the participation of active duty personnel in white supremacist groups. There has been a First Amendment tug of war over those guidelines, but immediately after the Oklahoma City bombing, the Defense Secretary kind of reiterated them. Suffice it to say, I do not think those guidelines are really at all enforced. If the Defense Department was as intent upon drumming out members of the white supremacist from the U.S. military as they are wrongly intent on drumming out lesbians and gay men, perhaps we would see headlines about White supremacists being drummed out of the military. They are not, and they truly should be, in my opinion.

KEN TOOLE. I just have brief anecdote. In March of this year, we sent a briefing out to law enforcement agencies in Montana detailing the connections between so-called Freemen, Constitutionals and militia organizations. Within three days, I got a phone call from a guy named John Stadmiller who is co-host with Mark from Michigan, a radio program, letting me know that he had in front of him, the law enforcement organization in Montana, that or someone on our staff which I think is pretty unlikely, since there is only two of us. (laughter) They got it, they got it very quickly, and wanted to say and we have it and we know exactly what you are up to.

RICK EATON. Mr. Conyers, one of the things that we find also is that the retired police community, and the retired military community, are doing a great deal of the recruiting within these departments, using their contacts. I tried to get somebody here that would testify to that. But using their contacts within those departments to pass out the literature, to get Vampire Killer 2000, which is a recruiting manual for law enforcement, spread around to law enforcement, and the same thing with the military.

TOM HALPERN. I just have one additional point to make. The Vampire Killer 2000 manual that you've heard referred to a number of times is put out by Jack McLamb, whose organization he calls Police Against the New World Order, so there you see a very clear nexus between someone recruiting to the movement who believes in the very conspiracies that they do. I think the majority of law enforcement are concerned about this extremist threat, though perhaps not as well-informed as they need to be, but there is still, I suspect, a number who are, at the very least, susceptible to this kind of recruitment. What I hope will not be required in order to avoid that kind of situation is bloodshed, is loss of life as a result of confrontation which some of these militia groups almost seem to believe is inevitable between themselves and members of law enforcement. We've already seen some such confrontations, and there was in fact a shooting in Ohio where an apparent member of a militia, someone who was operating a vehicle without proper tags, and instead had a homemade license plate that read "militia," and was pulled over, and after the officer who pulled him over says he observed him stepping out of the vehicle with a weapon, the officer fired, and unfortunately there was loss of life in that instance. There have been cases involving white supremacy groups, not militias, in the past, where the police, law enforcement, have also been identified as the number one enemy, even beyond Jews or Blacks, because they are the officers who are able to enforce the laws that the Aryan revolutionaries say are dooming the white race to extinction. An illustration of this is a slogan by Tom Metzger of the White Aryan Resistance, who refers to the police as "the boys in blue who serve the Jew." If it comes to the point where similar kinds of confrontational talk lead to actual confrontations and loss of life, then perhaps we will be seeing more serious consideration given to these groups by the agencies who need to; and I hope it doesn't come to that.

CONYERS: We owe you a debt of gratitude, because your chart really tries to make the point that these organizations are interrelated and shows how they interact with each other. James Ridgeway has another play on this. He looks at groups in Nevada, Oregon, Utah, and Washington state, where we come across a whole different range of organizations that are concerned with property ownership, protecting the land, and the Wise Use Movement. We need to document the existence of these organizations. You know, sometimes I wonder that the Department of Justice should already be concerned about this issue. This leads me to wonder just how much enthusiasm there is over there for dealing with this kind of question, which leads me to today's Washington Times. This was the second time I've read it this year (laughter). The Washington Times' racist ways die hard in lawman's retreat. Annual good old boys roundup cited as evidence of the Klan attitude at ATF. There is another article that discusses how racist and discriminatory these kinds of hearings are. I am going to ask a unanimous consent that both these articles be placed in the record. The first article shows that Blacks at ATF are specifically excluded. As a matter of fact, the article mentions that one or two black ATF officers tried to go to the roundup, but they weren't allowed in. A big class-action suit based on discrimination has been filed against the Bureau of Alcohol, Tobacco and Firearms. This shows the kind of racial conflict that exists, even with the good guys. We're not talking about our own government right here in town and down the street. This leads me to a question that has been kicked around quite a bit. I'd like to find out if anyone has thought about whether it might be beneficial or detrimental to put all law enforcement responsibilities into one agency, The Department of Justice. Volunteers, please. OK, Ms. Ross, and then Bill Wasmuth.

ROSS. I am coming up with a lack of accountability by law enforcement no matter what the alphabet reads.

CONYERS. OK.

ROSS. We are in the middle of endless civil rights investigations. Those murders down south that we can barely get any support from out of the Justice Department, so I don't have a confidence that transferring it would necessarily work, but I do want to raise another issue that you touched upon, and in conversations that representatives of the FBI, the former and present. They have openly said that there is a reluctance on their part to aggressively pursue elements of the far right because of their history of abuses in pursuing elements of what they call the far left. In other words, because they have been sued for excesses committed under past investigative programs like COINTELPRO or the (inaudible) investigation, and they have said this to me. They have said this to me, but not just me, that they are reluctant now to be that aggressive again, and so I was forced to ask the question, are you saying that because you had difficulty staying within the law before, you are afraid to enforce the law now? I mean that kind of response makes a citizen like me ask that question, and that is the question that needs to come to them from Congress. A plain citizen like me can't ask that question. I can't get an answer.

C. JOHN LEWIS. Mr. Chairman, will you yield just for one second? I just want to take the time to thank all of you folks for being here, and for participating in this hearing. You remind me of another period in my life, as I tried to say in my statement today. I feel like I have been down this road once before. It is very moving. You know, in 1964, I guess thirty-one years ago, I had done a Mississippi summer project, and more than a thousand young people came to Mississippi that summer to engage in voter registration and a citizenship education program. On June 21, 1964, three young men, one Black, two Jewish, were arrested, taken to jail later that same Sunday night, taken out of jail by the sheriff, the deputy sheriff and the Klan, beaten, shot and killed. And what did the Department of Justice do, and the President do under a lot of pressure from the American people? During the six week period, they infiltrated the Klan and destroyed the Klan in the state of Mississippi. I don't know, my colleagues, why it is so impossible today, more than thirty years later, when I had thought we had made much more progress, that we cannot do something to remove this blight from our democratic process. I just don't understand it. There must be something that we can do as the Federal government, as the national government. To listen to all of you, there is a lot of fear, and hurt, and pain. Local officials, Federal officials, average citizens should not have to go through this in our society. There must be something that we can do.

CONYERS. Well, we are doing it, thanks to you who have been through the Civil Rights movement, and now this historic attack. We have to remember that this is a hearing that could not be held in the Judiciary Hearing Room, in 1241, downstairs. We had to do this ourselves. This is an extra ad hoc committee hearing that we are putting into the Record of Congress. There have got to be Congressional hearings, although we have had many good solutions and recommendation proposed to us here today. I'm surprised by the enterprise and ingenuity of those of you who

have come forward here; and again, your courage and dedication can't be denied. Bill, did you have a comment?

BILL NASSMUTH. I certainly don't claim to know enough about the structures and management on a national level to talk about reorganizing law enforcement agencies, but I can say that from the grass roots level where we live, most of us feel that, I shouldn't say most of us, many people I talked to, feel that there is a need for a great deal more cooperation among the various Federal agencies. The competition and the egos that get in the way there apparently are rendering them ineffective in terms of how they meet the needs on a grass roots level. So more cooperation, whether that is reorganization or however you do it, but more cooperation among those agencies, and then also improved cooperation of the Federal agencies with state and local law enforcement. That kind of more effective cooperation can result in a much better job of protecting everybody.

And there will be more violence, by the way. I hope the message has been coming through here. None of us has said it in so many words, but in case it needs to be said in so many words, but in case it needs to be said in so many words, none of us feels that it is over. None of us feels that Oklahoma City was the end of it by any means, and the shooting in Ohio is just another one of the examples. There will be more.

KEN STERN. I just wanted to add something. I think that, we don't have a position at AJC about the different agencies, but I think from what you heard before from Ken Toole and others, is that, you know, put yourself in the position in the grass roots community and extrapolate from that. If you are publishing a newspaper, and the newspapers were slow to speak out about this on the grass roots level, and you are the county sheriff or a county elected official, and 800 people are showing up for a meeting, that is a lot of people who are buying newspapers, that's a lot of voters. It makes people scared to speak out, especially since people who are attracted to these groups from mainstream issues, such as gun control, or the environment or to some extent, through abortion. I think one of the things that really set the tone differently is for folks like you, and not only to have the hearings here today, but bringing these issues back to your communities, do what you have been doing, but get others to enlist with you. Speak out from the highest level and say this is not the way that we want to run society, and to make the point that if this were a different group, in other words, if this were mostly Black males, ten thousand of them armed to the teeth, talking about war with the government, or if this was another minority group talking about that, you wouldn't have to worry about which group should you fold into another group, the Federal government would be falling over itself to do something about this problem.

CONYERS. I yield to my colleague from Montana, Pat Williams.

WILLIAMS. Thank you. I was going to ask Mr. Toole a couple of questions, but I have an appointment. I can't be late for it. It is 3:30, so with your forbearance, Mr. Toole, although I think the questions have been pretty well exhausted and answered for now. But I want to make a point before I leave, made by Mr. Chairman, about first our state, and then the country. Montana has been talked about a lot here, and because this is a difficult subject, it has been talked about in difficult ways. Montana is a big, gorgeous state. It is a nice place. Those that have been there know that. You know how friendly and thoughtful, gregarious and open and honest the people are, that is almost all of them. We are embarrassed by the few of them who aren't that way, but they don't make up the majority. We encourage you all to come out and find out for yourself. We call it Big Sky Country, and many of you call it the last best place, and we appreciate that. By the way, when we Montanans say that last best place, we say it not only with some pride, but with more than a little sorrow.

Now, about this country. It is connected. America is connected. You know, *e pluribus unum*. Word count. Communications run through us, like a river runs through us, like a river runs through us. A Maine fisherman has a lot in common with the native Hawaiian growing pineapple. It is a little miracle in politics that America stays so connected. Now the point is, that in a country like this, words count, and hateful words are a virus that starts in one part of the body politic and before long, has infected it all, whether it is in Montana or North Carolina or Mississippi or wherever, and that is happening in this country. This is another politically bold virus that is loose, and it is a serious—deadly serious—problem in this country and in my state of Montana. Now, finally, because words count, and communications run through us, I want to say that talk shows and the words coming on talk shows are particularly invasive, and hatred and rudeness may be camouflaged as humor by some of the most notorious talk show hosts, but they ain't funny. They are dangerous. I want to protect freedom of expression. In fact, as my colleagues know, I chaired the committee that had to defend the National Endowment for the

Arts a few years ago, during the Mapplethorpe controversy, and I did it with flags flying. I defended it because I believe in freedom of expression, so I want the talk show hosts to have freedom of expression, but, for the good of this country, they ought to get rid of the hatred, even that hatred which is camouflaged as humor, so that we can stop the spread of this virus. I want to talk all the panelists, and Mr. Schumer, Mr. Conyers and the others. My old pal, John Lewis, and the others who have been so tentative today, and particularly thank those Montanans who came a long way, and as the Irish say, safe home. Thank you, Mr. Chairman.

CONYERS. Thank you very much, Pat. After your comment I guess I can throw away my closing remarks. Would anybody else like to say anything before we close down? Sure, Ms. Ross.

ROSS. I just wanted to add one more comment about the potential for violence. In the last few months, two separate groups of white supremacists have been either convicted or arrested with biochemical warfare weapons. So the violence may or may not come through a gun, or through a bomb. It has another path, possible altogether, and we need to pay attention to that. If you'd like, I can provide you all with details on those arrests.

CONYERS. I'd like the details of those arrests as soon as you can get them to my desk. Well gentlemen, and lady, I thank you so much. This has been a very, very important hearing. Your contributions are on the record now, and please continue to fight. Some of you I have not known, and I am amazed to know that there are these kinds of organizations with this kind of membership fighting the good fight. It is a breath of fresh air for all of us in the Congress here who realize that we've got to examine this phenomenon that has been successfully kept from public disclosure for so long. I thank you again, and these hearings are adjourned.

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#### ALERT!!

The Declaration of Independence of 1994 is being distributed nationwide for signature, including airdrops over cities. It will be delivered by the Militia in September, 1994 to the Whitehouse.

The attached Ultimatum was sent by certified mail to every member of the U.S. House and Senate by April 21, 1994.

All militia units will convene at 8:00 a.m., Monday, September 19, 1994, in Washington, D.C., armed and in uniform, to deliver the Declaration of Independence to the Whitehouse and to enforce the ultimatum. The militia will arrest Congressmen who have failed to uphold their oaths of office, who then will be tried for Treason by Citizens' Courts.

Police and military: We have support from many state, city and county police agencies and US military. This is the country and the Constitution, that all of us have sworn to uphold and defend against all enemies, and the enemies are corrupt leaders who have duped our police into being cannon fodder—to disarm America—while these same corrupt leaders have reduced our Army's strength from 18 divisions to 11, and sent them out of the country, to weaken our numbers.

#### WHY THESE EXTREME MEASURES ARE NECESSARY

1. The Federal Reserve is not federal, it is a private corporation of bankers. These bankers "volunteered" to finance the United States government when it became bankrupt during World War I. Special legislation was then passed to allow these bankers to print paper money (only the Treasury is legally authorized to coin money), which would be called a "loan" to the U.S. government. In turn, the U.S. government agreed to repay this loan by taxing American citizens. Only a fraction of the interest is being paid on the loan, and none of the principal. These same bankers set the national interest rate and control the economy. Our national debt is the amount owed to these bankers. Our tax dollars line their pockets. The country is, literally, bankrupt.

2. The Federal Government, under the Constitution, never had the legal authority to pass a national tax on income and the 16th Amendment (the law that enacted the income tax) was never ratified, as required by law. The Federal Government has no authority over States and never had the legal jurisdiction to pass laws making any crimes "federal" or subjecting people to a national federal criminal law system. Yet, a combination of illegally passed laws has allowed the federal government to create national federal law enforcement agencies that terrorize the American public, seize property, and even kill, to keep their illegal power.

3. House to house searches and seizures are being conducted without warrants across the land. Troop movement markers (bright colored reflective stickers on the backs of road signs) and U.N. troops are already in place in this country, prepared



to engage in "peace keeping" against us. Surveillance cameras are in place atop tall light posts along highways (look for antennas sticking from black boxes on the extremely tall light posts), cars are equipped with bar codes and tracking devices, a national "i.d. card" and cashless society are imminent, so we may all be tracked in our every movement, no penny left unaccounted. Detention camps are already built, nationwide, to house "dissidents," who oppose these plans. The country has already been divided into ten regions for ten regional governments under martial law. Our national media has become nothing but the official mouthpiece of the government, putting forth false "polls" and outright propaganda to sway the public opinion, while not reporting countless and outrageous abuses of the public by federal agents. In August, 1992, an FBI sniper blew off the side of Vickie Weaver's head as she held a 10 month old baby in her arms, 96 people were shot and burned to death in Waco, 25 of them children, 17 of them under the age of 5, by FBI and military. We don't need any more proof.

4. Congress has been wholly unresponsive to demands by the American people to revoke these illegal laws and leave the states to their own government. Instead, Congress has passed unconstitutional laws that it has no authority to pass, but which make it a federal crime to own weapons and laws that put federal law enforcement and military in our streets and houses.

Find the local militia in you area. If there is not one, start one. Be in Washington, D.C. in September. Your liberty, your children's future, and this nation's freedom depend upon it.

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DECLARATION OF INDEPENDENCE OF 1994—A DECLARATION BY THE SOVEREIGN  
CITIZENS OF THE SEVERAL STATES WITHIN THE 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 entitle 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 people 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 the people, 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 a 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 has been the patient Sufferance of the people of the several states of the United States of America; and such is now the Necessity which constrains them to alter their former Systems of Government.

The History of the present federal government of the United States of America is one of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States and over the sovereign citizens within the several states. To prove this, let Facts be submitted to a candid World.

All Branches, the Executive, Legislative, and Judicial, of the federal government, have refused Assent to Laws, the most wholesome and necessary for the public Good, the most blatant example of which is the total contempt in which they have held the Constitution of the United States and the rights of the citizens of this country protected by the limitations upon government set forth in the Constitution;

The President and Congress have forbidden state Governors to pass Laws of immediate and pressing importance, under inducement or threat of the loss of federal funding, unless suspended in their Operation till their Assent should be obtained; and when so suspended, they have utterly neglected to attend to them;

The legislative branch has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right to Rep-

resentation in the Legislature, a Right inestimable to them, and formidable to Tyrants only, as evidenced through the passage of the Seventeenth Amendment to the Constitution of the United States, and the present federal voting system, which is a national sham and disgrace, and prevents the common man from participating either as a candidate, or by meaningful vote for a candidate of his choosing in a truly free and open election;

The Congress convenes in a manner which is inaccessible to the general public who are not allowed to address the Congress nor to directly supervise the activities of Congress, and publishes its business in records not readily accessible to the People, intentionally obtuse in the construction of both the laws and the publication thereof, for the Purposes of deceiving and fatiguing the people into Compliance with such Measures. The federal judicial offices and Congress have set themselves wholly apart from and above the people, immune even from suit for their transgressions, answerable to none, and responsive to none except those who further their private interests:

The Federal government, through unlawfully constituted federal agencies which purport to be law enforcement agencies, and under the color of laws enacted by the legislature which exceed the constitutional jurisdiction of the federal government, has repeatedly murdered or incarcerated those who have opposed with manly Firmness the Invasions on the Rights of People;

The federal government has endeavored to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands; and has endeavored to depopulate the United States, and for that purpose, has waged chemical, biological, and radioactive warfare upon the people, and encouraged and funded abortions and acts of genocide upon large populations of the people;

All the branches of the federal government have obstructed the Administration of Justice, by subjugating the federal courts to the department of Treasury and the Executive Branch, and by refusing Assent to Laws for establishing Judiciary Powers and the independent investigation of crimes committed by agencies and officials of the federal government, insulating them from their crimes through executive pardon, legislated and judicially created immunity from criminal and civil prosecution;

The Federal Judiciary have been selected on the will and whim of the executive branch and a Congress inattentive to anything but their own special interests and the will and money of lobbying groups, and the judiciary is dependent upon them for the Tenure of their Offices, and the Amount and payment of their Salaries;

The federal government has erected a Multitude of new Offices, and sent hither Swarms of Officers to harass our People, and eat out their Substance;

The federal government has kept among us, in Times of Peace, Standing Armies, without the consent of our Legislatures, or through the seduction or coercion of the state legislatures through the mechanism of "federal tax monies" offered in exchange for the cooperation of the state legislatures in handing over the sovereignty of each state;

The Military has been rendered independent of, and superior to the Civil Power, through the enactment of laws which wholly abridge the Constitution of the United States and which seek to avoid the effect of the Posse Comitatus Act through surreptitious and covert methods;

The President, officers of the executive branch, and Congress have combined with others to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving Assent to their acts of pretended Legislation;

For quartering large Bodies of Armed Troops, foreign and federal, among us;

For protecting agents of the federal government and military, from any trial or by a mock Trial, from Punishment for any Murders which they should commit on the inhabitants of these States;

For regulating and strangulating our Trade with all Parts of World;

For imposing Taxes on us without our Consent; for failing to publicly acknowledge, more than 60 years ago, that the federal government was in fact, bankrupt, but instead, concealing these facts from the people and entering into a fraudulent agreement to finance the bankruptcy, by creating and perpetuating a fraudulent monetary system, to the enrichment of private bankers, insurance companies, and their stockholders, called the "federal, reserve system", whereby paper notes are created to "Loan" to the federal government at interest rates fixed by these private bankers, and where only a portion of the interest and none of the principal on these loans is paid each year; a system whereby the payments are extorted from the people through a fraudulent, coercive, unjust and unlawful federal tax scheme foisted upon the people without their knowledge or consent and through a labyrinth of licensing agencies and required licenses for all manner of endeavors, which are them-

selves nothing more than taxes by another name; all enforced by unbridled terrorist tactics and fear produced by the brute force of an unrestrained government that destroys the lives and property of those who do not submit.

For depriving us, In many Cases, of the Benefits of Trial by Jury;

For proposing and enacting legislation to federally criminalize, Indeed to suffer the death penalty in many cases or at the least the forfeiture of property, for the free exercise of the unalienable rights of free speech and free press, freedom of worship, freedom of assembly, or the right to keep and bear arms;

For enacting legislation to seize the property of the people under a myriad of pretenses, and to imprison persons on the testimony of unknown, unidentified, and often paid, informants, who become informants to secure for themselves a more favorable position in a prosecution brought against them, and all within the states where the federal government has no legal powers of law enforcement;

For abolishing the free System of English Laws in the states, and 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 states;

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

For usurping the power of our own Legislatures, and declaring themselves invested with Power to legislate for us in all Cases whatsoever;

The federal government has abdicated Government here, by declaring us out of its Protection and waging War against us;

The federal government has plundered our Seas, ravaged our Coasts, burnt our towns, and destroyed the Lives of our People;

The federal government, at this Time, is transporting large Armies of foreign Mercenaries to complete the works of Death, Desolation, and Tyranny, already begun, often under the color of the law of the United Nations, and with circumstances of Cruelty and Perfidy, scarcely paralleled in the most barbarous Ages, and totally unworthy of a civilized Nation;

The government 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;

The federal government has excited domestic insurrections amongst us;

In every stage of these Oppressions we have Petitioned for Redress in the most humble Terms: Our repeated Petitions have been answered only by repeated Injury. A President, whose Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.

We, therefore, the sovereign citizens of the several states of the united states, which now form the United States of America, appealing to the Supreme Judge of the World for the Rectitude of our Intentions, do, in our own names and right and by the authority of God Almighty, solemnly Publish and Declare, that each of the sovereign citizens undersigned are, and of Right ought to be, Free and Independent Sovereign Citizens; that they are absolved from all Allegiance to the federal government of the United States of America, and that all political Connection between them and the federal government of the United States of America, is and ought to be totally dissolved; and that as Free and Independent Sovereign Citizens, each has the full Power to Levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which an Independent Sovereign 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.

To Each Member of the United States House of Representatives and United States Senate:

#### ULTIMATUM

Whereas, the federal government of the United States of America is constrained by the law of the United States Constitution, the Supreme law of this country, to limited jurisdiction, and limited power, and

Whereas, the federal government of the United States of America, through unlawful Executive Orders, and through legislation passed without quorum and without proper ratification or otherwise unlawfully enacted under mere color of law by members of the legislative branch, have usurped the Constitutional authority of the sovereign states and sovereign citizens of this country, and laws which are unlawful and unconstitutional have been enacted in voluminous number which have outrageously exceeded the boundaries of law and decency; and

Whereas, the people of this country have been exploited and subjugated to an unlawful authority by an unlawful system of loans from a private banking institution, known as the Federal Reserve, and been forced, even at gunpoint, to submit to an unlawful federal income tax which is not and never has been within the authority of the federal government to enact or enforce, all to the benefit of private individuals and corporations at the expense of the liberty, lives, and property of the citizens of this nation; and

Whereas, persons acting under color of law as federal agents, under the direction of those claiming to be elected officials operating under color of law, sworn to uphold and defend the Constitution of the United States, have infringed upon the rights of citizens to keep and bear arms, have conducted unlawful warrantless house to house searches and seizures, have assaulted and killed sovereign citizens of this country on the false pretense of "gun control," "child abuse," "the war on drugs" and a plethora of unlawful statutes enacted to unlawfully control the lives and liberty of the citizens of this country.

Whereas, elections are now controlled through the power of committees and lobbies wielding the most money to obtain electoral votes or sway the nomination of candidates and persuade the enactment of legislation that has made it impossible for the common citizen to participate as a candidate in an election or for the vote of the common citizen to be meaningful; and

Whereas, through an unconstitutional and unlawfully enacted "income tax," the federal government has created a "carrot and stick" that has seduced and coerced the elected officials of the several states to submit to the unlawful incursion of the federal government and its agents into the sovereign territory of each state, as a trade off for the receipt of these ill gotten proceeds:

Therefore, you are commanded to uphold your oath and duty to the citizens of this country, to uphold the Constitution and the rights of the citizens of this country, and in so doing, you are commanded to personally initiate legislation and do all things necessary to:

Repeal the Fourteenth, Sixteenth, and Seventeenth Amendments to the Constitution of the United States and to publicly acknowledge that the federal government has no jurisdiction to make or enforce criminal laws outside its territories, limited to the area of Washington, D.C., and the property and territories actually owned by the United States, which does not include any State within the several states of the United States; and

Repeal the Brady Bill and NAFTA;

Repeal the Drug Interdiction Act and any laws which allow the use of military equipment or military personnel against United States citizens. Presently, these laws provide a backdoor method to fund "national guard" and "drug enforcement" using military troops and equipment against U.S. citizens, while claiming these aren't "really" military troops, they are "merely" national guard, or worse, "federal law enforcement," but all are trained in military tactics, possess military weapons, and military equipment. These laws must be repealed and you must publicly acknowledge that the federal government may not, through any means, use military force, weapons, or equipment against any person on U.S. soil or upon the soil of any sovereign state, except in the event of an actual invasion by troops of a foreign country within the boundaries of the United States of America, and only then, against such foreign troops, not citizens or residents of this country; and

Immediately remove any and all foreign troops and equipment and to immediately identify each and every federal military troop and federal law enforcement or tax enforcement agent and all equipment now located within the boundaries of any and every state, including all assets of military or task force "special operations" units, CIA, NSA, or any other covert law enforcement, quasi-law enforcement or military agency or activity; and

Declare that the United States of America is not operating under the authority of the United Nations or if it is, to immediately renounce and revoke any and all agreements binding the United States to such authority; and

Declare the federal debt to the Federal Reserve null and void, unconstitutional, and without effect and order that currency no longer be printed by the Federal Reserve or any entity other than the Treasury of the United States, backed by gold within the possession of the United States; and

Declare that the federal government does not now have and never has had the legal authority to enact or enforce criminal laws outside the area of Washington, D.C., or outside its territories or its own property, such as military bases, and never upon the soil of any sovereign state, and that all such laws are null and void and without effect;

Combine a full Congressional inquiry, to be conducted publicly, by an independent prosecutor selected from a person who has no association in any way whatsoever

with any agency of the federal government, into the events in Waco, Texas, from February 28, 1993 through the present, at the property known as Mt. Carmel, with the special prosecutor to have the full power to convene a grand jury from the citizens of all the 50 states, obtain indictments, and issue subpoenas duces tecum and subpoenas for testimony before a grand jury, and to prosecute any and all persons, regardless of their position in government for any crimes for which a true bill of indictment is returned.

Notice: *You have until 8:00 a.m., September 19, 1994*, the Monday following the second full week that the Congress reconvenes in September, to personally initiate legislation to this effect and to do all things necessary to effect this legislation and the restoration of a Constitution government within this country.

*If you do not personally and publicly attend to these demands, you will be identified as a Traitor, and you will be brought up on charges for Treason before a Court of the Citizens of this Country.*

#### EXHIBIT B

[From the New York Times, July 6, 1995]

### CONSPIRACY THEORIES' IMPACT REVERBERATES IN LEGISLATURES

(By Dirk Johnson)

COLORADO SPRINGS.—It was billed as a sort of town meeting for leaders of state governments. Whatever its potential merits or shortcomings, the Conference of States, as it was to be called, scarcely seemed a threat to the future of the Republic.

But some right-wing extremists saw the conference as nothing less than a clandestine Constitutional convention that could nullify basic American rights, perhaps as part of a sinister plot to impose a totalitarian, "One World Government."

As far-fetched as such a plot may seem to most Americans, enough suspicion was generated, through an aggressive telephone and fax campaign, that one legislature after another back away from the conference. Finally, its astonished organizers, who included the National Governors Association, gave up and declared it dead.

Conspiracy theories, the ancient art of the suspicious, have been especially widespread since the April 19 bombing of the Federal building in Oklahoma City. But even before that, whispers about evil plots were growing so loud around the country that they have started to penetrate mainstream politics and government, and in some cases, influence their actions.

Coupled with this rising paranoia is a deep suspicion of the Federal Government and a surge in the states-rights movement. In the past year, at least 15 states have passed resolutions asserting their sovereignty and rejecting all but the most narrow role for the Federal Government.

Formally, the resolutions merely affirm the 10th Amendment of the Constitution, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." But the accompanying text of the resolutions characteristically take a belligerent tone. The measure passed by the Colorado Legislature last year states that it is "a Notice and Demand to the Federal Government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers."

Paradoxically, the scuttled Conference of the States, which was to have taken place this October in Philadelphia, was organized with the intent of finding ways of gaining more power for the states.

"We've been hearing some of these theories about global conspiracies and international bankers for over 20 years," said Gov. Mike Leavitt of Utah, a Republican, who was chairman of the proposed conference. After about a dozen states voted to participate in the conference, he said the claims by far-right extremists that this was part of an international plot managed to halt its progress. The plan for the conference ran into a stone wall and in the end only 14 states, including Utah, voted for such a conference.

"I really believe these people are just a speck in the national picture. What's changed is the technology," he said. "Now they can get on the Internet and give out the names of representatives who are going to vote on something, then they crank up their fax machines. And suddenly, you've got a legislator who says 'I can't vote for this. I'm getting 50 faxes from people saying its terrible.' It's the technological equivalent of packing the bus for a public hearing."

One of the most prevalent of the conspiracy theories—the impending takeover of America by foreign forces loyal to the United Nations—has actually forced the Indiana transportation department to change its road signs.

Self-styled defenders of the American way complained that maintenance codes on the backs of the signs were actually secret messages for invading troops, said Maria Kalnbach, a spokeswoman for the Indiana transportation department.

"People were calling, saying that we were part of the U.N. takeover plan," Ms. Kalnbach said, "And then they were painting over the signs. It got so we couldn't ignore it."

The road signs are now being changed, a move that Ms. Kalnbach said she hopes will "reassure those in the motoring public who had these suspicions."

Members of the Oklahoma Legislature gave enough credence to the idea of a global conspiracy to pass a resolution last year demanding a halt to it. The resolution read, in part: "The United States Congress is hereby memorialized to cease any support for the establishment of a 'new world order' or to any form of global government."

The power of communication through the computer networks has helped rumors spread instantly. And anyone who is plugged in to the American Patriot fax network, headquartered in Las Vegas, Nev., is familiar with the signs of conspiracy.

Among them: black helicopters are spying on American citizens; dozens of people with ties to President Clinton are dying mysteriously; the Federal Government had a hand in blowing up the Federal building in Oklahoma City.

Increasingly, those receptive to conspiracy theories are finding their way into state government. A leader in the effort to scuttle the Conference of States was State Senator Charles Duke of Colorado, who is also a prime force in the so-called 10th Amendment movement.

Mr. Duke, a former engineer who represents the affluent Colorado Springs area as a Republican, makes frequent references to the "New World Order" and "the tyrants" who exercise control over "the puppets in Washington."

He is among a handful of state representatives who have implied that the Government had a hand in the bombing of the Federal Building in Oklahoma City.

"When you're looking for suspects in the Oklahoma case," he said in a recent interview, "you have to ask: 'Who had the motive? Who had the means? Who had the opportunity?' It's self-evident that the Government had all three of those."

Another champion of the far right is State Senator Don Rogers of California, a Republican. Mr. Rogers recently participated in a rally in Wichita, in which a "citizens jury" claiming that the Government has "operated outside the clear bounds of the Constitution," drew up a "citizens indictment" of the Government.

Senator Rogers, who represents the district east of Bakersfield, also claims that the Government has hushed up evidence in the Oklahoma City case.

Charles Key, a Republican State Representative in Oklahoma, has been holding news conferences at the State Capitol in Oklahoma City, charging that the facts of the bombing are being covered up.

It has become an article of faith among the right-wing extremists that there was no fertilizer bomb, as the Government says. Instead, the conspiracy-minded say the bomb exploded inside the building.

The Government's motive for the brutality, Mr. Duke says, was to create a sentiment in the country for stronger powers for the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms.

House Speaker Newt Gingrich, described by Mr. Duke as a "counterfeit Republican" is one of the "globalists" who are surrendering American sovereignty to a world trade organization.

One of the few politicians on the national level admired in the state sovereignty movement is Patrick J. Buchanan, who has opposed the international pact reached under the General Agreement on Tariffs and Trade and speaks the language of sovereignty.

One of the most influential leaders of the far-right wing is Linda Thompson, a former lawyer for the American Civil Liberties Union in Indianapolis who now leads a paramilitary group and heads the American Justice Federation, which sells anti-Government books, videotapes and radio programs. For a time, she called for an armed march on Washington, which never occurred.

Ms. Thompson produces video-tapes accusing the Government of a wide range of abuses against its citizens, including murder.

"Everything that happened in Nazi Germany is happening here," said Ms. Thompson, who once had a radio show in Indianapolis.

In the case of the Conference of the States, it was noted by the extremists that Governor Leavitt in speeches had used suspicious language, like "global marketplace"

## COLORADO'S STATE RIGHTS RESOLUTION

WHEREAS, The 10th Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, The 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, The scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, Today, in 1994, the states are demonstrably treated as agents of the federal government; and

*Be It Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, the Senate concurring herein:*

(1) That the State of Colorado hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

(2) That this serves as a Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

*Be It Further Resolved,* That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and Colorado's Congressional delegation.

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 MILD-MANNERED ENGINEER FANS FIRES OF A MOVEMENT

(By Dirk Johnson)

LAS VEGAS, NEV.—The darling of the burgeoning state sovereignty movement is an engineer whose oratory is as pugnacious as his demeanor is mild-mannered.

The Federal Government, the Colorado Springs Republican says, is using the Oklahoma City bombing to broaden its police powers and impose "Gestapo tactics" on the American people.

"The tyranny of King George is alive and well and living in America today," he proclaimed in a recent speech to 200 cheering members of the Nevada Sovereignty Committee in Las Vegas.

The 53-year-old Mr. Duke is the leader of a states' rights movement that has made the 10th Amendment its rallying cry. More than two dozen states have passed resolutions pronouncing their "sovereignty."

Since taking up the states' rights cause a year ago, Mr. Duke has given frequent speeches around the country and has been interviewed on 150 radio programs. As more state legislatures climb aboard Mr. Duke's campaign, he hints at a Constitutional Convention that would amount to a revolution.

"We get 38 states with us, and it's a brand new ball game," he said. "We created this Government, and we can uncreate it—this corporate entity that calls itself the United States."

Mr. Duke, a former engineer for Hewlett-Packard who says his mother was a "raging liberal," lives alone in a town house north of Colorado Springs, where he communicates through his fax machine with a network of far right-wing groups around the country. He said the town house has been bugged by spies for the Federal Government.

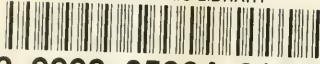
Elected last year to state Senate, he has been criticized for his extreme views by state party leaders.

Mr. Duke says he does not belong to a militia, and opposes violence, yet he adds, "I worry that the problems are so massive that peaceful solutions are non-existent."

"There are a lot of people out there who think just like I do," said Mr. Duke, adding that he has been urged to run for the United States Senate next year. "I'm just the point man."



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