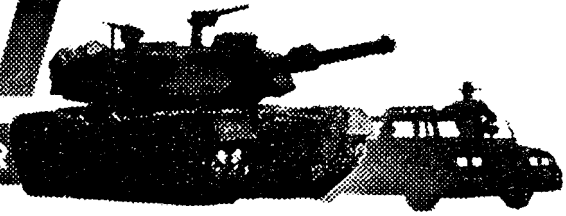


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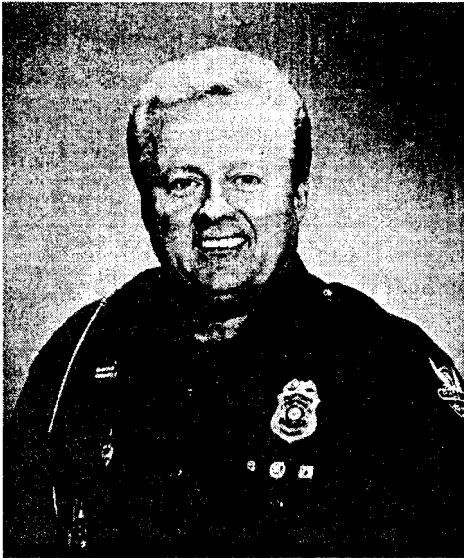
Constitutional Issues for Lawmen & Soldiers

Spring 2003

"The people know it is impossible to rightly govern without GOD and the Bible." - President George Washington

Published for members of Law Enforcement, Military, National, Air and Coast Guards. The General Public is welcome to subscribe. Publisher/Executive Editor: Military veteran and Peace Officer Jack McLamb, Ret., Idaho. Contributing Editor: Peace Officer A. Rick Dalton, Ret., Arizona. Writers: Sworn Peace Officers and Soldiers - Worldwide. Marketing: Peter Giordano, Utah. National Headquarters: HC 11, Box 357, Kamiah, Idaho 83536 Phone: (208) 935-7852 FAX: (208) 935-7854 Web Site: www.police-and-military-against-the-new-world-order.org

20TH ANNIVERSARY OF U.S. GOVERNMENT AGENTS' TERRORIST ATTACKS ON AMERICAN CITIZENS IN NORTH DAKOTA AND ARKANSAS



Editor - Peace Ofc. Jack McLamb, Ret.
Former Chief investigator

Out of some dark and deadly police actions of 1983, many of us heretofore naive police officers and soldiers would *awaken* and come to realize that we indeed serve with some in government who will commit any dishonorable or criminal act against fellow Americans, be it under "direct orders" or for their own self-interest. We would become familiar with the names and stories of two American heroes, one in high levels of federal law enforcement and the other, a highly decorated war hero, who, believing it necessary to protect his family and friends, shot and killed two federal agents.

These two men knew and mutually respected one another. **Involuntarily**, each would be caught up in a case of government domestic terrorism. Both would become victims of government corruption and abuse. Both were severely persecuted and one even murdered at the hands of our fellow law enforcement officials.

Though not nearly enough of us, *some* lawmen who were on active duty through the 1980's will recognize the name of the first of these two sworn protectors (military and police) being honored in this special peer publication. He is U.S. Marshal for North Dakota, H.C. "Bud" Warren. Brother Bud was like some other fine U.S. Marshals we officers have worked with over the years that have brought to the U.S. Marshal's Service many well-earned accolades

and awards. His friends say he was not a macho-man lawman. Everyone knew him as highly intelligent, professional and a mild-mannered peacemaker. Bud was not **badge heavy**, had no inferiority complex to give him the psychological need to let everyone know he was a BIG SHOT FEDERAL AGENT WITH A BADGE. In other words, he was one of the good guys, who upheld his oath as a **servant** of the People.

In August 1987, this Peace Officer/publisher, along with Officer A. Rick Dalton and our entire 12-man police investigative team, was honored to spend three grueling days working with brother Bud Warren as part of the Matthews/Kahl homicide investigation in Lawrence County, Arkansas. The focus of that initial investigation would be our attempt to find the evidence that would bring to justice the bad federal agents who

criminally executed Gordon Kahl and murdered our fellow officer Sheriff Gene Matthews, June 3rd, 1983. All of us truly appreciated the professional knowledge and expertise brother Bud brought to our investigation and the warm friendship we established during those days together. We can say that we personally agree with those who, knowing him better than we did, have told us that brother Bud Warren was a reputable top cop who always brought expertise, integrity and honor to his profession.

[Aid & Abet apologizes for failing to obtain a “solo” picture of our brother Bud to better honor him in this publication. We had contacted his son, West Fargo Police Det. Greg Warren, who promised to send a photo of his dad with more bio information, but it never arrived]

Brother Bud Warren knew and respected our second honoree, highly decorated WWII bomber tail gunner, Staff Sgt. Gordon W. Kahl. Bud had told us that the last time he met with Kahl was in Kahl's own home in April of 1981. They discussed many things, among them Kahl's federal misdemeanor arrest warrant.

(Notice there was no shootout!)...and Bud said he and Gordon had gotten along very well. Just two months later, June 15, 1981, Bud Warren was replaced as U.S. Marshal for North Dakota by, according to Bud, “the wrong choice”...a “hot dog” agent, (a former subordinate of Bud) by the name of Ken Muir. It is important to note these dates: Early July, 1981, U.S. Marshal Service Deputy Director John Twomey, by teletype, directed newly appointed U.S. Marshal Ken Muir to *put away* the misdemeanor warrant on Kahl, and not spend any more resources attempting to serve the warrant on him.

Nevertheless, as many of our readers now know, on February 13, 1983, Marshal Muir did go out against Gordon Kahl, allegedly to serve the misdemeanor warrant. And so, on that day, there occurred on the outskirts of Medina, North Dakota what government-issued statements have described as “a shootout” with some “**depraved and wanton criminals**”. Two federal agents perished and three other colleagues were injured. Two of the alleged cop shooters escaped, and an official nationwide manhunt was put in place. Shortly after the manhunt commenced, one of the two “desperados” turned himself in to North Dakota authorities, and one did not. Some four months later, June 3rd, 1983, the other would be found and executed by federal officers in a small home in rural Lawrence County, Arkansas. In this second government terrorist assault, we were to lose yet another fellow lawman. The honorable Sheriff Gene Matthews, having just witnessed the federal criminal execution of fugitive Gordon Kahl, and, **refusing to go along with the government cover-up**, died there at that murderous crime scene, from gunshot wounds willfully inflicted by his fellow lawmen.

While the execution of fugitive Gordon Kahl and the murder of Sheriff Gene Matthews by government agents are most certainly very important parts of this overall, tragic story, space considerations necessitate our limiting this present report to only the North Dakota segment. In later pages of this report, however, the reader will find references to additional important published sources of information covering this and other aspects of the case, including the government crimes in Arkansas and their cover-up. A web search under Gordon W. Kahl is sure to bring up still more references (accurate perhaps in varying degrees though some not entirely, according to our own extensive investigations).

Several years ago, government officials teamed with a very liberal script writer, we believe, to further their distortion of the truth about Gordon Kahl, placing on movie film their story of what an evil man Kahl was - how he allegedly murdered our fellow officers out of hate and the love of violence. Having viewed this made-for-TV film, *Shoot-Out in the Dakotas*, we police investigators can assure our colleagues and other readers that it is full of untrue, twisted “facts”. In our professional opinion, this film was purposely designed to keep the truth about the government's terrorist actions against their fellow Americans from coming out. Quite in contrast, however, we truth-seeking police investigators were greatly pleased when, at about the same time, an *honest, unbiased*, California film maker by the name of Jeff Jackson contacted us, wanting to produce his own full-length motion picture documentary on the case. He did, and it remains available on video, entitled, *Death & Taxes*. (See order page.)

Beginning in 1987 and for a good many years since, our group of professional, criminal justice investigators has conducted its own lengthy, unofficial investigation. While having published several interim reports of our findings, we have not put them down in book form. We have been working a criminal police investigation into these government capital crimes, and have not wanted to take valuable time and funds to write and publish a book. Our time and donated



**A portion of our police investigative team at murder scene in Arkansas
Second from left (back row) is our late brother, Bud Warren**

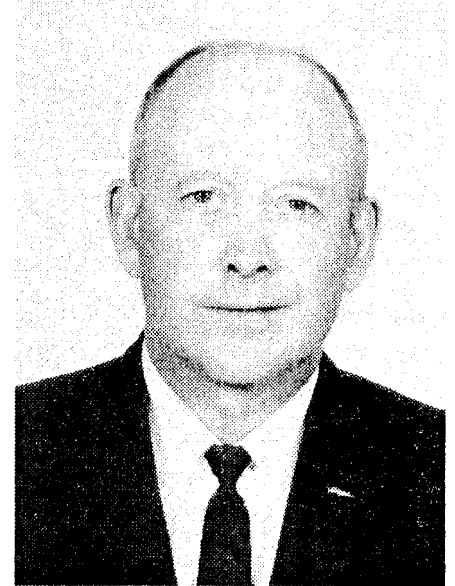
funds have been spent on more important issues, hoping to bring to justice the government agents and their co-conspirators who are guilty of the crimes and cover-ups. Our goal also has been to gain the release of Yorie Kahl and friend Scott Faul from prison. What is more, our evidence and police reports are not for the general public at this time - not until such can be presented to an official grand jury or court, having the subpoena power to go after other testimony and evidence which so far has been denied our investigators.

American Military Hero, Gordon Wendell Kahl

Back there in 1983, a deep sense of concern pervaded our individual law enforcement agencies, as news reached us of the tragic loss of life, along with the lesser casualties suffered by our police peers there in North Dakota - reportedly at the hands of violent, hate filled, anti-government revolutionaries. Your editor was a peace officer serving on the Phoenix Police Department at the time, as well as an instructor for the Arizona Regional Law Enforcement Academy. I remember my feeling of amazement that a 63-year-old alleged crazed and hate-filled tax rebel/farmer and a few friends could have out-shot all those well-trained lawmen.....and then escaped.

WHO WAS GORDON KAHL?

We officers first heard of Kahl at the time of the initial news reports out of North Dakota, immediately following the shootout. All we knew was what the government and its controlled media told us about him. I can tell you we did not like what we read about Kahl the "Posse Comitatus" member (whatever that was!?), the "anti-government zealot", the "tax protestor", the "cop killer", etc., etc.. But once our investigative team had begun its *own* investigation into why and how officers died in that North Dakota police action (such investigation being normal procedure for all police departments, so as to be able to re-construct for our officers what happened and how casualties could have been prevented), we began to realize there was something very wrong with the government's whole story about the shooting. What began to emerge for us was that the two top federal Deputy U.S. Marshals for North Dakota who planned and set up the "arrest" road block, had done something we had seen no other officers do, in all our history of reviewing and reconstructing such cases. Between them, these two well-trained and seasoned veteran agents had dozens of years of active service, yet **violated every one of the basic rules of training and tactics** that they themselves had been taught, we ourselves had been taught, and were teaching to new academy recruits across America - the very basic "how to plan and carry out a simple *stop and arrest* of a fugitive", without encountering, or causing a violent confrontation. This told us police instructors something very important: namely, that all the wrongful tactics used by these highly trained and seasoned agents, plus the non-applied *right* tactics, had to have been on purpose! It also meant that Deputy U.S. Marshal Bud Warren had spoken the truth when he said to me, "...I believe (U.S. Marshals) Muir and Cheshire went out to force Kahl into a shootout with them." We may never be able to prove in a court of law that Bud was correct, but after reading this report, professional Peace Officers can decide for themselves if he was right. For "the rest of the story", see our police investigation affidavit which follows later here.



Hate-filled, Crazed Cop Killer?

So, who was Gordon Kahl? Here is just a little of what our investigations, including interviews with both law officers like Bud Warren and many private citizens who knew Gordon Kahl, brought to light. We found that Kahl was indeed an excellent shot with a rifle. Family, friends and neighbors told us that Gordon Kahl was always very patriotic, even as a young man. Once Japan had bombed Pearl Harbor, Gordon tried to enlist in the military but was rejected owing to some minor heart problem. So, at one point the young, enthusiastic Kahl tried to get a bureaucrat to take another person's name off the draft list and put his on. When that didn't work either, Gordon persisted by going into the Air Force recruiter's office, and *finally* he was accepted. As a young soldier he became a real war hero. Serving as flight engineer and tail gunner on the B-25J, Gordon flew in all three theaters of WWII. In the course of 57 bombing missions, he was injured with shrapnel twice, once in the hip and later in the jaw. But refusing ever to quit, Gordon shot down a total of 10 enemy planes. The metal shrapnel pieces and other battle scars he carried in his body to the day he was illegally executed by federal agents in June, 1983.



Who was Gordon Kahl? He was not only a highly decorated war hero, having received 19 Medals: 9 Battle Stars, 4 Bronze Stars, a Silver Star, 2 Air Medals, 2 Purple Hearts and a Presidential Unit Citation, he was also a hard headed patriot beyond the military. As a civilian he continued loyal to his military oath, totally dedicated to protecting his nation, his family and friends **from all enemies foreign and domestic!** In dedication to this cause, Kahl was completely without fear - save the one fearful prospect of his family and fellow Americans losing their freedoms at the hands of America's internal enemies.

DID CERTAIN PEOPLE IN HIGH PLACES WANT KAHL DESTROYED?

Through years of diligent study, Gordon Kahl, like many of us military vets, had learned who the true enemies of God and our Republic are. He "spared not" to speak out publicly against them and their unAmerican and anti-Christ programs. Gordon learned, for example, all about the Freemasons, and in particular about the evil designs of their top leadership, as being a major cause of America's downfall. He knew that almost the entire criminal justice system in North Dakota (as around the nation!) was comprised of members of Freemasonry - including the two U.S. Marshals who, by all indications, set out to force him into a firefight on that Sunday afternoon in February, 1983.

A preponderance of evidence shows that Gordon Kahl fired on our fellow officers that day only to defend his family and friends. Knowing Gordon Kahl as he truly was, most lawmen and soldiers would have respected him for his fearless and unselfish, lifelong dedication to God and Country. But like so many other patriotic Americans who discover that internationalist conspirators are in total control of our government, Gordon Kahl was someone who had to take a stand. We knowledgeable, patriot police and soldiers can well understand, then, **why** certain people in high places of international finance and in secret societies such as the CFR, the Illuminati, the Freemasons, Scull & Bones, the Fabian Socialists, etc., absolutely hated him for his bold stand to expose their widespread corruption and treason against the American people. We know because they hate us too, and for the very same reasons!

Recognized for the natural-born leader that he was, North Dakota farmers had listened well to Gordon Kahl when he revealed how the internationalists in control of our governments were taking over family farms in America by the millions, under a plan to one day control all of the world's food. He reminded the farmers of what Bolshevik Henry Kissinger had said: **"To control nations we must control oil; to control people we must control the food."** Indeed, many farmers in North Dakota had already lost their farms through the government's sinister and fraudulent loan programs and price controls.

WE HAD HOPED HE WAS A LOWDOWN SCOUNDREL! Yes, in many ways it would have been easier if we lawmen had found out that Gordon Kahl was the dirty, lowdown buzzard the government and its controlled media said he was. After all, he did kill two of our fellow lawmen. We surely *wanted* to hate him, help find him, and see that he was **"strung up"** for what he did to our colleagues. But our investigation ended up proving that what the government had said about him was absolutely not true. Gordon Kahl was every bit as patriotic as many of the fine military and police professionals now reading this publication.

If only he had just done what most Americans do today, i.e., "sit down, shut up, never make waves, never get involved, never speak up, and just sit and pray for the Rapture", Gordon would likely still be alive; his family's lives and future would not have been destroyed. Not only that, but our two brothers who had headed up the North Dakota U.S. Marshals office would likely be alive as well - maybe still playing cards with fellow Freemason, federal Judge Paul Benson (he who railroaded Gordon's son Yorie and friend Scott Faul into prison on a sentence to two life terms).

But this was not to be. Sixty-three-year-old farmer, Gordon Kahl, when, along with family and friends was wrongfully confronted by government officers, was to kill two of our fellow officers, U.S. Marshals Ken Muir and William Cheshire, and injure three others at the scene of what might have been his own murder. Our investigation tells us that only after one unknown officer shot Yorie in the chest with a hand gun round, and another officer (allegedly Sheriff Deputy Brad Kapp) shot him with several shot gun blasts in the stomach, did Yorie's father, Gordon, open fire. Having won the shoot out, disabling and/or discouraging the six lawmen, Gordon Kahl picked up his gravely injured son, dropped him off at a local medical clinic, and took off for parts unknown.

Here, in affidavit form are major portions of the report of our unofficial, independently-conducted police investigation into that deadly North Dakota police action, that fateful day in early 1983. We believe it speaks for itself. We did not have the space for the entire document, but a complete copy can be obtained from Aid & Abet for \$4.

(This report, signed by over 70 criminal justice professionals, had been drawn up to be presented both to the head of the U.S. Justice Department and to the Board of Pardons and Parole, on behalf of Gordon Kahl's son, Yorie, who, having been incarcerated for then 12 years, was up for parole in 1995.)

AFFIDAVIT OF CRIMINAL JUSTICE PROFESSIONALS **(The Gordon W. Kahl Case) Issued March 16, 1995**

The following is a recap of the police officer investigation into the Medina, North Dakota police action which involved the U.S. Marshal Service, other local law enforcement officers and Gordon W. Kahl, and occurred on February 13, 1983. Phoenix, Arizona Police Officer Gerald J. McLamb was the chief investigator until August 1990. Mesa, Arizona Police Officer A. Rick Dalton has taken over as chief investigator.

My name is Gerald J. McLamb and I am now retired from the Phoenix Police Department. We criminal justice officers at the American Citizens & Lawmen Association have been asked by numerous private citizens, police and public officials from across the nation to assist in tendering this report in support of the paroling of Mr. Yorie Von Kahl. Please find that several of those present active and retired government officers have signed or lent their names to this affidavit in support of the parole of Mr. Kahl. We have taken this course of action because we have come to understand, through much investigation, i.e. personal testimony from those directly involved, investigative leads, review of evidence, police reports, and court transcripts of the case, that a serious injustice has been done, and continues in this case.

An independent police investigation into this case was launched in June, 1986 because of information received from

criminal justice professionals and the private sector that there were problems with the official reports on the events surrounding the Kahl case. I, then, Police Officer Gerald J. McLamb, was assisted initially in this investigation by 10 fellow U.S. law enforcement professionals from 9 separate states. Our initial group of police/attorney investigators from federal, state and local jurisdictions represent professional experience as Police Chiefs, U.S. Marshals, Sheriffs, Deputy Sheriffs, Police Investigators (Detectives), Police Academy Teacher, Patrol Officers, District/government attorneys and private attorneys. These professionals who joined the investigation and research initially, have a combined experience of over 180 years in law enforcement and other areas within the criminal justice system. Of those police/attorney professionals who joined our 9-state, independent investigative team, only one had any prior knowledge of, or had met, the homicide suspect known as **Mr. Gordon W. Kahl** (Mr. Yorie Kahl's father). That officer was the former U.S. Deputy Marshal for North Dakota, Bud Warren. He stated that the reason he joined our investigative team was because he was convinced that an injustice had been done to the Kahl family. He knew Mr. Gordon W. Kahl and family in an official capacity, before and up to the tragic events that transpired in February, 1983. Following the initial months of the investigation, other professionals within the criminal justice field joined our investigative team.

YEAR OF INCIDENT - 1983 Similar investigations were begun by police academy instructors, such as myself, across the nation, because of the loss of life of police officers in the Kahl shootout in North Dakota. It is standard procedure to review how officers in our nation become disabled or lose their lives, so that police academies may instruct new recruits to any threat or needed change in procedure that will stop or lessen the chance of a recurrence.

After much review, the officers involved in the investigation into the shootout in North Dakota have discovered some of the causes of the violent confrontation involving Gordon W. Kahl and the U.S. Marshals in North Dakota.

THE REPORT

ABOUT THE INVESTIGATION: Our initial duty is to find out why any police action evolves into violence, and to determine if there was a way that it could have been avoided. There is no valid reason for police academy investigations into the loss of life of police officers or private citizens to focus on **if** a particular subject was violence-prone or **why** any subject that is violence-prone commits violence. That is generally left to the psychologists. Our main concern is the protection of the public and police personnel, hence: Were there any tactical or judgement errors on the part of the police officers involved that did, or might have, lessened, curtailed, or exacerbated the violence?

Most of the time in such investigations, because of the very thorough training that all police officers (federal, state and local) receive, we find that the officers used good judgement, followed proper training and tactics, and that the violence could not have been avoided. This is the case with a high number of such "cause of death" investigations involving police officers. Our investigation of the Kahl case has led us investigators to believe that this is **not** one of those cases.

Our findings, based on the known facts brought out in the investigation, show that, at the least, misjudgment and errors on the part of federal agents were the main cause of the violent confrontation. Several of those errors and misjudgments are delineated here for your information. However, before listing some of the police errors found in the Kahl arrest scenario, the following must be understood by any non-law enforcement persons reading this report.

LAW ENFORCEMENT TRAINING

All law enforcement officers are well trained in performing arrests of both violent and non-violent subjects. Much of the civilian population is unaware that law enforcement is no longer handled in the OLD WEST style of policing where each lawman "made it up as he went along" in terms of police operations. For at least the last 25 years police arrest policies and tactics have been for the most part standardized throughout the profession. If officers were not well trained with long practiced, accepted tactics and policies that work to eliminate or reduce the likelihood of violence, there would be many more deaths and injuries to law officers and private citizens during the many thousands of arrests that are successfully completed every day across the U.S..

In the normal, daily course of law enforcement activity, requiring regular use of those basic policies and tactics, an officer is unable to forget this training. These tactics become a reflexive response. The officers are also trained to understand that when these basic policies and tactics are ignored or violated by arresting officers, the likelihood of violence and injury is increased. Most importantly it should be understood that in cases where it is obvious, after investigation, that officers did not follow basic policies and/or tactics of arrest, it is logical to conclude that the investigation will show that the explanations or reasons for these breaches of policies and tactics will be something **other than** improper training or forgetfulness.

INVESTIGATIVE FINDINGS

Investigation has determined the following in regards to the police action plan and implementation of said plan, involving the North Dakota incident of February 13, 1983.

1) FEDERAL OFFICERS VIOLATED ORDERS FROM WASHINGTON HEADQUARTERS: Per facts and documents brought out in testimony at trial and per North Dakota Assistant U.S. Marshal Bud Warren's testimony, a teletype from Washington D.C. U.S. Marshals' headquarters, Enforcement Branch, instructed that the **misdemeanor** warrant for Gordon W. Kahl "is to be put away and not served on subject Gordon W. Kahl". (See trial testimony of U.S. Marshal B. Warren.) Federal officers violated this direct order from superiors, putting in motion the police action that

would lead to the confrontation with subject Kahl.

2) PROPER NOTIFICATION OF POLICE ACTION: No marked or recognizable police vehicles were used in the police road block. Under orders from Asst. U.S. Marshal Ken Muir, the only officer (Medina police officer Steve Schnabel) who tried to display his badge, just before the execution of the roadblock, was told to remove it before the service of the warrant was attempted. Basic arrest policy and procedures for U.S. police agencies dictate that on any warrant arrest at least one police officer will be in full police uniform or marked police units (cars) will be used so that the subjects to be arrested, and the local public, will be put on lawful notice of the police action. This basic policy also allows for there being no misunderstanding, and no excuse, for not obeying the arresting officers who are conducting a lawful arrest. (Addendum to this affidavit placed herein on March 2, 2003: It has come to investigators' attention, through documented police radio tapes recorded just minutes before the violent police action, that an officer called for marked police units to stand by for the roadblock. U.S. Marshal Muir is heard on the police radio telling the officers to stand down, and that the marked police units were not wanted at the scene.)

3) PLANNING: No normal pre-arrest planning meeting was held prior to the attempted service of the misdemeanor arrest warrant on subject Kahl. This violation of policy and procedures caused a serious tactical disaster.

A. NO SERVICE OF WARRANT: If there had been a planning meeting prior to the attempted arrest, there most probably would not have been an attempt to serve the warrant. At such a meeting the Marshals would more than likely have decided not to violate orders of supervisors in Washington in regards to serving the Kahl misdemeanor warrant.

B. TIME, PLACE AND TACTICS: If it were decided to go forward in violation of orders, such a planning meeting at least would have provided a serious look at **basic** policies and procedures, demanding more secure and sound methods, time and place for affecting the arrest of Kahl. For example, it was known that Kahl was often seen walking by himself in town, at the grocery store, hardware store, working alone in the farm field, etc.. The type, time and place of this police action unnecessarily threatened the lives of police personnel and innocent civilians.

C. INSUFFICIENT MANPOWER: A planning meeting would have reminded officers that **basic** policy and procedure requires that superior manpower and arms are to be used if it is believed that there is the potential for violence in any warrant service or arrest. If a pre-arrest planning meeting had been held, the attempted service could have been called off due to insufficient manpower. After the incident, officials testified that the reason Kahl had to be taken that Sunday was that "he had been spotted at the clinic". The idea is to make a reasonable defense for our deceased fellow officers by making the situation sound like the police action had to be accomplished at that very moment...that Kahl could not have been arrested at any other time. Our investigation points to the fact that the warrant was over 2 years old. Each U.S. Marshal in North Dakota would have known about the warrant for those years. As we noted in "B" above, during those years Kahl was seen regularly in and around town, at his farm, etc.,. There were no exigent circumstances requiring the arrest of Kahl on that day in February, 1983.

OTHER KNOWN FACTS (Prior to police action of 02/13/83): It was believed by the Marshals in command that there would be a violent confrontation in the arrest of Kahl on the misdemeanor warrant, per testimony of Medina Police Chief, Darrell Graf. Per additional testimony of former North Dakota U.S. Marshal Bud Warren, he was told by Marshal Ken Muir that they expected violence when they (the U.S. Marshals) went out to "arrest" Kahl. He, too, was asked if he would like to come along. Both of these law enforcement professionals refused to "go along" on the confrontation, and testified that they warned Muir and Cheshire not to attempt to serve the misdemeanor warrant at that time nor in that manner. In addition, U.S. Marshall Bud Warren reminded Marshal Muir that orders from Washington Headquarters were **not to serve** the misdemeanor warrant on Kahl.

Both lawmen, U.S. Marshal Warren and Police Chief Graf, later stated that the reason they did not "go along" was because they knew that the Marshals not only expected a violent confrontation with Kahl, but inferred in their attitudes, that they intended to push for one. The testimony of these two lawmen (Warren and Graf) as to why the Marshals wanted a violent confrontation with Kahl, was that U.S. Marshal Muir and others considered Kahl a "big mouth" and disagreed with Kahl's outspoken political views which were contrary not only to their own political beliefs, but also to those of the current political and judicial leadership in North Dakota, and the then current federal government administration. (These same feelings were expressed also to members of our investigative team.)

D. IDENTIFICATION OF KAHL: According to basic training tactics, at any pre-arrest planning meeting, each member of the police action team would have been provided with a picture ID of Kahl. (Photo was on file with federal government.) This is important, since it is necessary that each officer know, for sure, who it is that they are attempting to arrest. According to interviews and trial testimony, in the Kahl arrest attempt, only one of the officers (Deputy Bradley Capp) could recognize Kahl. The others did not know which one of the six people detained at the roadblock was Kahl. During the confrontation several officers called out, "Which one is Kahl?" It is noted that Kahl's son was shot twice by officers and Gordon Kahl was not hit. Pictures of the arrestee in the hands of all officers are basic policy before any such police action.

E. SERVICE OF WARRANTS WHEN SUBJECT IS ARMED: No arrest would have been attempted since pre-arrest intelligence given out at the planning meeting would have determined that Kahl had a gun with him that day. Without **exigent circumstances** basic policy and tactics dictate that if a subject is armed or has the availability of weapons, another time and place is to be chosen for attempted service of a warrant, a time when the subject may not be able to attain a weapon before officers can affect the arrest. This does not mean that on attempted service, if a person runs for a gun, that the police are to withdraw and attempt the arrest another day. What this basic policy and tactic means

is that there are always choices as to time, place and circumstances when choosing a plan for service of arrest. In the case of the Kahl arrest attempt, the officers knew beforehand that Kahl was armed. In fact, it was known in advance that several other people in the Kahl party were armed.... (Portion cut for space consideration. -ED)

F) SERVICE WHEN SUBJECT IS WITH FAMILY OR PEERS: Policy and tactical procedures dictate that we do not place in jeopardy any other member of the public, during a **planned** service of a warrant. If this were not basic police policy and procedure, it would be "basic common sense" that when there are no exigent circumstances, no attempted service of a warrant will be conducted when the subject to be arrested is with family, friends or associates....(Portions cut for space considerations - Ed)

4) ELEMENT OF SURPRISE: Basic policy and tactics state that if the element of surprise is lost, the service of the warrant is to be rescheduled....

5) UNNECESSARY PROVOCATION: Testimony of those at the scene speaks to the use of demeaning, threatening and provocative language by federal officials toward the subjects stopped at the roadblock.

In their academy training, Police officers are given training in basic psychology in how to handle different types of suspects. The reason for this is that an understanding of basic psychology saves lives. For example, if one is to address a biker, gang member, or hard core ex-con, and hopes to get that type of individual to obey orders, it may require the language that was used on the 63-year-old decorated war veteran, regular church-goer farmer, Gordon Kahl, his wife, son and friends. Officers are also trained as to what problems can arise from using such strong, offensive language on the average religious, family-oriented, idealistic-type American. It is basic psychology instruction that when such tactics are used on the above-described type of American, it tends to unnecessarily provoke the subject. If a known quantity, a type such as this man Kahl, was ever to stand up, be tough, and exercise his "family honor" machismo, it would be when officers yell epitaphs in front of family and friends, such as "G _ d _ _ it, we're going to blow your f _ _ _ _ _ heads off!" (Actual quote from officers at scene), or "We will kill you SOB's!", and other such sundry inflammatory and denigrating names and terms.

What we are saying is that we teach officers that under certain circumstances, the type of aggressive, authoritarian and demeaning language that Marshals Muir and Cheshire used on the Kahl family and friends, may be appropriate and work very well used on the right personality profile, but as we have said, the Kahl party was not it. Officers are trained well to understand that psycho-dynamics such as "family honor", "peer pressure", religious beliefs, etc. come into play when such tactics are used in the **wrong circumstances**, as they certainly were on the Kahl family. The training of these officers would have been such that they would have known this method of communicating would not only fail in getting a man such as Kahl to comply with their orders, but would very likely press him to stand up and challenge authority in front of his family and friends, and thus exacerbate the already tense situation at the roadblock.

THE ROGUE OFFICER: Our point in bringing this up is that the techniques used by the U.S. Marshals at the roadblock is classic, and is recognized by seasoned officers as one commonly used when rogue officers have decided, for whatever reason, to become "punitive". "Punishment" by law enforcers, being completely outside police officers' lawful scope of authority, it is never spoken of officially in law enforcement circles. Officially, it does not happen. But, among those officers who make such bad decisions, it is sometimes referred to as "attitude adjustment". To give an example...

CONTROLLED POLICE POWER:

What is largely unknown to the civilian population is that the application of Police Power is a known, long understood and practiced SCIENCE, seldom accomplished by happenstance....

CASE SUMMATION:

It is always difficult for police investigators to find and/or admit fault on the part of themselves or their peers. It is especially difficult to find it necessary to lay fault at the feet of fallen fellow officers. However, we understand that critique of successful and unsuccessful police operations is vital to the future welfare of both the law enforcement officer and the private citizen. After much consideration and study of the documented facts surrounding the Medina, North Dakota police action involving the Kahl family, the following facts are known:

It is the conclusions of these criminal justice/police officer investigators:

1. That the loss of life and injuries to all parties were caused in the main by police officer error in judgment and/or misconduct. Certainly, if not for the violations, the police confrontation of Feb. 13, 1983 would not have occurred.
2. That according to decisions made in the Washington D.C. headquarters of the U.S. Marshals Service, Bud Warren and Kenneth Muir had been advised that the warrant was not to be served.
3. That Marshal Kenneth Muir acted in violation of orders of superiors when he made the decision to attempt to serve the Kahl warrant.
4. It is further concluded that, aside from the violation of orders from superiors, had the U.S. Marshals used proper **basic** arrest policies and tactics, the arrest of Kahl would have occurred in a different place and at a different time, and most probably could have been carried out without a violent confrontation.

The most critical examination of this police action caused investigators to conclude the following: Since all of the participating federal officers were known to be experienced, well trained and practiced in basic policies and tactics of

arrest, and chose to knowingly violate such policies, or fail to apply them, it is probable that said officers had motives other than the peaceful arrest of the subject known as Gordon W. Kahl on February 13, 1983.

POLITICAL CASE:

From the beginning, until the present, all of the persons we have interviewed - - many who testified at the trials in North Dakota, and the various others who knew the Kahl family or our fellow police officials involved in the incident - - all have agreed on one thing: This was, and still is, a politically sensitive case. After thousands of combined hours of investigation, our investigators completely agree. To re-state: In the view of these police investigators, we know most assuredly that, from the aforementioned, proposed arrest scenario, to the wholly biased and political "trial by jury" of the Kahl family and friends by the governmental and judicial friends of the deceased U.S. Marshals, to the alleged "shootout" between lawmen and federal fugitive Kahl in Arkansas on June 3, 1983, this is an exceptional and uniquely handled **POLITICAL** case.

A BRIEF CRITIQUE OF THE TRIAL OF THE KAHLs, AND FRIENDS

INVESTIGATIVE FINDINGS

Our investigation of the North Dakota trials is of a cursory nature as it is not the purview of police academy instructors to critique the judiciary. This is one reason that it was exceptionally good to have those with criminal law/trial experience as part of the team. It is out of our concern for justice that we list several areas of concern that troubled this police officer/attorney investigative team.

1. U.S. Marshal (for North Dakota) Bud Warren, in August of 1987, stated to the investigative team, of which he, himself, was a part, that because of the political nature of this case, the close friendships between the judge, prosecutor and the dead Marshals, the defendants in the Kahl case could not, and did not, get a fair trial. Several of the officer/attorney investigators were witnesses to Marshal Warren's statements. The Chief Judge of the 8th Circuit Court of Appeals, in his dissenting opinion, backs up Marshal Warren's assessment of the prosecution and trials of the Kahl case defendant: "The record amply demonstrates the defendants did not, and could not receive a fair trial in the District of North Dakota." - U.S. v. Faul, 748, F.2d 1204 (1984).

2. Judge Benson and the deceased Marshals, Muir and Cheshire, were good friends, and brother members of the same local fraternity. This is a matter of record. It is a matter of record also that Judge Benson was the person most responsible for getting Marshal Ken Muir the job as United States Marshal of North Dakota, having personally requested that Muir be given the position.

3. The U.S. Attorney, prosecutor Lynn Crooks and the two slain Marshals were good friends, and members of the same local fraternity. Juror, Mr. August Pankow, Jr., was a long-time personal childhood friend of Prosecutor Crooks. This was not brought out during voir dire of the jury, during or after the trial, but was made a matter of the court record.

The above is only a small part of the irregular and unfair judicial history of this case that has continued to perplex these police investigators. Few of us, in all of our years of police service, have encountered such abuses by government and judicial officials of the criminal justice system, as we have in this case. Due to these and other known facts, it is the conclusion of this police officers' investigative team that the defendants in the Kahl case did not, and could not have received a fair trial.

KAHL CASE MOTION PICTURE/DOCUMENTARY

Our police officer investigative team was responsible for technical and other assistance in the development of the documentary, full-length motion picture on the Gordon Kahl case entitled **DEATH AND TAXES**, released in August, 1994. This film is a valuable reference, laying out many of the facts and actual statements of government agents, prosecutors and witnesses who were involved in this tragic **political** case. We suggest that all who would wish to have for themselves a fair and well-rounded assessment of this case, and come to know those who were a witting or unwitting part of it, should write and acquire a copy of this motion picture, **DEATH & TAXES**. This is a very important film. It may be ordered from ACLA, HC 11, Box 357, Kamiah, Idaho 83536. The cost is \$22.00 postpaid. Also available, a mini-series set (8 video tapes and 1 audio) of the producer's actual footage used in preparing the movie, **Death & Taxes**. \$107 ppd. For more on the movie and mini-series go to www.taoslandfilm.com, then click "movie productions".

Mr. Edward Reilly (Federal Probation Dept.), it is those who have added their names to this document who desire that Mr. Yorie Kahl be given every consideration for parole in 1995. Your experience in the criminal justice system, like ours, grants you the knowledge that individuals who have been convicted of murder are incarcerated less than ten years. The national average, according to the FBI crime report of 1993, is 3 years. Based upon our investigative findings, it is our combined professional opinion that Mr. Yorie Kahl is not guilty of the crimes for which he is incarcerated. However, regardless of the question of guilt, having served over 12 years of his sentence, we ask that you find in favor of his parole.

Mr. Reilly, it is our hope that we have been of some assistance to you by issuing this affidavit of some of the facts from our lengthy investigation into the most unusual Gordon Kahl case. We would also like to reaffirm that none of the law officers involved in this investigation, with the exception of U.S. Marshal Bud Warren, knew any member of the Kahl family or the other persons involved in this case at the time the North Dakota incident occurred.

We were, of course, not entirely unbiased in our investigation, since we, as present and past members of the criminal justice system ourselves, truly wanted, if at all possible, to find no fault and in favor of our slain fellow officers. It is unfortunate that this was not the case. It is the desire of this team that you understand that you can call on us to assist you

in any further investigation into this case. Our team of investigators stands ready to testify to the facts considered in reaching the conclusions herein stated. If we may be of further assistance please contact the American Citizens and Lawmen Association at HC 11, Box 357, Kamiah, Idaho 83536, Phone (208) 935-7852.

Signed, this date of March 16, 1995.

The below listed U.S. law enforcement, judicial and public officials have joined this effort to appeal to the federal government for the parole of Mr. Yorie Kahl. All are available for testimony if it becomes necessary.

(At the time of filing in 1995, this document was signed by Washington State Supreme Court Justice Wm. Goodloe, Ret., Arizona Superior Court Judge Kenneth Chapwin, Ret., Los Angeles FBI Special Agent in Charge, Ted Gunderson, Ret., Former Nebraska Senator, Attorney John DeCamp, Former Arizona Senator Wayne Stump, Former Police Chief of Medina, N. Dakota, Darrell Graf (on duty the day of the shooting, and assisted downed officers), Former Medina, N. Dakota, Police Officer Steve Schnabel (also at the scene of shooting), Officer Jack McLamb, Ret., Phoenix Police Dept., Officer A. Rick Dalton, Mesa, Arizona Police Dept., Sheriff Richard Mack, Graham County, Ariz., Sheriff Bill Spence, Orange County, Virginia and others, to total approximately 70 U.S. law enforcement officers, attorneys and public officials who lent their names to this affidavit, requesting a pardon for Mr. Yorie Kahl.) - **End of Affidavit**

GOVERNMENT IGNORES FACTS AND OUR APPEAL

In 1995, Aid & Abet editor, Officer Jack McLamb, Ret., as chief investigator in this case, traveled to the Federal Prison in Pennsylvania to testify on behalf of Yorie Kahl at his probation hearing. Yorie and I sat at table with the two probation hearing officers, both of whom were wearing (and kept flashing) their large Masonic finger rings to the both of us. Sending us a not-too-subtle message???

Be it known that the documented, lengthy investigation of these 70-plus criminal justice professionals into the February, 1983 North Dakota police action, including this their affidavit, and Officer Jack McLamb's added testimony, were all ignored by the Federal Probation Department. No communication was ever received from any federal employee.

At the hands of those unethical, even malevolent authorities within both the North Dakota state and the U.S. federal criminal justice departments, our heroic and honorable brother, Chief U.S. Marshal Bud Warren, was severely persecuted and ostracized over many years for his courageous efforts to tell the truth, to defend the victims, and lend valuable assistance to our police investigation in its pursuit of justice. Following a long period of such effort, our brother passed on to his eternal reward, reportedly due to natural causes. Having been sent to *his* eternal reward by government murderers, the body of our war veteran brother, Gordon W. Kahl lies in a cemetery in Heaton, North Dakota. Yet we know that the names of Gordon Kahl, his son Yorie and others still have not been cleared of the wrongful charges laid against them by the *dishonorable* in positions of power here on earth. It is time these wrongs were brought to light, and those who committed them held to account. As of this year, 2003, Yorie Kahl and his friend, Scott Faul, have been imprisoned 20 years. I believe it goes without saying that we criminal justice professionals would not be carrying the banner for these two young men if we knew them to be evil, criminally violent cop killers as charged. A careful study of trial transcripts, repeated testimony from eye witnesses and from others with personal knowledge of the two prisoners *all* supports our belief that they may not have been convicted at all, if the trials had not been entirely biased and political in nature. Nothing was presented at trial to prove unequivocally, that either of these young men had taken part in the actual shooting of our fellow officers. But even if they *had* acted, such as in defense of themselves and their families, still, as was stated, officers know that the average time even hard-core, convicted murderers serve is 3 years. Compare that to the now 20 years (and counting) served in this case.

We invite all of our police, military and private citizen brothers and sisters who support this publication to join us in renewed efforts to bring attention to this horrendous case of government abuse of power, from N. Dakota to Arkansas.

There is no way any of us can undo the homicides and other crimes committed in the past against the many victim individuals and families, both law enforcement and civilian, in this case, but we can work together to put a stop to any continuing wrongs against those who have been unwillingly and innocently drawn into this human tragedy. Regardless of whether we agree or disagree with the stand Mr. Gordon Kahl took on critical issues facing our nation, we as Peace Officers are sworn to protect the lives of our countrymen, and not obey immoral or unlawful orders.



**Yorie Kahl with Mother, Joan
at Leavenworth Federal Prison**

HOW TO HELP? (1) Distribute copies of this report to "strategic" persons and places where the information may be best used and have the greatest impact. (2) Is there a patriot-minded radio talk show host you know who might like to air this story. Give him or her a copy of this report, suggesting a guest interview with Police Officer Jack McLamb, Ret. (208) 935-7852, or one of several other persons we can suggest who are qualified to speak about the case. (3) Write a letter of encouragement, to let Yorie and Scott know you care. Yorie Kahl #04565-059 A-3, P.O. Box 1000,

Leavenworth, Kansas 66048; Scott Faul #04564-059, P.O. Box 1000, Oxford, Wisconsin 53952. Ask Scott and Yorie to suggest ways you can help toward their release - perhaps the names of key officials you can contact toward that end. (4) Continue to pray for strength, peace and courage for these two young men and all their grieved families! And please pray for the families of the three lawmen who lost their lives in this unnecessary tragedy. THANK YOU and GOD BLESS YOU for any and all help you can give.

SHOULD KAHL HAVE GONE ALONG WITH HIS "ARREST"?

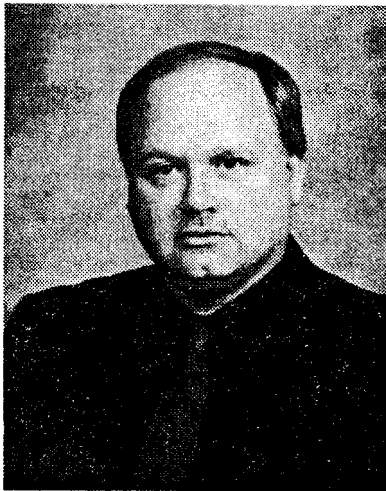
Even leaving aside all the evidence, leaving aside the testimony of Deputy U.S. Marshal Bud Warren that his fellow federal agents did not intend to **peaceably** arrest Gordon Kahl that day, and leaving aside the feelings expressed by Chief Darrel Graf that these federal officers were going to be involved in a shoot-out, let us understand clearly what occurred. When aggressive agents of the government came, and with total disregard for all known and accepted police training and arrest tactics, moved in to force Gordon Kahl into a shoot-out, Kahl still did not react. Only when agents/officers had shot his son twice did he return fire. Yet, some say that **if he had just put down his gun and allowed himself to be arrested....none of this would have happened!** But remember, it had already been well proven to Gordon Kahl (as to many cops, soldiers, and millions of our farmers, miners, ranchers, small businessmen, forest workers and the American family) that most government agents/leaders can't be trusted. Kahl knew what we know...that many government leaders are totally corrupt, immoral enemies-of-the-people - obstacles to the continuance of American sovereignty and freedom. With (ostensibly) "professional" lawmen pointing guns at the Kahl's, screaming "we're gonna blow your f_____ heads off, you mother f_____s", *why ever* would an aware, clear-thinking Kahl believe that in laying down his gun he and his family would be safe? Especially from the vantage point of today, having lived through added assaults by the government, such as those upon the Weaver family in the high mountains of Idaho, upon the peaceful church members at Mount Carmel in Texas, the innocent employees and children at the Oklahoma City federal building, the government's secret, intentional LSD tests on our unsuspecting fellow soldiers, the infecting with venereal disease our Black fellow soldier "test subjects", the poisoning and medical neglect of our fellow Vietnam and Gulf War vets, etc., etc., **why would any one of us believe we're safe in the hands of our government?** In short, with all we've seen, would we police and soldiers deny that some of our government leaders are out to do us harm?

OUR THANKS TO TWO PEACE OFFICERS WHO REFUSED TO "GO ALONG" THAT DAY!

Only two of the peace officers involved in the North Dakota incident refused to go to the federal police confrontation that day. Knowing that a firefight would be pressed, and that one would surely ensue, they both refused to participate. One of these was Deputy U.S. Marshal Bud Warren and the other was Medina Police Chief Darrel Graf.

Every officer can appreciate that for these two officers to say NO to the kind of deplorable criminal "justice" system we had in 1983, and still have today, was a career-ending decision. But these exemplary men made that correct decision anyway. Both they and their families suffered condemnation, abuse and extreme hardship for years from all levels of government, all because they righteously chose to avoid an obviously wrong-minded police action that Sunday in February, 1983.

On this, the 20th anniversary of the tragedy, we honor these two good Peace Officers for their integrity and strength in steadfastly speaking the truth, and further, for suffering much harassment and abuse, as the biased and corrupt U.S. federal Judge Paul Benson, and the equally biased and corrupt federal prosecutors, Rodney Webb and Lynn Crooks, with malice aforethought, took those who survived the attacks to trial for murder. (And if we might mention again, just in passing, there was one more honorable lawman who would become involved in this federal case: Sheriff Gene Matthews of Arkansas, who only a few months later would pay with his life when refusing to cover for further criminal government actions.)



Police Chief Darrel Graf

Medina Police Chief Darrel Graf, along with Medina Police Colonel Steve Schnabel (who unwittingly did go along to participate in what he and some of the other local officers **thought** would be a by-the-book **arrest stop** of the Kahl entourage) have written a book about the part they played in this horrendous case. Brother Steve was one of the local officers wounded in the gun battle. Chief Darrell had positioned himself on the Medina side of the hill to block local traffic from entering the federal roadblock scene, and was prepared also to coordinate the ambulance and rescue squads if needed. Darrell and Steve's book is entitled, *IT'S ALL ABOUT POWER..* It tells all from their perspective, including, of course, how this 20-to-30-second event changed their lives forever! Cost: \$19.95. Mail to M.P.D., P.O. Box 5302, Fargo, N.D. 58105. Website - www.mpdpower.com for more information, or to fill out an order form.

Our heartfelt condolences go to the families of our three fellow lawmen who lost their lives unnecessarily in North Dakota and Arkansas. (Each of us American law officers have feared that our own families might one day go through such a horrendous and never-ending ordeal.) Of these and the dozens of other families whose members suffered death, imprisonment, breakups, mental disorders, even suicides, the loss of property, etcetera, due to the actions of a few of our fellow officers, we humbly ask your forgiveness, even while we understand that this will not make up for your loss. And to the dishonorable members among our law enforcement peers (as likewise all such judicial personnel) who knowingly committed criminal terrorist acts and misconduct against your fellow Americans (including evidence and jury tampering)

and who continue to do so today, we would say this: All you who have not yet been brought to earthly justice, be advised that one day each of you will answer for your foul and deplorable crimes before the ONE TRUE JUDGE at His Heavenly Throne of Justice.

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