

State of Idaho)
) ss
County of Idaho)

Affidavit of Gerald J. McLamb

Affiant, Gerald J. McLamb, undersigned, hereby swears under the penalties of perjury as applicable that the following is true and correct:

1. Affiant’s name is Gerald J. McLamb and he is currently domiciled at 115 Patrick Henry Court, Kamiah, Idaho 83536. He is of sound mind and body and of lawful age.
2. Affiant is an honorably discharged Navy Veteran who held top secret clearance, and who became a patrol officer with the Patrol Division of the Phoenix, Arizona Police Department in 1976.
3. Between 1976 and becoming medically disabled in the line of duty in 1986, Affiant remained an officer with the Phoenix, Arizona Police Department and in approximately 1980 was certified to be a training officer at the Arizona Regional Law Enforcement Academy. During such period, Affiant twice received the Phoenix, Arizona *Police Officer of the Year* award and was runner-up yet another time, additionally receiving a total of 32 various other commendations and awards from the police department and the Arizona community.
4. Acting in the capacity of a trained police investigator, Affiant studied and initiated investigations into officer-involved cases that resulted in injury or death to officers as well as civilians. The object of such studies was to discover the reasons such deaths or injuries occurred, and to identify possible error in police tactics, with a view to saving lives, preventing unnecessary injuries, and to make the tactical science of police operations ever safer for officers and for the public.

5. Affiant was on active duty on February 13, 1983, when an incident occurred in North Dakota relating to the purported attempt to arrest a 63 year old retired farmer by the name of Gordon Wendell Kahl by U.S. Marshals and local officers which precipitated a gun-battle, ending in the deaths of two U.S. Marshals and the wounding of three other officers, as well as Gordon Kahl's son, Yorie Von Kahl.

6. Officers nationwide, including Affiant, were bewildered by this incident and of course were very concerned as it became, overnight, a national headline story. As part of his official duties and his deep concern officially and personally, Affiant began to collect newspaper articles and other information on the incident and on Gordon Kahl, for whom a massive national manhunt had begun.

7. As Affiant collected more and more information on the North Dakota incident and Gordon Kahl, it became obvious to him that the official and general media versions of the event were in large degree false, and that the behavior and tactics of the officers at the scene, under direction of U.S. Marshals, demonstrated either extreme incompetence and gross negligence, or else the intent of those in command was to create an extremely violent confrontation with Gordon Kahl and his party, none of whom were criminals or suspected criminals, and none of whom had ever been charged with anything more than a misdemeanor.

8. Affiant, as well as numerous other officers with whom he was in correspondence, observed the official response to the North Dakota incident as they continued to gather information.

9. The *official version* of the event, as disseminated through the media and official channels, reported that Gordon Kahl and his party were members of an organization called the "Sheriff's Posse Comitatus" (SPC) of which Gordon Kahl was the purported "leader." The "official"

version further contended that on the day in question, while attending one such SPC meeting, Gordon Kahl and his friends discovered that U.S. Marshals, armed with a warrant for the arrest of Gordon Kahl, had set up a roadblock north of Medina, North Dakota, to effect his arrest. And that thereupon, they agreed among themselves to drive to the roadblock and violently confront the marshals. It was reported that the SPC party led by Gordon Kahl drove up to the marshals and opened fire with machine guns and other assault weapons, and shockingly executed a wounded marshal in cold blood.

10. Naturally, Affiant and many fellow peace officers were very disturbed by these reports, and set about to learn all they could about the virtually unknown SPC.

11. Affiant soon discovered that the Gordon Kahl party involved in the North Dakota incident included Gordon's wife Joan, his son Yorie Von Kahl, a Kahl family friend Scott William Faul, and two more recent Kahl acquaintances, David Broer and Vernon Wegner. It was later discovered that Wegner had recently been a police officer himself, which intensified concerns.

12. Every single member of the Gordon Kahl party was immediately charged with first-degree murder of federal officers, among other offenses.

13. Further investigation by Affiant uncovered the facts that at the time of the North Dakota incident neither Gordon Kahl, nor any of his party were members of the SPC, there had been no SPC meeting attended that day, nor did the Gordon Kahl party have any foreknowledge of an attempt to arrest Gordon being underway.

14. Affiant's investigation concluded that Joan Kahl, David Broer and Vernon Wegner did absolutely nothing that could have even remotely been deemed criminal. Moreover, although

Gordon Kahl, Yorie Von Kahl and Scott William Faul possessed weapons, they were *legal* weapons, and possessed for no illegal purpose.

15. Affiant observed the almost frantic manhunt for Gordon Kahl while criminal proceedings went forward against his wife, son and the other citizens involved in the incident.

16. To Affiant and many other officers observing the proceedings, the North Dakota trial clearly appeared to be a political show trial, coordinated with a national media campaign to vilify Gordon Kahl, the defendants in the North Dakota trial, and organizations with values similar to the formerly nearly unknown SPC.

17. Affiant and other officers observing and collecting information were stunned that the proceedings in North Dakota were being conducted by a judge, prosecutors and federal investigatory officers who were either friends of the deceased marshals or otherwise closely affiliated with them, and that the trial was being held in North Dakota during the heat of intense media attention, virtually all negative to the defendants, and extremely so.

18. By the time the show trial concluded, convicting Yorie Von Kahl and Scott William Faul of second degree murder/killing a federal officer and other offenses, along with David Broer, who was convicted of lesser-type offenses, Affiant, along with numerous fellow officers, had come to the firm belief that Gordon Kahl would never be taken alive by law enforcement because of the extreme embarrassment he had caused the United States Marshals Service, and because of the “vengeance potential” factor – *i.e.*, the sometimes use of illegal, deliberate deadly force by officers emotionally charged by the killing of a fellow officer. An additional motivating factor, they agreed, might well be the possible criminal and/or civil liability facing the officials involved in the North Dakota incident, if the whole factual truth were ever brought out. There

was grave need to silence Gordon Kahl forever, lest the facts behind, and those that occurred during, the North Dakota incident jeopardize the convictions of the North Dakota defendants.

19. On June 3, 1983, federal, state and local officers converged upon the home of Leonard and Norma Ginter near Smithville, Arkansas, where fugitive Gordon Kahl was staying. Although so many and such diverse police units were involved, the failure to follow well-established police tactics here was, if anything, even more pronounced than those employed during the North Dakota incident. Before that evening passed, as Affiant anticipated, Gordon Kahl was dead, along with another law enforcement officer, Lawrence County, Arkansas Sheriff Gene Matthews.

20. The initial, official story was that as the police units began to approach the Ginter home, Gordon Kahl began firing at them, resulting in a shoot-out, and that Sheriff Matthews entered the home where he shot Gordon Kahl and Gordon Kahl shot him, thus killing each other.

21. Contradictions and bizarre stories began to emerge, and Affiant's interest and concern only heightened, particularly in light of the death of Sheriff Matthews, because early received information began to seriously suggest that he was killed by fellow officers.

22. Over the ensuing ten years, Affiant, along with a number of fellow officers with extensive professional backgrounds in all aspects of police work – federal, state and local – conducted very extensive investigations into the North Dakota and Arkansas incidents involving Gordon Kahl, with the greatest emphasis on all aspects of the Arkansas case. These investigations included accessing any and all critical witnesses willing to share information with us, and all official reports and documentation that were made available.

23. These investigations included the exhumation of Gordon Kahl's body in North Dakota in 1992, and its transport to California for a second autopsy performed by world-renowned forensic pathologist, Thomas Noguchi.

24. Based upon the accumulated evidence collected and analyzed by Affiant and his team of fellow law enforcement professionals (experienced in police tactics, training and investigation, including analysis of factual evidence relative to criminal investigations), Affiant and such other individuals can affirmatively state that the evidence analyzed is sufficient to establish probable cause and beyond a reasonable doubt, absent undiscovered competent evidence to the contrary, that:

(a) The North Dakota incident was a premeditated assault upon Gordon Kahl and his party, with the intent to ensure violence and injury upon them.

(b) The criminal case against the Gordon Kahl party in North Dakota, together with the media campaign against them and Gordon Kahl, was coordinated through very high levels within the United States Department of Justice (DOJ) in Washington, D.C.

(c) One or more conspiracies developed among officials of the DOJ, Federal Bureau of Investigation (FBI), United States Marshal Service (USMS) and others, to falsely portray the Gordon Kahl party to have been active members of the SPC who were meeting on that day, and who as such members deliberately sought out the marshals to assault them for reasons related to the SPC, its philosophy, or for some kind of related tax protest purpose, all of which was false, and deliberately so, although each participant in such conspiracy or conspiracies did not necessarily know this.

(d) Evidence predating the North Dakota incident shows conclusively that Gordon Kahl was repeatedly targeted by federal agencies and such targeting invariably focused on his religious and/or philosophical views, his purported membership in, or leadership of, the SPC and/or tax protest organizations, and never upon any kind of criminal activity or association.

(e) Official records predating the North Dakota incident also show that federal agencies targeted the SPC and organizations officially perceived as related thereto, solely to investigate the religious and philosophical belief structures of such organizations and members thereof, some of which show Gordon Kahl to have been a specific target.

(f) The unprofessional and illegal tactics and actions against the Gordon Kahl party in North Dakota on February 13, 1983, resulted at least in part from an official view among the U.S. Marshals directly involved (and federal officials and agencies generally) that the party were active SPC members carrying out some kind of SPC activities, which, although not suggested to be illegal, were viewed with such disdain that actions against them could be carried out with impunity.

(g) At no time during the Arkansas incident on June 3, 1983, did Gordon Kahl ever fire upon any of the officers at the scene, nor was he even aware of the officers' presence.

(h) While Gordon Kahl sat at the kitchen table in the Ginter residence eating supper, then deputy U.S. Marshal Jim Hall, Arkansas State Trooper Ed Fitzpatrick, and Lawrence County Sheriff Gene Matthews entered the home, while Leonard and Norma Ginter were detained outside thereof. Marshal Hall

approached Gordon Kahl from behind and shot him at virtually point-blank range in the back of the head with a .38 caliber pistol round in what can only be described as a first-degree execution-style murder. Gordon Kahl died instantly.

(i) Sheriff Matthews witnessed the murder of Gordon Kahl and was himself killed by other officers at the scene. Although it has not been determined which officer fired the fatal round as it appears to have been most likely a high-velocity .223 caliber round, Officer Fitzpatrick did fire upon Sheriff Matthews with a 12 gauge shotgun, hitting him repeatedly with buckshot.

(j) The fatal round killing Sheriff Matthews was fired from behind him and somewhat to his left. However, official documents establish that Matthews was shot in the chest area with what appears to be a pistol round which, based upon all available evidence, was most likely fired deliberately by Marshal Hall with the intent to kill Matthews, and was stopped only by a bullet-proof vest that Hall and other officers did not know Matthews was wearing under his shirt.

(k) Officer Fitzpatrick's buckshot rounds, fired into Sheriff Matthews' back, were stopped as well by the undetected bullet-proof vest.

(l) The official autopsies conducted by the Arkansas Chief Medical Examiner Fahmy A. Malak, M.D. upon both Gordon Kahl and Gene Matthews were deliberately falsified to leave the official impression and conclusion that Gordon Kahl and Sheriff Matthews simultaneously shot each other.

(m) Dr. Malak's autopsy report falsely purports that he discovered part of a .41 caliber bullet inside and toward the front-left side of Gordon Kahl's head and in conjunction with federal officers assisting him made comparisons with a bullet

jacket removed from the exterior of Gordon Kahl's head, and concluded the bullet was fired from Sheriff Matthews' .41 caliber handgun.

(n) In fact, and according to the extensive analysis and findings in Dr. Thomas Noguchi's autopsy report, the bullet fired into the back of Gordon Kahl's head exited the front-left side of the skull.

(o) A bullet was in fact removed from Gordon Kahl's skull at the scene on the night of June 3, 1983. Four officers and one other person working for the State of Arkansas at the time (all known to Affiant and other investigators of this matter) personally attested to having handled it upon its removal from the body, and unequivocally concluded from their experiences with firearms that it was a .38 caliber bullet.

(p) Two empty .38 caliber casings of a type used by law enforcement officers were discovered in the kitchen of the Ginter residence where Gordon Kahl was murdered. As all official reports and testimony conclusively show, of the three officers (Hall, Fitzpatrick and Matthews) officially admitted to have been in the Ginter residence when Gordon Kahl was killed, Hall alone carried a .38 caliber handgun. Therefore, it is conclusively determined that Hall murdered Gordon Kahl and then fired the pistol round into Matthews' chest, intending to eliminate him as a witness.

(q) That the bullet fired into the back of Gordon Kahl's head was a .38 caliber is additionally and positively supported by Dr. Noguchi's findings in his autopsy report. The bullet entry wound through the dura surrounding the brain just inside the skull measured "3/8in diameter" which is just slightly larger than a .38 caliber

which measures .357in in diameter. The .41 caliber bullet measures at .410in. As bullets typically deform and expand as they penetrate bone, it would be expected that the size of the hole in the dura would naturally be somewhat larger than the caliber of the round as it left the barrel of the gun. It would not likely be smaller. Moreover, the exit wound in the dura at the “left anterior aspect of the head...measured 1.5 by 1.7cm” (*i.e.*, .590in by .669in) which is wholly consistent with a .38 caliber round and not a .41 caliber magnum.

(r) FBI agents and U.S. Marshals on the scene agreed to destroy the evidence. They removed a mattress from a bedroom and placed it with other combustibles over Gordon Kahl’s body in the kitchen, and sought and obtained gasoline and diesel fuel with assistance of local officers, which they applied to the house through the rooftop ventilation system and throughout the interior of the house and deliberately ignited it.

(s) Dr. Malak’s autopsy report stated that both of Gordon Kahl’s feet and lower legs up to his knees were demolished, and the hands were totally charred due to the fire and heat. One of Gordon Kahl’s feet was discovered by an owner of the residence, along with a *New York Times* reporter a couple of weeks later.

(t) Dr. Noguchi’s autopsy report agreed that the intense heat completely destroyed Gordon Kahl’s lower legs up to and including the knees and emphasized the nature and duration of the extreme heat necessary to result in such utter cremation, but noted that the remains of the discovered foot, although containing a distinct burnt area caused by fire, nevertheless contained all bones which were completely untouched by the fire and heat. Although the heat and fire

applied to the ankle area of the foot destroyed any ability to determine how the foot became detached from the body, it is undisputable that the fire and heat applied at the ankle area was not even remotely close to that of the toe area only a few inches away.

(u) Dr. Noguchi's autopsy revealed that the fingers of Gordon Kahl's left hand, except for the little finger, were not available for his autopsy, as they had been "sharply cut off."

(v) In fact, after murdering Gordon Kahl, FBI agents, U.S. Marshals and other officers deliberately committed arson of the Ginter residence with intent to cover up the murder and their other illegal activities, which is supported by the following: (1) FBI Agent Dero Downing provided testimony at a trial held in Arkansas that the officers at the scene committed "arson," (2) Ravenden Town Marshal Tom Lee provided an affidavit and testified at a trial held in Arkansas that he, personally, under direct orders of federal officers, after the shooting inside the Ginter's kitchen, obtained gasoline and diesel fuel, which he took to the scene where he participated with other officers in pouring it into the rooftop ventilation system of the Ginter home, (3) professional arson investigator from Houston, Texas, Roy Jesse Paul, after investigating the burned home and taking samples and having them analyzed by a crime laboratory chemist, provided an affidavit that an "incendiary substance" had been used and the evidence, including traditional "V" marks on the walls inside the home, indicated that "the fire was intentionally set or accelerated," and (4) Dr. Noguchi's autopsy report concluded that the type of damage to the body indicated that it resulted from (i) "an intense

fire caused by flammable liquid, such as a petroleum product,” (ii) that the fire “continuously burn[ed] for two to three hours or longer,” (iii) that it was “intense and localized in the vicinity of the body,” and (iv) that based upon information as to the immediate household materials and the all-concrete house “there would not be sufficient fuel material to create the intense, localized, and prolonged heat” to cause the damage to the body and that “an additional flammable fluid/material on the body and/or the floor would be required.”

25. Following the murders of Gordon Kahl and Sheriff Gene Matthews, the state and local officers involved at the scene were corralled together and ordered to develop a single and coordinated report as to the entire incident at the Ginter residence on that evening of June 3, 1983.

26. No official crime scene investigation was conducted at any time by the federal, state or local police involved, or by any of their departments.

27. Although dozens of officers at the scene fired numerous (reportedly thousands) of rounds of ammunition, only Sheriff Matthews’ revolver and a rifle allegedly taken off of Gordon Kahl were tested for ballistics.

28. After Gordon Kahl had been murdered, all rounds fired by officers at the scene (except for those used to kill and eliminate Sheriff Matthews as a witness), were fired at the house for the purpose of creating a false story of a “shoot-out” between Gordon Kahl and the officers.

29. From a trained police officer’s perspective, it is inconceivable that a double homicide, one of which included a police officer, would not be followed by an extremely intense crime scene investigation.

30. The grouping together of all officers involved to create a single version of events violates basic police investigation policy as every officer's factual discovery and/or memory (where personally involved) becomes crucial to the process and accurate progression of investigations.

31. The failure to test the ballistics of each firearm actually discharged during the incident by officers at the scene, like the other violations of standard police practice and procedure, was clearly a concerted effort among officers at the scene and – with virtual certainty – had to have been approved at higher administrative levels. The same conclusion is virtually certain concerning the failure to conduct a crime scene investigation.

32. Following the murder of Gordon Kahl, FBI agents and U.S. Marshals, upon determining the necessity of destroying all possible evidence relating to that murder, sought to obtain heavy military weaponry from the Arkansas National Guard with the intent to destroy the Ginter home and all evidence therein, including Gordon Kahl's body, since the attempt to destroy it with the mattress and flammables had failed. However, the then-National Guard Commander refused such request, after which the gasoline and diesel fuel were obtained and used.

33. Affiant and other then-former and current police officers made repeated efforts over the course of well over a decade to initiate grand jury, congressional and other official investigations into the North Dakota and Arkansas incidents described herein, and from their personal and collective experiences state unequivocally that these incidents were political in their natures and have remained so, and that barriers to an unbiased and honest inquiry have been erected and maintained for political reasons.

34. Affiant and other officers investigating the North Dakota and Arkansas incidents described herein have accumulated interviews, taken reports from witnesses, and shared reciprocally with other investigators, information of a material nature relative to those incidents.

