

North Dakota." - U.S. v. Faul, 748, F.2d 1204 (1984).

Judge Benson and the deceased Marshals, Muir and Cheshire, were good friends and were brother members of same local fraternity.

It is a matter of record that Judge Benson was the person most responsible for getting Marshal Ken Muir the job as United States Marshal of North Dakota. He had personally requested that Muir be given the position.

It is also a matter of record that: Judge Benson, Marshals Muir and Cheshire were members of the same local fraternity.

The U.S Attorney, prosecutor Lynn Crooks and the two slain Marshals were good friends, and members of the same local fraternity. Mr. August Pankow, Jr. (juror) 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, and was not made a matter of the court record.

This is only a small part of the irregular, and unfair judicial history in regards to this case that 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**. It may be ordered from ACLA P.O. Box 8712, Phoenix, AZ. 85066. The cost is \$33.00 which includes P&H.

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Mr. Edward Reilly, it is those who have added their names to this document, 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 then ten years. The national average according to FBI crime report of 1993 is 3 years. It is our combined professional opinions, due to our investigative findings that Mr. Yorie Kahl is not guilty of the crimes he was incarcerated for. However, regardless of guilt, after serving over 12 years on 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 affirm 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 incidents 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 desired, if at all possible to find no fault and in favor of our deceased fellow officers. It is unfortunate, that this was not the case. It is the desire of our investigative team that you understand that you can call on us to assist you in any further investigation into this case. Our team of criminal 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, 4131 W. Roeser Rd. Phoenix, AZ. For mailing address use The American Citizens & Lawmen Assoc. P.O. Box 8712, Phoenix, AZ. 85066. Phone (602)237-2533, FAX (602)237-2444.

Signed, this date, the 29<sup>th</sup> of March, 1995.

Gerald J. McLamb  
Police Officer Gerald J. McLamb, Ret.  
Phoenix Police Dept. Arizona

A. Rick Dalton  
Police Officer A. Rick Dalton,  
Mesa, Arizona.

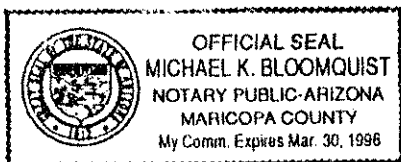
Wayne Stump  
Senator Wayne Stump  
Former Arizona State Senator

Kenneth C. Chatwin  
Judge Kenneth C. Chatwin, Ret.  
Maricopa County Superior Court, AZ.

Subscribed and sworn to before me this 29<sup>th</sup> day of March, 1995.

[Signature]  
Notary Public

My Commission expires:



The below listed U.S. law enforcement, judicial and public officials have joined this effort to appeal for the parole of Mr. Yorie Kahl.

(See included signed card.)

---

Justice William Goodloe, Ret.  
Washington State Supreme Court Justice

(See included signed card.)

---

Police Chief Gary Hibbard  
Hermitage, AR.

(See included signed card.)

---

Sheriff Bill Spence  
Orange County, VA.

(See included signed card.)

---

Police Capt. Rudolph P. Blaum, Ret.  
New York Police Dept., NY.

(See included signed card.)

---

Police Officer Timothy Berfield  
Parma, Ohio

(See included signed card.)

---

Police Officer Gregory A. Bopp  
New Haven, Miss.

(See included signed card.)

---

Police Officer Fred H. Clark, Jr.  
Centerville, VA.

(See included signed card.)

---

Sheriff Deputy Fred O. Davideit

Hillsboro, New Hampshire

(See included signed card.)

---

Police Officer Gary DeKorte  
Kerby, OR.

(See included signed card.)

---

Police Officer Dan Fritchley  
Normal, Ill.

(See included signed card.)

---

Police Officer Tony Fusco  
Schwenksville, PA.

(See included signed card.)

---

Police Officer Ralph Garrabrantz  
Phoenix, AZ.

(See included signed card.)

---

Police Officer Ronald Gass  
West Frankfort, Ill.

(See included signed card.)

---

Police Officer Paul E. Gregg, Jr.  
Humble, TX.

(See included signed card.)

---

Police Officer John W. Hammos, Ret.  
Las Vegas, NV.

(See included signed card.)

---

Police Officer Fredrick S. Hochmann  
San Antonio, TX.

(See included signed card.)

---

Police Officer Charles Ingalls  
Chesterfield, MI.

(See included signed card.)

---

Police Detective Gary P. Leeder  
Meridian, ID.

(See included signed card.)

---

Police Officer Mike Miller, Ret.  
St. Cloud, Minn.

(See included signed card.)

---

Police Officer Randolph E. Morris  
Lakewood, CO.

(See included signed card.)

---

Police Officer Tony Petro  
Finksburg, MD.

(See included signed card.)

---

Police Officer George L. Rollins

San Jose, CA.

(See included signed card.)

---

Police Officer Donald R. Sanchez  
Albuquerque, NM.

(See included signed card.)

---

Police Officer Duane E. Schlottke  
Muskego, Wisconsin

(See included signed card.)

---

Police Officer George Stallings, Th.D.  
Virginia Beach, VA.

(See included signed card.)

---

Prison Corrections Officer Gary Stephens  
Ceres, CA.

(See included signed card.)

---

Sheriff Deputy Haschal D. Thompson  
McCalla, AL.

(See included signed card.)

---

Police Officer David C. Vines  
Mililani, HI.

(See included signed card.)

---

Sheriff Deputy Michael T. Wade  
Sterling, Ill.

(See included signed card.)

---

Police Officer Joe L. Walterscheidt  
Port Townsend, WA.

(See included signed card.)

---

Police Officer Ronald W. Wheeler, Ret.  
Redmond, OR.

(See included signed card.)

---

Police Officer George Williams  
Las Vegas, NV.

(See included signed card.)

---

Sheriff Deputy Duane Whitmer  
Safford, AZ.

(See included signed card.)

---

Police Det. Fred Willoughby, Ret.  
Los Angeles, CA. / Utah State Guard.

(See included signed card.)

---

Police Sgt. Ronald E. Wilburn  
Baldwyn, Miss.

(See included signed card.)

---

Deputy Sheriff Paul F. Wood  
Paradise, CA.

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

[Signature]  
Signature

03/14/95  
Date

Marylene S. Miller FORD Ret.  
Officers (Retired)  
MIKE MILLER  
MARIJANE MILLER  
St. Cloud, Minnesota

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

[Signature]  
Signature  
officer

3/18/95  
Date  
RANDOLPH E. MORRIS  
LAKEWOOD, COLORADO

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Charles Ingalls  
Signature  
3-13-95  
Date

officer  
CHARLES Ingalls  
Chesterfield, Mich.

Yes, I join with my fellow Lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

[Signature]  
Signature  
Detective  
GARY P. LEEDER  
Meridian, Idaho  
3-14-95  
Date

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Donald R. Sanchez  
Signature  
3-13-95  
Date

Officer  
Donald R. Sanchez  
ALBUQUERQUE, New Mexico

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Tony Petro  
Signature  
19 March 1995  
Date

Officer  
Tony Petro  
Finksburg, Maryland

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Duane E. Schlottke  
Signature  
03-22-95  
Date

Officer  
Duane E. Schlottke  
Muskego, Wisconsin

Yes, I join my fellow Lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

George L. Rollins  
Signature  
3/16/95  
Date

Officer  
George L. Rollins  
San Jose, Calif.

George Stallings, Th.D.

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

George P. Stallings Th.D.  
Signature  
3-15-95  
Date

Retired Al. correctional Chaplain  
V.B.P.D., VA Beach VA  
Pres. The Fellowship for Applied Christianity, Inc.  
Ordained Baptist Minister  
Sanford, N. Carolina

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

[Signature]  
Signature  
3/14/95  
Date  
Corrections officer

GARY STEPHENS  
Ceres, Calif.

Yes, I join with my fellow Lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Haschal D. Thompson  
Signature  
13, MARCH 1995  
Date

Deputy  
HASCHAL D. THOMPSON  
McCalla, Alabama

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

David C. Vines  
Signature  
3-16-95  
Date  
Officer

DAVID C VINES  
Honolulu, Hawaii



Yes, I join my fellow Lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

[Signature]  
Signature

3-17-95  
Date

Deputy DUANE WITMER  
Safford, Arizona

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

[Signature]  
Signature

March 14, 1995  
Date

Deputy Michael T. Wade  
Sterling, Illinois

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

[Signature]  
Signature

3-13-95  
Date

Officer, Retired  
RONALD WAYNE WHEELER  
Redmond, Oregon

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

[Signature]  
Signature

3/14/95  
Date

JOE L. WALTERS  
Officer - Port Townsend, Wash.

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Off. George Williams  
Signature  
LUMPID  
NEVADA

Officer  
George Williams  
Las Vegas, Nevada

MAR. 14, 1995  
Date

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Fred Willoughby  
Signature  
NATIONAL Guardsman  
Fred Willoughby  
Murray, Utah

17 Mar 95  
Date

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Ronald E. Wilburn  
Signature

Sgt.  
Ronald E. Wilburn  
Baldwyn, Miss.

3-18-95  
Date

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Paul F. Wood  
Signature  
Deputy Sheriff  
Deputy Prisoner (Ret.)  
Sheriff - Retired

PAUL F. WOOD  
Paradise, Calif.

3-13-95  
Date

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Ronald Gass  
Signature Date 03-13-95

Officer Ronald Gass  
West Frankfort Police Dept  
101 E. Nolen St.  
West Frankfort, Illinois 62896

Yes, I join with my fellow Lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Paul E. Gregg Jr.  
Signature Date 3-24-95

Officer Paul E Gregg, Jr.  
Humble, Texas

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Tony Fusco  
Signature Date 3-13-95

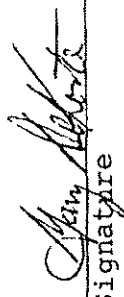
Officer Tony Fusco  
Schuensville, Penn.  
*See report letter to Rick...*  
*See forward to Jim & Bob*

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Ralph S. Garrabrants  
Signature Date March 17, 1995

RALPH GARRABRANTS  
Phoenix, Arizona

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

  
Signature  
3/13/95  
Date

GARY DEKORTE  
DeKORTE  
P.O. Box 134  
Kathy, OR  
97531

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

  
Signature  
March 13/95  
Date

Deputy  
Fred O. Davideit  
Hillsboro, New Hampshire

BLOOMINGTON IL 61701 03-20-95 17:40

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

  
Signature  
3/21/95  
Date

Officer  
Fred H. Clark, Jr.  
Centerville, Virg.

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

  
Signature  
3-19-95  
Date

Officer  
Dan Fritchley  
Normal, Illinois

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Justice Wm C. Jordan  
Signature  
3-14-95  
Date

W. P. Blum, Jack

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Gregory A. Bopp  
Signature  
3-14-95  
Date

Cpl.  
Gregory A. Bopp  
New Haven, Missouri

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Richard P. Blum  
Signature  
Mar. 14, 1995  
Date

Richard P. Blum  
(Captain, NY C.P.D. (ret.))

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Timothy Berfield  
Signature  
3/13/95  
Date

Timothy Berfield  
SG70 HAUERMAN  
Parma, Ohio 44130  
City of Maple Hts, Ohio  
Police Capt.

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Gary Hibbard  
Date 3-13-95

Chief Signature  
Gary Hibbard  
Hermitage, Arkansas

Yes, I join my fellow Lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

John W. Hammes Ret.  
Date 3-11-95

Signature  
Off. John W Hammes Ret.  
Las Vegas, Nevada

FIRST CLASS MAIL

Yes, I join with my fellow lawmen in petitioning for the 1995 parole of federal prisoner, Yorie Kahl.

Fredrick S. Heilmann  
Date 3-18-95

Signature  
Fredrick S. Heilmann (Rick)  
San Antonio, Texas

Fellow Officers,  
Sorry this is late. Don't give up and  
include your pack. I am with you!  
R.H.

Tr. App. 074

TELEPHONE CONFERENCE -- KAHL v. USA - Civil Case No.: A3-96-55

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U.S. District Court  
District of North Dakota (Southeastern)

CIVIL DOCKET FOR CASE #: 96-CV-55

Kahl v. USA

Filed: 04/16/96

Assigned to: Hon. Rodney S. Webb

Referred to: Hon. Karen K. Klein

Demand: \$0,000

Nature of Suit: 510

Lead Docket: None

Jurisdiction: US Defendant

Dkt# in other court: None

Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

YORIE VON KAHL  
petitioner

John W. DeCamp  
[COR LD NTC]  
DECAMP LEGAL SERVICES  
414 S 11TH ST  
LINCOLN, NE 68508  
402-475-0404

v.

USA  
respondent

LYNN CROOKS  
JOHN SCHNEIDER

---

BEFORE: Judge Rodney Webb  
COURT REPORTER: Doug Ketcham

DATE: Tues., May 7, 1996  
TIME: 10:15 AM

Telephone conference re: motion to recuse -

Kahl v. USA A3-96-55

Discussion held re: motion to recuse judges in North Dakota U.S. Court filed by Kahl. Counsel comment.

Judge Webb orders that the Judges in ND USDC be and are hereby disqualified.

USDC Judge John B. Jones from the district of South Dakota will act on the 2255 motion. The clerk's office is to communicate w/Judge Jones' chambers this date re: same. The chief judge for the Eighth Circuit authorized the reassignment of this mtn to Judge Jones.

Counsel comment further--Atty DeCamp notes that he would like to withdraw the present 2255 mtn that was filed and re-submit the motion so that he can "clean" it up. Judge Webb notes that Judge Jones should act on that motion.





MARK V. MEIERHENRY  
ATTORNEY GENERAL

STATE OF SOUTH DAKOTA  
DIVISION OF CRIMINAL INVESTIGATION

OFFICE OF ATTORNEY GENERAL  
CRIMINAL JUSTICE TRAINING CENTER  
PIERRE, SOUTH DAKOTA 57501  
PHONE (605) 773-3331

STATE DRUG ENFORCEMENT UNIT  
PHONE (605) 773-3766  
STATE RADIO COMMUNICATIONS  
PHONE (605) 773-3548

February 11, 1983

MEMORANDUM

TO: DCI & DEU Agents and [redacted] SD Highway Patrol  
FROM: [redacted] Intelligence Coordinator, DCI  
RE: POSSE COMITATUS Group

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On February 9, 1983, this Writer along with [redacted] and [redacted] of the South Dakota Highway Patrol, flew to Salina, Kansas, where we attended a law enforcement meeting which discussed the POSSE COMITATUS Movement. Below is a review of the information disseminated to law enforcement personnel at that meeting. Please feel free to discuss the contents of this memo with local law enforcement, but be hesitant in the general dissemination of this document.

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Over the past 10 years, there have been periodic formations of groups which are very "right wing." One such group has become known as the POSSE COMITATUS.

POSSE COMITATUS is Latin meaning "power of the county." There are several people, particularly in the Midwest who subscribe to the philosophy that county government is the only recognized form of government. These people do not recognize Federal and State governmental entities. Several years ago, an [redacted] a movement which called themselves "The Portland Identity Group." From this group evolved what is now known as POSSE COMITATUS.

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Any POSSE COMITATUS group can be started by a group of at least seven Christian men forming a charter. This charter includes the POSSE COMITATUS Constitution and Bylaws. All seven Christian males must be from the same county and this charter then must be filed with the County Clerk of Courts and with the Sheriff.

POSSE COMITATUS members recognize only county elected officials; therefore, they only recognize the Sheriff as the only legal law enforcement officer. The POSSE COMITATUS people feel that the Sheriff has the right to conscribe people from within the county to help him to enforce the laws. According to the POSSE COMITATUS philosophy, the Sheriff only has the right to call people. There have been occasions when followers of the POSSE COMITATUS have contacted the Sheriff's Offices and told the Sheriff "that he is now under  
Ph. App. 77

Page 2

DCI & DEU Agents and [REDACTED] SD Highway Patrol  
February 11, 1983

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b7c

the control of the POSSE COMITATUS." According to the POSSE COMITATUS philosophy, if the Sheriff does not act, then by natural law they can act in the name of the Sheriff.

Many members of the POSSE COMITATUS Group feel that the world is bordering on a complete financial collapse. Out of this collapse will arise one country which will control the entire world. They feel that no one in today's society is taking any direct steps to confront this future point in history. POSSE COMITATUS people state that they are now preparing for this eventual outcome and if necessary "will pick up the sword to prepare." There have been some members of the POSSE COMITATUS who have disseminated documents which specifies to the members that they are to be armed with one side arm (preferably Colt .45 semi-automatic weapon) and one shoulder weapon (preferably an M1 Garand 30-06 caliber). The POSSE COMITATUS Constitution states that only men can be members, but that wives can form auxiliary groups. It is strictly forbidden for women to be involved in any activity which might "endanger" them.

According to all known POSSE COMITATUS Constitutional Bylaws, each member must swear to conform to "the spirit," of the US Constitution, State Constitution and to the POSSE COMITATUS oath. Each chartered group will then elect a commander and an executive commander within that chartered group. Law enforcement has been able to link the POSSE COMITATUS Group with the following groups:

1. Christian Defense League
2. United Clans of America (KKK)
3. Minutemen
4. Tax Protestors and Reform Movement

The POSSE COMITATUS is infamous for being involved in a number of different activities. Some of these activities are listed below:

They maintain that the US currency is not any good.

They refuse to buy license plates.

They use their own form of currency which they call Public Office Money Certificates.

They conduct schools explaining how to evade Federal and State Taxes.

They will start "one member" churches which they will use to avoid paying taxes.

They file frivolous law suits, create phony indictments against public officials, file phony liens on property of public officials.

They conduct paramilitary training.

Those who are the radicals within this organization advocate the killing of Jews, Blacks, bankers and Federal Agents.

They protest farm foreclosure sales.

In the first quarter of 1982, the Colorado Springs Police Department began an investigation into certain members' activities concerning their membership in the POSSE COMITATUS. That investigation has led to five indictments.

The Colorado Springs investigation revealed that the POSSE COMITATUS people in that area have attended paramilitary training in Colorado and Kansas. During the course of this training, they were shown how to make bombs, how to stockpile guns and ammunition and the making of moonshine.

Tr. App. 078

Page 3

DCI, 6 DEU Agents and [redacted] SD Highway Patrol  
February 11, 1983b6  
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Colorado Springs Police Department, along with the cooperation from other Colorado law enforcement agencies and Kansas law enforcement agencies, did execute a series of search warrants. Several stockpiles of ammunition was found. Also found were explosives.

The Colorado Springs Police Department, in conjunction with an undercover agent did purchase 20 homemade bombs from members of the POSSE COMITATUS. These bombs were constructed of plastic plumbing pipe, ammonia nitrate, fuses and caps. The fortunate thing is that these people had failed to put an accelerant with the fertilizer. Also recovered were some homemade C4 explosives. According to Colorado officials these explosives were made from petroleum jelly, paraffin wax and black powder. This mixture was found to be very unstable and the quality of the explosive itself was questionable.

The Colorado Springs Police Department's investigation further revealed that many members of their POSSE COMITATUS Group were forming an intercell known as the Search of the Great Republic. It is believed that this group was formed merely to create a tax shelter.

The Colorado POSSE COMITATUS Group also was found to be associating with certain radicals within in the American Agricultural Movement.

At the meeting in Salina, Mark Spray, Chief of Police of Colby, KS, advised that they were able to infiltrate a group of POSSE COMITATUS members. Their informant did partake of certain paramilitary training offered to members in that area. The paramilitary training is basically taught by former military individuals who have been discharged from the Special Services section of the Army. They stressed survivalism and making use of that equipment that is easy to acquire through your local grocer and drug stores. This group mainly taught the use of camouflage, making of explosives, the formation of kill teams or small squads, nighttime warfare, the use of household poisons, the establishing of effective ambushes, how to legally acquire blasting permits and all members were encouraged to acquire large amounts of reloading equipment and the acquisition of highpowered rifles with telescopic scopes. Chief Spray further advised that they have come across documents explaining how to construct explosives from potassium chloride, petroleum jelly and a piece of metal. He stated that once the potassium chloride is mixed with the petroleum jelly, it is heated. It is then spread on a piece of bent metal and sealed with paraffin wax. He stated that this has the same effect as the military Claymore mine.

A Sheriff from northeast Colorado, explained an incident that they had with certain radical movement in the POSSE COMITATUS. He stated that one of the members of the POSSE COMITATUS Group in his area was forced to sell on a Sheriff's foreclosure sale. He stated that approximately 200 people protested the sale. Only approximately 20 to 30% of the people present at the sale were local people. A large percentage of the people had come from Missouri. At the time of the sale, they were all gathered at the Courthouse. During the course of the sale, they charged the Courthouse in an attempt to take control of the building. A scuffle ensued. He stated that he had received previous information which led him to believe that there may have been a disturbance; therefore, he had several riot equipped officers inside the Courthouse. The riot squad drove the group from the front of the Courthouse and then teargas was used to disperse the group. He stated that they are in the process of attempting to identify as many members as possible who partook in the riot situation in the hopes of charging them. It is his belief.

Page 4

DCI &amp; DEU Agents and [redacted] SD Highway Patrol

February 11, 1983

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feeling that the group targeted him because of his department which consisted only of four officers. He was confident that they were unaware that he had obtained additional help and had them standing by within the confinements of the Courthouse.

The POSSE COMITATUS Group today is led by an individual from California, known as [redacted]. He is a retired [redacted]. He is VERY right wing and professes the overthrow of the government as how it is today. He also professes survivalism. He is convinced that in the case of a nuclear attack, or in a financial collapse, the city dwellers will flee to the country and the only way to survive is to be adequately equipped with food, weapons and other survival necessities. He generates a lot of circulation among POSSE COMITATUS members.

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In looking at the profile of a radical POSSE COMITATUS member, we find that they are "dedicated idealists, many have past military training, very few have criminal records, they believe in the stockpiling of weapons and other survival necessities and they have a very limited viewpoint. The leader within the group is usually a good speaker, with somewhat of a charismatic personality."

POSSE COMITATUS groups have been identified in the following states: Wisconsin, Oregon, Arkansas, Idaho, Kansas, Missouri, California, Colorado, Washington, Florida, Iowa, Nebraska, Utah, Ohio, Maryland, North Carolina and Illinois.

The POSSE COMITATUS members have been known to physically threaten Federal and State officials, forge documents, and proclaim the overthrow of the government. Many of the radical's philosophy is very similar to that of the Ku Klux Klan.

It is the general consensus of law enforcement that due to the economic times there is a likelihood of many farm foreclosures. The POSSE COMITATUS is an instigator in the protests surrounding such foreclosure sales.

Agents should attempt to set up a communication with the county sheriffs in an effort to determine if there are any people living within the confines of the county who would subscribe to such a philosophy. Many of these people are vocal in their feelings and will often times show this by displaying bumper stickers. One such popular bumper sticker is "End Organized Crime, Do Away with IRS." If at all possible, agents should check out any large acquisition of weapons or ammunition or loading supplies within their area. Attempt to moderate farm foreclosures within your area.

If any such instances should occur within the state, it would be appreciated that all intelligence information be gathered and furnished to other law enforcement agencies in the case of similar activities.

DEG/plg

Tr. App. 080

62147 (S)B-81

## CRIMINAL INVESTIGATIVE DIVISION

INFORMATIVE NOTE

Date 2/14/83

GORDON W. KAHL - FUGITIVE (A);  
 YORI VON KAHL; SCOTT ALLEN FAUL -  
 Re: FUGITIVE (A); VERNON WAGNER; DAVID BROER;  
 Kenneth Muir (DECEASED), U.S. Marshal,  
 District of North Dakota - VICTIM;  
 Robert S. Chesire (DECEASED), Deputy  
 U.S. Marshal - VICTIM; James Hopson,  
 Deputy U.S. Marshal - VICTIM;  
 Carl Wigglesworth, Deputy U.S. Marshal -  
 VICTIM; ASSAULTING A FEDERAL OFFICER;  
 KILLING A FEDERAL OFFICER; OO: MP

Attached MPtel reports a gun battle which occurred approximately 6:00 p.m., 2/13/82, at Medina, Stutsman County, ND, between subjects and U.S. Marshals (USM). The Marshals, assisted by local authorities, were attempting to arrest Gordon W. Kahl, WMA, born 1/8/20, in North Dakota, for probation violation. The law enforcement officers had established a roadblock and stopped a car occupied by the five subjects. The subjects, believed to have been armed with a Colt AR-15 machine gun, 12 gauge shotgun, and a .357 magnum revolver, opened fire on the Marshals and officers resulting in the deaths of USM Kenneth Muir, Deputy USM Robert S. Chesire, and wounding of Deputy USM James Hopson; Deputy USM Carl Wigglesworth was not injured. Subjects fled the scene in two cars, one of which was police car of Medina Chief of Police and has not been located; second vehicle was recovered.

1 - Mr. Colwell	1 - Mr. Gilbert
1 - Mr. Otto	1 - Mr. Clarke
1 - Mr. Young	1 - Mr. Schreiber
1 - Mr. Revell	1 - [REDACTED]
1 - Mr. S. Andrews	1 - [REDACTED]

CONTINUED-OVER

SEE REVERSE  
 SIDE FOR  
 CLASSIFICATION  
 ACTION

To App. 081

U.S. Attorney Rodney S. Webb, Fargo, ND, authorized prosecution of all subjects for violation of Title 18, U.S. Code, Sections 111, 114, and 2231 (Assaulting Federal Officer; Killing Federal Officer; Assault or Resistance). Subject Yori Von Kahl (Gordon Kahl's son) appeared at Jamestown Hospital, Jamestown, ND, for treatment of injuries and was taken into custody. A massive manhunt is underway by USMS, FBI, state and local authorities to apprehend the remaining subjects. SAC and additional Agents from Minneapolis are enroute to scene and will insure intensive investigation.

By way of background, Gordon W. Kahl is the reported leader of a militant tax protest group called "Posse Comitatus". Kahl's identification record, FBI # 209 851 R4, shows he was convicted on 6/22/77, for failure to file an income tax return, and sentenced to one year confinement and five years probation. Kahl was received at the U.S. Penitentiary, Leavenworth, Kansas, on the same date, 6/22/77. He was subsequently released and on 3/30/81, was charged in a Federal warrant with violating the terms of his probation.

Bureau indices contain various references to Kahl and his tax protest group. Same will be promptly reviewed for background and lead information.

On 2/14/83, at 10:20 a.m., ASAC Joseph D. Powell, MP, telephonically advised subjects Vernon Wagner and David Broer are in custody following their arrests at their residences in Streeter, ND. The identity of the arresting agency is not available at this time. ASAC Powell added that the wife (not yet identified) of Yori Von Kahl was also taken into custody when she accompanied Yori to the Jamestown Hospital for treatment.

ASAC Powell advised that this incident began when USM and local authorities developed information that Gordon W. Kahl was in the Medina area to attend a tax protest group meeting. The law enforcement officers set up a roadblock north of Medina to apprehend Kahl when he left the meeting. An individual (not identified) saw the roadblock and reported it to Kahl and other persons at the meeting. Kahl and others then traveled to the roadblock in two cars to provoke a confrontation. The gun battle described above occurred during this confrontation.

b7c On 2/14/83, SA [redacted] Minneapolis Division, telephonically advised that in addition to the aforementioned victims, Deputy Sheriff Brad Kapp, Stutsman County Sheriff's Office and Medina Police Department Officer Steve Schnable were wounded at the roadblock shoot out. Kapp was wounded in the hand and lost one or more fingers; Schnable was wounded in the thigh. Both officers are in satisfactory condition. Investigation continuing.

*[Handwritten signatures and initials on the left side of the page]*

APPROVER: <i>[Signature]</i>	Adm. Servs. <i>[Signature]</i>	Laboratory _____
Director _____	Crim. Inv. <i>[Signature]</i>	Ident. Div. _____
Exec. AD-1 _____	_____	_____
Exec. AD-2 _____	_____	_____
Exec. AD-3 _____	_____	_____

INFORM E NOTE

Date 2/15/83

Re: GORDON WENDELL KAHL - FUGITIVE (A);  
YORIVON KAHL;  
SCOTT WILLIAM FAUL;  
VERNON WAGNER; DAVID BROER;  
KENNETH MUIR (DECEASED),  
U.S. MARSHAL,  
DISTRICT OF NORTH DAKOTA - VICTIM;  
ROBERT S. CHESHIRE (DECEASED),  
DEPUTY U.S. MARSHAL - VICTIM;  
JAMES HOPSON,  
DEPUTY U.S. MARSHAL - VICTIM;  
CARL WIGGLESWORTH,  
DEPUTY U.S. MARSHAL - VICTIM;  
ASSAULTING A FEDERAL OFFICER;  
KILLING A FEDERAL OFFICER;  
OO: MINNEAPOLIS

SEE REVERSE  
SIDE FOR  
CLASSIFICATION  
ACTION

Attached Minneapolis teletype reports the events leading to the gun battle on 2/13/83; the recovery of the stolen police car; background on subject Kahl; [redacted]

The gun battle evolved from information received by the U.S. Marshal Service (USMS) that Gordon Kahl was to attend a meeting of tax protestors in Medina, North Dakota, on 2/13/83. A roadblock was set up in the vicinity but reportedly someone advised the tax protest meeting that the roadblock was being set up.

- 1 - Mr. Colwell
- 1 - Mr. Otto
- 1 - Mr. Young
- 1 - Mr. Revell
- 1 - Mr. S. Andrews
- 1 - Mr. Clarke
- 1 - Mr. Gilbert
- 1 - Mr. Schreiber
- 1 - [redacted]

[redacted] arrived at 1:30 PM  
This USMS is highly skilled with degree of cooperation being extended by FBI in this matter  
b2 89-5436-14



Following this, the subject, in two cars, proceeded directly to the roadblock location where a confrontation developed leading to the exchange of gunfire. The two victim USMS personnel were killed, Deputy USM Hopson was wounded in the head and other officers received superficial wounds.

Subject Gordon Wendell Kahl is a USMS probation violator fugitive from the District of Texas. He has a history of involvement with tax protestors and has served time in a Federal prison as a tax violator. He has publicly stated in effect that "World War III will break out" in an attempt to arrest him.

b7D

Information has been received that



The Medina, North Dakota, police department car stolen during the gun battle has been located in the vicinity of Harvey, North Dakota, which is in the vicinity of subject Gordon Kahl's farm. Arrest and search Warrants being obtained.

Investigation continuing and is being conducted jointly with USMS personnel whenever possible.

b7C

On 2/15/83, at approximately 8:35 a.m., SSRA [redacted] Bismarck, N.D., RA, MP Division, telephonically furnished the following additional information to John J. Schreiber, Chief, Personal and Property Crimes Section, CID:

Subject Scott William Faul, with his attorney, surrendered to local authorities at Fessenden, N.D., at approximately 12:30 a.m., 2/15/83



b7D

Tr. App. 085

b7c



USA Rodney S. Webb, N.D., authorized complaints to be filed against all subjects in this matter charging each of them with the following violations:

- Title 18, USC, Section 1111 - Murder
- 1114 - Protection of Officers and Employees of the United States
  - 2 - Aiding and Abetting
  - 3 - Accessory after the Fact
  - 4 - Misprison of Felony
- 111 - Assaulting Federal Officer

Joan Kahl, wife of subject Yorivon Kahl, has been added as a subject in this matter, and has been charged with all of the above violations. Yorivon and Joan Kahl were previously taken into custody at Jamestown Hospital when he sought medical attention for his injuries. (Note the correct spelling Yorivon as one word rather than two.)

Law enforcement personnel participating in this matter are to execute a search warrant early Tuesday morning 2/15/83, in an effort to locate Gordon W. Kahl. MP will promptly inform FBIHQ of results.

Investigation continuing.



b7c

APPROVED:

Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Laboratory \_\_\_\_\_

Director \_\_\_\_\_  
Exec. AD \_\_\_\_\_  
Exec. AD \_\_\_\_\_  
Exec. AD \_\_\_\_\_

To App. 086

PRIORITY

\*SIPP Y10 Y17 RUEATRSY23 H0007 048084504EIP 170153Z FEB 83

FM DIRECTOR FBI  
TO Y10/U.S. SECRET SERVICE  
Y17/BUREAU OF ALCOHOL TOBACCO FIREARMS  
INTERNAL REVENUE SERVICE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/2/85 BY 91NS-C  
259.

BT

U N C L A S E F T O I

GORDON WENDELL KAHL, AKA GORDON W. KAHL - FUGITIVE (A);  
YORIVON KAHL; JOAN KAHL; SCOTT WILLIAM FAUL; DAVID RONALD  
BROER, AKA DAVID RONALD BREWER; VERNON ALLAN WEGNER; KENNETH  
B. MUIR (DECEASED), U.S. MARSHAL, DISTRICT OF NORTH DAKOTA -  
VICTIM; ROBERT S. CHESHIRE (DECEASED), DEPUTY U.S. MARSHAL -  
VICTIM; JAMES HOPSON, DEPUTY U.S. MARSHAL - VICTIM;  
KARL WIGGLESWORTH, DEPUTY U.S. MARSHAL - VICTIM; ASSAULTING A  
FEDERAL OFFICER; KILLING A FEDERAL OFFICER.

AS YOU ARE AWARE, A GUN BATTLE OCCURRED ON FEBRUARY 13,  
1983, AT MEDINA, NORTH DAKOTA, BETWEEN CAPTIONED SUBJECTS AND  
U.S. MARSHALS (USM). THE MARSHALS, ASSISTED BY LOCAL

*[Handwritten initials]*

*b7c*  
[Redacted]

2-16-83

*b2*  
[Redacted]

- 1 - MR. REVELL
- 1 - MR. GILBERT
- 1 - MR. SCHREIBER
- 1 - [Redacted]
- 1 - [Redacted]
- 1 - [Redacted]
- 1 - [Redacted]

*b7c*

DE-35 89-5436-21  
SEE NOTE PAGE SIX

9 FEB 1983

*[Handwritten initials]*

992176

Tr. App. 087

DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATION MESSAGE FORM

PAGE 2

CONTINUATION SHEET

PAGE TWO: 423 0007 UNCLAS E F T O

AUTHORITIES, WERE ATTEMPTING TO ARREST GORDON WENDELL KAHL, A WHITE MALE AMERICAN, BORN JANUARY 8, 1920, IN NORTH DAKOTA, FOR PROBATION VIOLATION. THE LAW ENFORCEMENT OFFICERS HAD ESTABLISHED A ROAD BLOCK AND STOPPED A CAR OCCUPIED BY THE SUBJECTS. THE SUBJECTS, BELIEVED TO HAVE BEEN ARMED WITH A COLT AR-15 MACHINE GUN, A TWELVE GAUGE SHOTGUN, AND A .357 MAGNUM REVOLVER, OPENED FIRE ON THE MARSHALS AND OFFICERS RESULTING IN THE DEATHS OF U.S. MARSHAL KENNETH MUIR, DEPUTY U.S. MARSHAL ROBERT S. CHESHIRE, AND THE WOUNDING OF DEPUTY U.S. MARSHAL JAMES HOPSON.

THE U.S. ATTORNEY IN FARGO, NORTH DAKOTA, HAS AUTHORIZED PROSECUTION OF ALL SUBJECTS FOR VIOLATION OF TITLE 18, U.S. CODE, SECTIONS 111, 1114, AND 2231 (ASSAULTING FEDERAL OFFICER; KILLING FEDERAL OFFICER; ASSAULT OR RESISTANCE).

ALL SUBJECTS WITH THE EXCEPTION OF GORDON KAHL ARE CURRENTLY IN CUSTODY, HAVING EITHER BEEN ARRESTED OR SURRENDERED. AT THE PRESENT TIME INTENSIVE INVESTIGATION IS BEING CONDUCTED BY THIS BUREAU TO LOCATE AND APPREHEND THE REMAINING SUBJECT GORDON W. KAHL FOR THE VIOLATIONS SET FORTH ABOVE.

DO NOT TYPE MESSAGE BELOW THIS LINE

DO NOT TYPE PAST THIS LINE

Tr. App. 088

0-93A (7-19-77)

DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATION MESSAGE FORM

PAGE

3

CONTINUATION SHEET

PAGE THREE Y23 0007 UNCLAS E F T O

BY WAY OF BACKGROUND GORDON W. KAHL IS THE REPORTED  
LEADER OF MILITANT TAX PROTEST GROUP CALLED "SHERIFF'S  
POSSE COMITATUS." KAHL'S IDENTIFICATION RECORD, FBI NUMBER  
209 851 R4, SHOWS HE WAS CONVICTED ON JUNE 22, 1977, FOR  
FAILURE TO FILE AN INCOME TAX RETURN, AND SENTENCED TO  
ONE YEAR CONFINEMENT AND FIVE YEARS PROBATION. KAHL WAS  
SUBSEQUENTLY RELEASED AND ON MARCH 30, 1981, WAS CHARGED IN  
A FEDERAL WARRANT WITH VIOLATING THE TERMS OF HIS PROBATION.

THE SHERIFF'S POSSE COMITATUS IS A LOOSE-KNIT NATIONWIDE  
ORGANIZATION ESTABLISHED IN PORTLAND, OREGON, IN 1973, BY  
PORTLAND RESIDENT HENRY LEMONT (MIKE) BEACH. THE SHERIFF'S  
POSSE COMITATUS IS A NONAFFILIATED OFFSHOOT OF THE "IDENTITY  
GROUP", A CALIFORNIA BASED TAX REBELLION ORGANIZATION.

THE SHERIFF'S POSSE COMITATUS CALLS FOR THE ESTABLISHMENT  
OF A POSSE IN EACH COUNTY TO ASSIST THE COUNTY SHERIFF, WHO IN  
THEIR VIEW, IS THE ONLY LEGITIMATE LAW ENFORCEMENT AUTHORITY,  
IN COMBATING THE UNLAWFUL ACTS OF OTHERS, PARTICULARLY FEDERAL  
AND STATE OFFICERS. INFORMATION AVAILABLE TO THE FBI  
INDICATES THAT SOME MEMBERS OF THE SHERIFF'S POSSE COMITATUS  
HAVE VOICED HATRED FOR JEWS AND BLACKS, ADVOCATED THE

DO NOT TYPE MESSAGE BELOW THIS LINE

To App. 089

*E*

*9*

DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATION MESSAGE FORM

PAGE 4

CONTINUATION SHEET

PAGE FOUR D#423 0007 UNCLAS E F T O

ASSASSINATION OF FEDERAL LAW ENFORCEMENT AGENTS, AND HAVE  
ENGAGED IN ACTS OF PROVOCATION AND ASSAULT AGAINST FEDERAL  
AND OTHER LAW ENFORCEMENT OFFICIALS.

THE FBI IS PRESENTLY PREPARING A NATIONAL THREAT  
ASSESSMENT FOR THE SHERIFF'S POSSE COMITATUS, WHICH WILL INCLUDE  
A HISTORY OF THE GROUP'S VIOLENCE, AND THE VIOLENCE OF ITS  
INDIVIDUAL MEMBERS. FILES OF THIS BUREAU INDICATE THAT  
OFFICIALS OF RECEIVING AGENCIES HAVE HAD CONTACT WITH THE  
SHERIFF'S POSSE COMITATUS AND SOME OF ITS MEMBERS IN THE PAST.  
IN ORDER TO MAKE THE ESTIMATE AS COMPREHENSIVE AS POSSIBLE,  
RECEIVING AGENCIES ARE REQUESTED TO FURNISH A SUMMARY OF  
INFORMATION IN THEIR FILES REGARDING THE SHERIFF'S POSSE  
COMITATUS AND GORDON W. KAHL. RECEIVING AGENCIES ARE ALSO  
REQUESTED TO FURNISH ANY INFORMATION WHICH WOULD BE OF LEAD  
VALUE IN THE LOCATION AND APPREHENSION OF SUBJECT KAHL.

THE ATTORNEY GENERAL OF THE UNITED STATES HAS ORDERED  
THIS INVESTIGATION BE AFFORDED THE HIGHEST PRIORITY AND ALL  
LEADS GIVEN IMMEDIATE ATTENTION.

WHEN PREPARED, SUMMARIES SHOULD BE DIRECTED TO THE  
TERRORIST RESEARCH AND ANALYTICAL CENTER, TERRORISM SECTION,

DO NOT TYPE MESSAGE BELOW THIS LINE

Tr. App. 090

DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATION MESSAGE FORM

93A 67-19-77

0

3

PAGE 5

CONTINUATION SHEET

PAGE FIVE Y23 DDD7 UNCLAS E F T O

CRIMINAL INVESTIGATIVE DIVISION, FBI HEADQUARTERS,

WASHINGTON, D.C.

INQUIRIES CONCERNING THIS REQUEST SHOULD BE DIRECTED  
TO THE TERRORIST RESEARCH AND ANALYTICAL CENTER, [REDACTED]

[REDACTED] FBI HEADQUARTERS.

b2

SUBJECT KAHL SHOULD BE CONSIDERED ARMED AND EXTREMELY  
DANGEROUS IN VIEW OF THE VIOLENT NATURE OF THE CRIME WITH  
WHICH HE IS CHARGED.

BT

DO NOT TYPE MESSAGE BELOW THIS LINE

Tr. App. 091

NOTE: ON FEBRUARY 16, 1983, ASSISTANT DIRECTOR, CRIMINAL INVESTIGATIVE DIVISION, DIRECTED THE TERRORISM SECTION TO EXPEDITIOUSLY PREPARE A NATIONAL THREAT ASSESSMENT CONCERNING THE SHERIFF'S POSSE COMITATUS, WHOSE MEMBERS ARE ALLEGED TO HAVE BEEN INVOLVED IN THE KILLING OF TWO U.S. MARSHALS ON FEBRUARY 13, 1983. THE ABOVE ASSESSMENT IS TO INCLUDE INFORMATION FROM BUREAU OF ALCOHOL TOBACCO FIREARMS, U.S. SECRET SERVICE, AND INTERNAL REVENUE SERVICE. ATTACHED TELETYPE SETS FORTH REQUESTS TO THOSE AGENCIES FOR SUMMARIES OF INFORMATION IN THEIR FILES REGARDING THE SHERIFF'S POSSE COMITATUS.

*Handwritten marks:*  
A large checkmark at the top left.  
A 'W' below it.  
An 'H' below that.  
A signature-like scribble to the right of the 'H'.

APPROVED:	Adm. Serv. _____	Ident. _____
	Cr. Inv. _____	Intell. _____
Director _____		
Exec. AD _____		
Exec. AD _____		
Exec. AD _____		



DO HQ IP KC OM

RECEIVED  
TELETYPE UNIT

DE MP 0003

16 FEB 83 20 17Z

O 162034Z FEB 83

FEDERAL BUREAU  
OF INVESTIGATION

FM MINNEAPOLIS (89B-388) (P)

TO DIRECTOR IMMEDIATE

EL PASO IMMEDIATE

KANSAS CITY IMMEDIATE

OMAHA IMMEDIATE

BT

FUGITIVE INDEX

UNCLAS

GORDON WENDELL KAHL, AKA GORDON W. KAHL - FUGITIVE (A);

ET AL; KENNETH B. MULB (DECEASED), U.S. MARSHAL, DISTRICT OF

NORTH DAKOTA - VICTIM; ET AL; AFO; KFO. OO: MINNEAPOLIS.

RE MINNEAPOLIS TELETYPE TO THE BUREAU FEBRUARY 15, 1983,  
BUREAU TELETYPE TO ALL FBI FIELD OFFICES DATED FEBRUARY 14, 1983.

FOR INFORMATION OF RECEIVING OFFICES, SUBJECT KAHL'S FARM  
HOUSE RESIDENCE, HEATON, NORTH DAKOTA ENTERED AND SEARCHED ON  
FEBRUARY 15, 1983 AND KAHL NOT LOCATED, AND THUS CONTINUES IN  
FUGITIVE STATUS.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/2/95 BY 9145-CJ-SD  
259.517

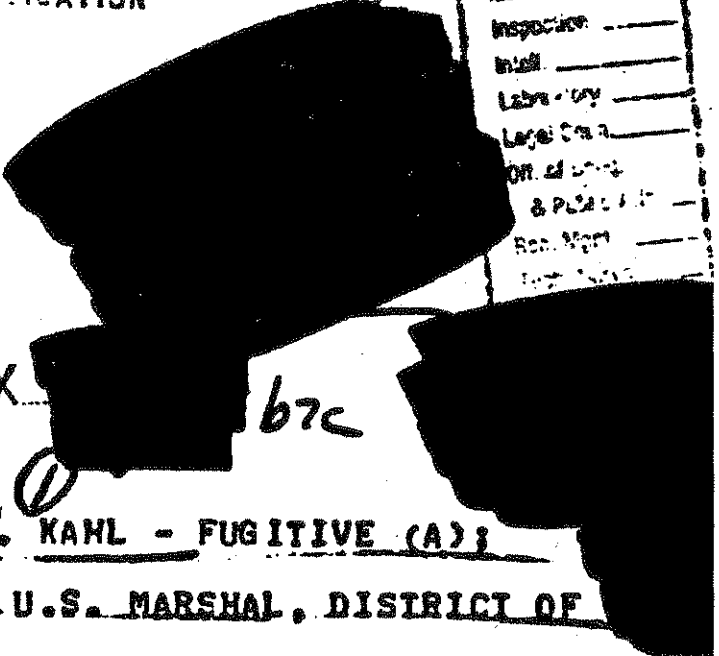
DE-88 89 5436-22

FEB 23 1983

*[Handwritten signature]*  
002

To App. 093

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

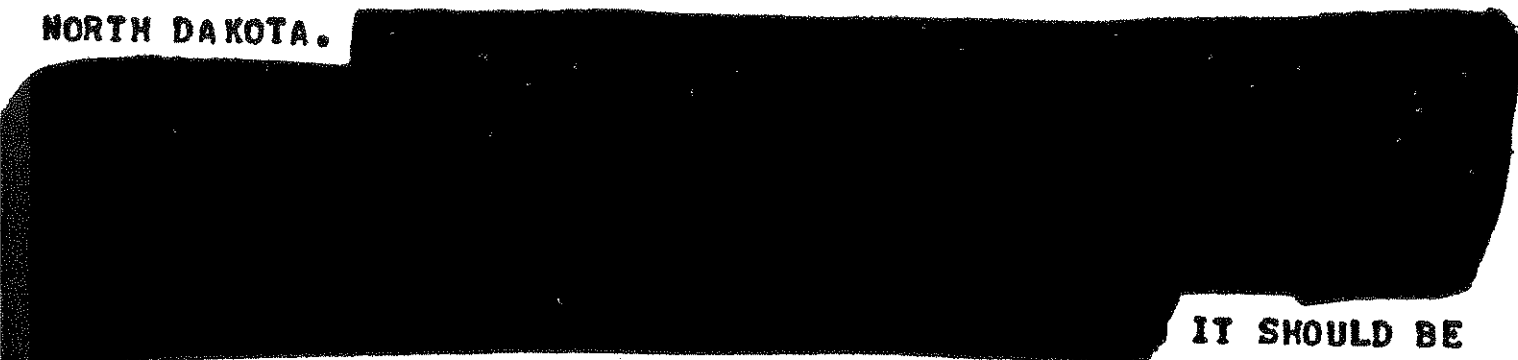


PAGE TWO

MP 898-388

UNCLAS

SUBJECT'S WIFE JOAN KAHL ARRESTED FEBRUARY 14, 1983 IN  
NORTH DAKOTA.

 b  
IT SHOULD BE  
NOTED THAT LAST KNOWN ADDRESS FOR GORDON KAHL IS 1302 VIVIAN  
STREET, CRANE, TEXAS AND THAT KAHL'S DAUGHTER LORNA, ADKINS,  
SUPPOSEDLY RESIDES IN CRANE.

ON FEBRUARY 15, 1983 OMAHA DIVISION ADVISED THAT

PAGE THREE MP 89B-388 UNCLAS

FOR INFORMATION OF KANSAS CITY, KAHL PREVIOUSLY INCARCERATED U.S. PENITENTIARY, LEAVENWORTH AND U.S. MEDICAL CENTER, SPRINGFIELD, MISSOURI. BUREAU OF PRISONS HAS DETERMINED THAT KAHL'S RECORDS ARE CURRENTLY IN FEDERAL RECORD CENTER, KANSAS CITY, MISSOURI.

FOR INFORMATION OF EL PASO, KAHL PREVIOUSLY ON PROBATION, AND WAS A U.S. MARSHAL SERVICE FUGITIVE FOR PROBATION VIOLATION AT TIME OF NORTH DAKOTA SHOOTING. LAST KNOWN U.S. PROBATION OFFICE WAS EL PASO.

KAHL IS DESCRIBED AS A WHITE MALE, DOB JANUARY 8, 1920, ALSO USES JANUARY 1, 1920 AND JANUARY 3, 1920, PLACE OF BIRTH NORTH DAKOTA, 5'7", 160 POUNDS, WHITE HAIR (BALDING), HAZEL EYES, FBI NUMBER 209 851 BA.

FEDERAL WARRANT FOR KAHL ISSUED FEBRUARY 14, 1983 BY U.S. MAGISTRATE WILLIAM A. HILL, DISTRICT OF NORTH DAKOTA, FARGO, NORTH DAKOTA CHARGING KAHL WITH AFO AND MFO, AS WELL AS OTHER ASSOCIATED VIOLATIONS OF TITLE 18, U.S. CODE.

TG App. 095

PAGE FOUR MP 89B-388 UNCLAS

KAHL IS A MEMBER OF SHERIFF'S POSSE COMITATUS (SPC), AKA POSSE COMITATUS, WHICH IS AN OFF-SHOOT OF ORGANIZATIONS KNOWN AS CITIZENS LAW ENFORCEMENT RESEARCH COMMITTEE (CLERC) AND THE IDENTITY GROUP (IG). SPC CALLS FOR THE ESTABLISHMENT OF A POSSE IN EACH COUNTY TO ASSIST THE ONLY LEGITIMATE LAW ENFORCEMENT AUTHORITY, THE COUNTY SHERIFF, IN COMBATING THE UNLAWFUL ACTS OF OTHERS, PARTICULARLY FEDERAL AND STATE OFFICERS. ONE OR MORE OF THESE GROUPS HAVE VOICED HATRED FOR JEWS AND BLACKS AND ADVOCATE THE ASSASSINATION OF FEDERAL LAW ENFORCEMENT AGENTS, AND HAVE ENGAGED IN ACTS OF PROVOCATION AND ASSAULT AGAINST FEDERAL AND OTHER LAW ENFORCEMENT OFFICERS IN THE PAST.

ALL RECEIVING OFFICES SHOULD NOTE THAT ALL INVESTIGATION IN THIS MATTER IS TO BE HANDLED JOINTLY WITH U.S. MARSHAL SERVICE (USMS) WHENEVER POSSIBLE. IF USMS PERSONNEL ARE UNABLE TO PARTICIPATE IN ANY INVESTIGATION, USMS IS TO BE PROMPTLY ADVISED OF THE INVESTIGATION AND TO BE KEPT FULLY APPRISED OF THE RESULTS. THIS INSTRUCTION; I.E., COMPLETE JOINT INVESTIGATION WITH USMS IS TO BE INCLUDED IN EACH COMMUNICATION RELATING TO THIS INVESTIGATION. FOLLOWING LEADS ARE BEING SET FORTH IN EFFORT TO DEVELOP COMPLETE AND IN-DEPTH BACKGROUND INFO RE KAHL, HIS FAMILY, RELATIVES, ASSOCIATES AND ACTIVITIES.

Tr. App. 096

PAGE FIVE

MP 89B-388

UNCLAS



b7D

b7C

EL PASO, AT EL PASO, TEXAS, CONTACT U.S. PROBATION OFFICE IN AN EFFORT TO LOCATE KAHL'S PROBATION FILE, AND IF LOCATED, REVIEW FOR PERTINENT BACKGROUND INFORMATION TO INCLUDE MOST RECENT PHOTOGRAPH OF KAHL.



b7C  
b7D

AS TO KNOWLEDGE TO CURRENT LOCATION FOR KAHL

KANSAS CITY, AT KANSAS CITY, MISSOURI, AT FEDERAL RECORD CENTER, LOCATE AND REVIEW U.S. BUREAU OF PRISON RECORD FOR KAHL IN AN EFFORT TO DEVELOP PERTINENT BACKGROUND INFORMATION AS WELL AS CURRENT PHOTOGRAPH OF KAHL.

Tr. App. 097

PAGE SIX

MP 89B-388

UNCLAS

[REDACTED]

OBTAIN BACKGROUND INFORMATION AS WELL AS CURRENT LOCATION OF  
KAHL. T.

[REDACTED]

OBTAIN APPROPRIATE BACKGROUND  
INFORMATION TO INCLUDE CURRENT LOCATION OF SUBJECT KAHL. [REDACTED]

[REDACTED]

ARMED AND EXTREMELY DANGEROUS.

BT

Tr. App. 098

DO-7

OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

TO

OFFICIAL INDICATED BELOW

- Mr. Colwell \_\_\_\_\_ ( )
- Mr. Mullen \_\_\_\_\_ ( )
- Mr. Otto \_\_\_\_\_ ( )
- Mr. Bayse \_\_\_\_\_ ( )
- Mr. Geer \_\_\_\_\_ ( )
- Mr. Glover \_\_\_\_\_ ( )
- Mr. Groover \_\_\_\_\_ ( )
- Mr. McKenzie \_\_\_\_\_ ( )
- Mr. Mintz \_\_\_\_\_ ( )
- Mr. Monroe \_\_\_\_\_ ( )
- Mr. O'Malley \_\_\_\_\_ ( )
- Mr. Revell \_\_\_\_\_ ( )
- Mr. Stames \_\_\_\_\_ ( )
- Mr. Young \_\_\_\_\_ ( )
- Mr. Horis \_\_\_\_\_ ( )
- Mr. Andrews \_\_\_\_\_ ( )
- Mr. Gants \_\_\_\_\_ ( )
- Tele. Room \_\_\_\_\_ ( )
- Miss Devine \_\_\_\_\_ ( )

*Under proposed  
guidelines  
want her to  
interested  
in this org*

- See Me \_\_\_\_\_ ( )
- Note and return \_\_\_\_\_ ( )
- Prepare reply and return for my signature \_\_\_\_\_ ( )
- Please Handle \_\_\_\_\_ ( )
- Respond over your signature \_\_\_\_\_ ( )
- Prepare memo for the Department \_\_\_\_\_ ( )
- For your recommendation \_\_\_\_\_ ( )

*(Answered  
by OBR)*

What are the facts? \_\_\_\_\_

Held \_\_\_\_\_

Remarks: \_\_\_\_\_

**ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED**

**DATE 2/2/85 BY 9415-CL/SC  
259-5711**

FBI/DOJ

Tr. App. 099

OFFICE OF DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

February 17, 1983

Judge:

You sent me a copy of a teletype concerning the murder of the U. S. Marshal in North Dakota, which makes reference to the Sheriff's Posse Comitatus. You asked, "Under proposed guidelines would we be interested in this organization?"

The answer is -- yes. On the facts available to us at this time, it certainly is reasonable to assume that Gordon Kahl, the fugitive in this case, and others "are engaged in an enterprise for the purpose of furthering political...goals wholly or in part through activities that involve force or violence and" a violation of federal law. According to the teletype, members of Posse Comitatus have "voiced hatred for Jews and Blacks, advocated the assassination of federal law enforcement agents, and have engaged in acts of provocation and assault against federal and other law enforcement officials. Kahl was identified as a leader of the Crane, Texas, chapter of the SPC, a hard-core group rumored to have numerous weapons and ammunition at their disposal.

In fact, Attorney General Levi approved a full investigation of this organization on 10/14/76 on the basis of information that the group members had "committed assaults, held a federal agent captive, taken over private property and other similar acts." Group members had "threatened federal

- Mr. Colwell \_\_\_\_\_
- Mr. Mullen \_\_\_\_\_
- Mr. Otto \_\_\_\_\_
- Mr. Bayse \_\_\_\_\_
- Mr. Geer \_\_\_\_\_
- Mr. Glover \_\_\_\_\_
- Mr. Groover \_\_\_\_\_
- Mr. McKenzie \_\_\_\_\_
- Mr. Mintz \_\_\_\_\_
- Mr. Monroe \_\_\_\_\_
- Mr. O'Malley \_\_\_\_\_
- Mr. Revell \_\_\_\_\_
- Mr. Stames \_\_\_\_\_
- Mr. Young \_\_\_\_\_
- Mr. Haynes \_\_\_\_\_
- Mr. Heltz \_\_\_\_\_
- Mr. Andrew \_\_\_\_\_
- Mr. Gents \_\_\_\_\_
- Tele. Rm. \_\_\_\_\_
- Miss Devine \_\_\_\_\_

**SEE REVERSE  
SIDE FOR  
CLASSIFICATION  
ACTION**

*1/19 JBH:aga Buck - please advise whether domestic security investigation is being reported on this org. OVER FBI/DOJ*



judges," engaged in "disruptions in courtrooms and outside courthouses," and in one instance members had been convicted for assault on a federal officer. At that time, the group was reported to have over 1,000 members in 23 states. This was one of the first investigations approved under the Domestic Security Guidelines by Attorney General Levi. According to the teletype, the Bureau discontinued the investigation in mid-1978.

  
John H.

MP0001 0510136Z

RECEIVED  
TELETYPE UNIT

20 FEB 83 . 07 48z

FEDERAL BUREAU  
OF INVESTIGATION

PP HQ MI

DE MP 0001

P 190136Z FEB 83

FM MINNEAPOLIS (89B-388) (P)

TO DIRECTOR PRIORITY

TO MILWAUKEE PRIORITY

DECLASSIFIED BY AINS-01-80  
ON 12/2/85  
259511

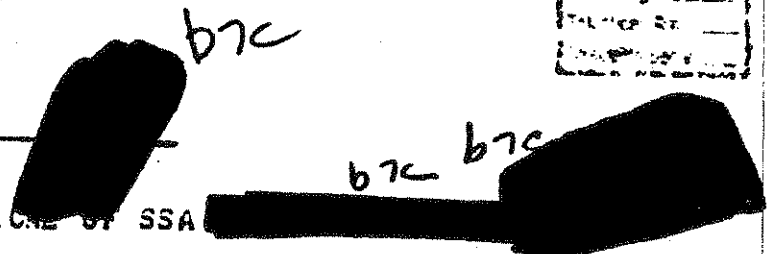
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<input type="checkbox"/>	Legal Coun.
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<input type="checkbox"/>	Training
<input type="checkbox"/>	Telephone Rm.
<input type="checkbox"/>	Director's Sec'y

UNCLAS

MURMURS

### FUGITIVE INDEX



REMPTL FEBRUARY 18, 1983 AND TELETYPE OF SSA [redacted] TO ASAC GARY HART FEBRUARY 19, 1983.

SEARCH WARRANT EXECUTED TODAY AT FARM RESIDENCE OF SUBJECT SOOT FAUL BY DEPUTY U. S. MARSHALS AND SPECIAL AGENTS. ONLY INDIVIDUAL PRESENT AT FARM WAS [redacted]

SEIZED WERE TWO SHOTGUNS, THREE RIFLES, THREE AUTOMATIC PISTOLS 15 POUNDS OF BLACK POWDER, APPROXIMATELY 2,022 ROUNDS OF .223 CALIBER AMMUNITION (MURDER CALIBER BULLETS) AND APPROXIMATELY 2,022 ROUNDS OF ARMOR PIERCING 7.62 MM AMMUNITION. ALSO LOCATED [redacted]

89-15436

WAS CONSIDERABLE CORRESPONDENCE FROM POSSE COMITATUS (PC) ORGANIZATION IN TIGERTON, WISCONSIN. ALSO LOCATED WAS A HIDDEN LETTER ADDRESSED TO GORDON KAHL FROM LEADERSHIP OF WISCONSIN

FEB 25 1983

2/23/83



Tr. App. 102

PAGE TWO MP 893-388 UNCLAS

PC ORGANIZATION. EVIDENCE IN TRANSIT TO COMMAND POST. AGENTS CURRENTLY CONDUCTING CONSENT SEARCH OF

[REDACTED]

b7c

[REDACTED]

b7c

JUDICIAL ORDER TO BE SIGNED TODAY BY USDJ, FARGO, NORTH DAKOTA, ALLOWING DISSEMINATION OF IRS RECORDS TO FBI PERTAINING TO TAX PROTESTERS OF PC ORGANIZATIONS.

[REDACTED]

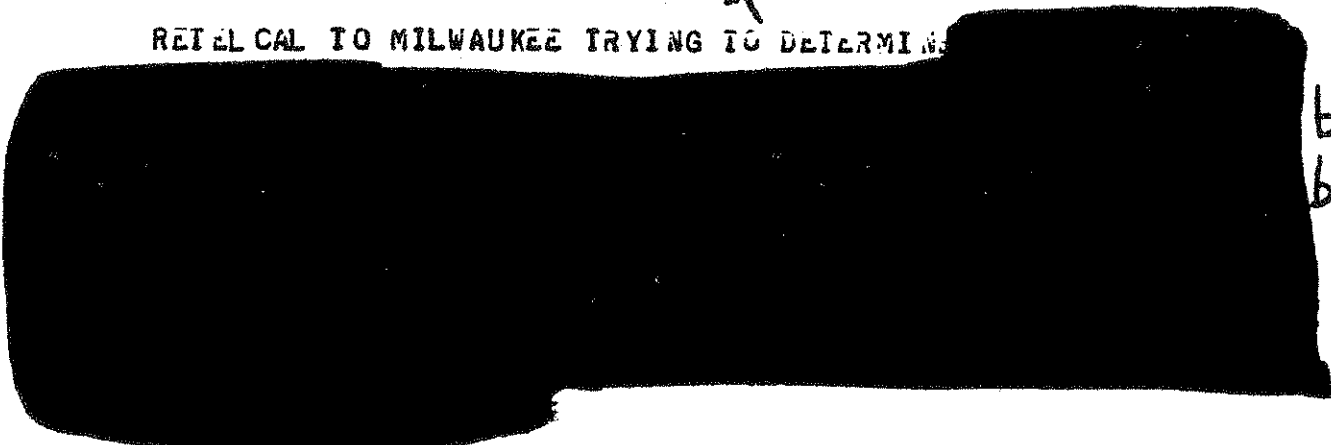
b7D

PAGE THREE

MP 89B-388

SECRET

RETEL CAL TO MILWAUKEE TRYING TO DETERMINE



b2  
b7D

JAMESTOWN, NORTH DAKOTA, EXPERIENCING FREEZING RAIN AND SNOW CONDITIONS. DRIVING EXTREMELY HAZARDOUS AND STATE PATROL RECOMMENDS NO TRAVEL.

U. S. MARSHALS AND SPECIAL AGENTS ARE NOW TOTALL INTEGRATED TOWARDS SINGLE INVESTIGATIVE EFFORT TO APPREHEND GORDON KAHL AND ORGANIZATIONAL STRUCTURE OF JAMESTOWN COMPANY POST FUNCTIONING SMOOTHLY WITH INVESTIGATIVE LEADS BEING SET FOR ONE GROUP OF AGENTS WORKING SUBSTANTIVE FILES AND SECOND GROUP OF AGENTS AND U. S. MARSHALS WORKING FUGITIVE CASE. EACH SPECIAL AGENT IS TEAMED WITH DEPUTY U. S. MARSHAL AND LEADS TO BE EVALUATED BY DUAL AGENCY SUPERVISORY STAFF WHO WILL EVALUATE DANGER CONNECTED WITH EACH LEAD AND DISPATCH SUFFICIENT TEAMS TO EACH LEAD TO INSURE

104  
Tr. App. 103

PAGE FOUR MP 898-388 ~~SECRET~~

SAFETY OF INVESTIGATORS. COMMAND POST RECEIVING OUTSTANDING COOPERATION FROM ALL FBI AND U. S. MARSHAL SERVICE DIVISIONS CONTACTED.

EVIDENCE IN CONNECTION WITH INVESTIGATION BEING PREPARED FOR SHIPMENT. SOME DELAYS BEING ENCOUNTERED DUE TO RURAL NATURE OF COMMAND POST LOCATION NECESSITATING TRANSPORTING EVIDENCE FROM FARGO OR BISMARCK, NORTH DAKOTA, FOR TRANSMITTAL TO LABORATORY.

ALL RECEIVING OFFICES SHOULD NOTE THAT ALL INVESTIGATION IN THIS MATTER IS TO BE HANDLED JOINTLY WITH U. S. MARSHAL SERVICE WHENEVER POSSIBLE. IF U. S. MARSHAL SERVICE PERSONNEL ARE UNABLE TO PARTICIPATE IN ANY INVESTIGATION, U. S. MARSHAL SERVICE IS TO BE PROMPTLY ADVISED OF THE INVESTIGATION AND TO BE KEPT FULLY APPRISED OF THE RESULTS. THIS INSTRUCTION; I. E., COMPLETE JOINT INVESTIGATION WITH U. S. MARSHAL SERVICE IS TO BE INCLUDED IN EACH COMMUNICATION RELATING TO THIS INVESTIGATION.

#

Tr. App. 105

6-147 (1-13-81)

CRIMINAL INVESTIGATIVE DIVISION

INFORMATIVE NOTE

Date Feb 20, 1983

Re: MARMURS  
b7C AFO: KFO  
b6 OO: MP

FUGITIVE INDEX *zka!*

Attached Minneapolis teletype advises that on [redacted] a search warrant was executed at the residence of subject, [redacted]. Items seized included several weapons and a large quantity of ammunition. Also taken was a letter addressed to Gordon Kahl from the leadership of the Wisconsin Posse Comitatus organization.

Additional affidavits are being prepared for search warrants.

Judicial Order signed on Feb. 19, 1983, by USDJ, Fargo, North Dakota, allowing dissemination of IRS records to FBI pertaining to tax protesters of Posse Comitatus organization.

b6  
b7C

APPROVED:	Adm. Servs. _____	Laboratory _____
	Crim. Inv. <i>[Signature]</i>	Ident. Coun. _____
Director _____		Off. of Cong. & Public Affs. _____
Exec. AD-Adm. _____		Rec. Mgmt. _____
Exec. AD-Inv. _____		Tech. Servs. _____
Exec. AD-LES _____		Training _____

[redacted]

1 - Mr. Revell

- 1 - Mr. Clarke
- 1 - Mr. Gilbert
- 1 - Mr. Schreiber

[redacted]

ALL INFORMATION  
HEREIN IS UNCLASSIFIED  
DATE 2/2/85 BY 9148-CL/STP  
259-511

JNM:ws

FBI/DOJ

MPO001 0520248Z

00 HQ

00 ALL FIELD OFFICES

DE MP 0001

0 210248Z FEB 83

FM MINNEAPOLIS (89B-388) (P)

TO DIRECTOR IMMEDIATE

ALL FIELD OFFICES VIA FBIHQ

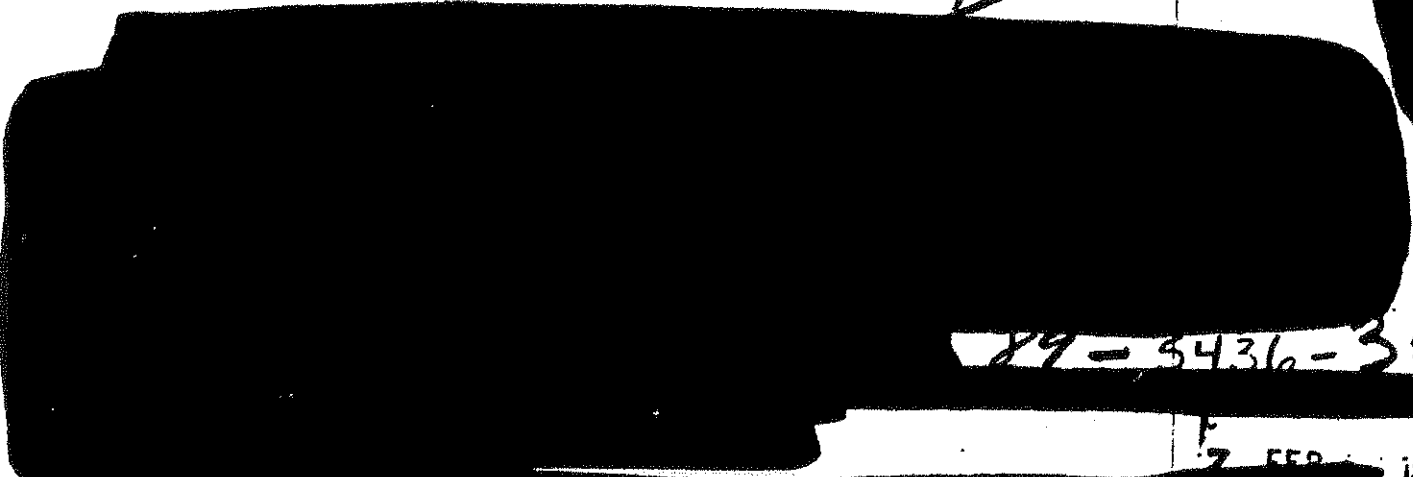
BT

SECTION ONE OF TWO

UNCLAS

DU  
HARMURS; AFO; KFO; OO: MINNEAPOLIS

THIS TELETYPE WILL SUMMARIZE INVESTIGATION AND ACTIVITY ON  
FEBRUARY 21, 1983, AND SET FORTH LEADS. *MN*



RECEIVED  
TELETYPE UNIT

23 FEB 83 0316z

FEDERAL BUREAU  
OF INVESTIGATION

ALL INFORMATION CONTAINED

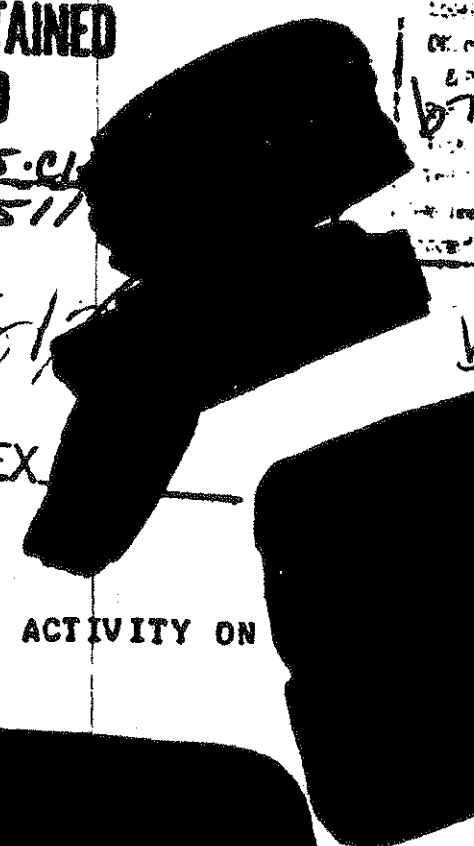
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DATE 2/2/85 BY 9145-CL

259-511

IMMEDIATE

FUGITIVE INDEX



b7c

89-3436-35

FEB 27 1983

b7c  
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*27 F-0*

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TWO

MP 89B-388

UNCLAS



b7c  
b7D



b7c  
b7D

DURING THE COURSE OF THE INVESTIGATION, FREQUENT REFERENCES  
BEEN MADE TO ASSOCIATIONS OF GORDON KAHL WITH



b7c  
b7D



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b7c

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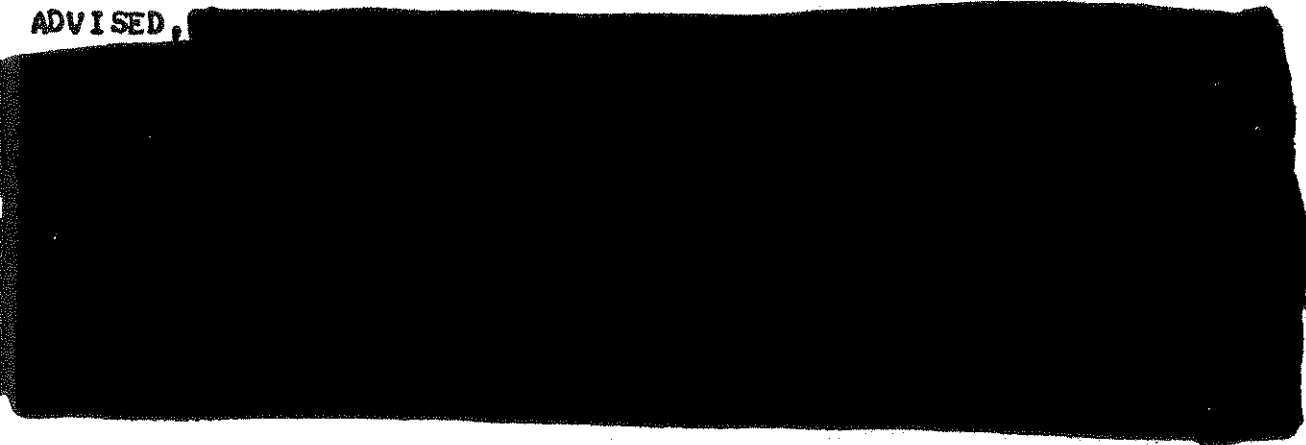


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FOR THE INFORMATION OF ALL OFFICES NOT PREVIOUSLY

ADVISED,

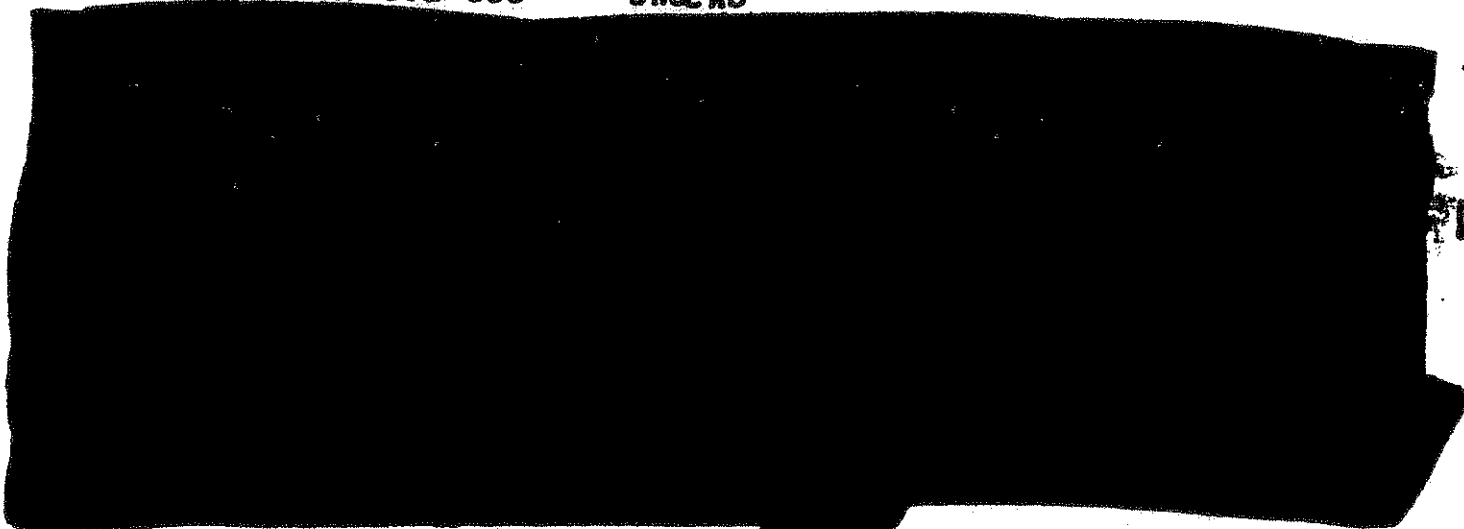


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PAGE FIVE

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UNCLAS



b7D

b7C

b7E

SAC, MINNEAPOLIS, REPRESENTATIVES OF THE U. S. MARSHAL SERVICE (USMS) AND OTHER BUREAU AGENTS MET WITH USA ROD WEBB, DISTRICT OF NORTH DAKOTA, AND LAWRENCE LIPPE, CHIEF, GENERAL LITIGATION SECTION, CRIMINAL DIVISION, USDJ, FARGO, NORTH DAKOTA, AFTERNOON OF FEBRUARY 21, 1983. THE CHARGES AGAINST THE SUBJECTS WERE DISCUSSED AND PROSECUTIVE STRATEGY WAS REVIEWED AS WELL AS PLANS FOR PRELIMINARY HEARINGS TO BE HELD AT 9:00 A.M. TUESDAY, FEBRUARY 22, 1983.



*Referred to another agency*

*Tr. App. 111*

PAGE SIX

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UNCLAS



*Referred to another agency*

ALL OFFICES ARE REQUESTED TO INITIATE TELETYPE MESSAGES TO POLICE AGENCIES WITHIN THEIR TERRITORIES.



*b2  
b7D*

THE TELETYPE SHOULD EMPHASIZE THAT SUBJECT GORDON KAHL SHOULD BE CONSIDERED EXTREMELY DANGEROUS INASMUCH AS HE WAS INVOLVED IN A SHOOTOUT WITH LAW ENFORCEMENT OFFICERS RESULTING IN THE DEATHS OF TWO U. S. MARSHALS AND THE WOUNDING OF FOUR OTHER POLICE OFFICERS. THIS SHOOTOUT WAS AT VIRTUALLY POINT-BLANK RANGE AND THE SHOOTINGS WERE VERY DELIBERATE IN NATURE. KAHL IS ALWAYS ARMED, HAS FREQUENTLY STATED HE WILL NOT BE TAKEN ALIVE AND ALL PERSONS ACQUAINTED WITH HIM EMPHASIZE THAT THEY BELIEVE THIS TO BE TRUE.



PAGE TWO

MP 89B-338

UNCLAS

IN COUNT 1, CHARGED WITH THE MURDER OF KENNETH MUIR WERE SCOTT FAUL, YORIE KAHL AND GORDON KAHL IN VIOLATION TITLE 18, USC, SECTIONS 1111, 1114 AND 2;

IN COUNT 2, CHARGED WITH THE MURDER OF ROBERT CHESHIRE WERE SCOTT FAUL, YORIE KAHL AND GORDON KAHL IN VIOLATION TITLE 18, USC, SECTIONS 1111, 1114 AND 2;

IN COUNT 3, CHARGED WITH THE ASSAULT OF KENNETH MUIR WAS DAVID BROER, IN VIOLATION OF TITLE 18, USC, SECTIONS 111, 1114 AND 2;

IN COUNT 4, CHARGED WITH THE ASSAULT OF ROBERT CHESHIRE WAS DAVID BROER, TITLE 18, USC, SECTIONS 111, 1114 AND 2;

IN COUNT 5, CHARGED WITH THE ASSAULT OF JAMES HOPSON WERE SCOTT FAUL, GORDON KAHL, YORIE KAHL AND DAVID BROER IN VIOLATION OF TITLE 18, USC, SECTIONS 111, 1114 AND 2;

IN COUNT 6, CHARGED WITH THE ASSAULT OF CARL WIGGELSWORTH WERE SCOTT FAUL, GORDON KAHL, YORIE KAHL AND DAVID BROER IN VIOLATION OF TITLE 18, USC, SECTIONS 111, 1114 AND 2;

IN COUNT 7, CHARGED WITH THE ASSAULT OF BRADLEY KAPP WERE SCOTT FAUL, GORDON KAHL, YORIE KAHL AND DAVID BROER IN VIOLATION OF TITLE 18, USC, SECTIONS 111, 1114 AND 2;

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PAGE THREE

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UNCLAS

IN COUNT 8, CHARGED WITH THE ASSAULT OF STEVEN SCHNABEL WERE SCOTT FAUL, GORDON KAHL, YORIE KAHL AND DAVID BROER IN VIOLATION OF TITLE 18, USC, SECTIONS 111, 1114 AND 2;

IN COUNT 9, CHARGED WITH HARBORING WERE YORIE KAHL, SCOTT FAUL, DAVID BROER, VERNON WEGNER AND JOAN KAHL IN VIOLATION TITLE 18, USC, SECTIONS 1071 AND 2;

IN COUNT 10, CHARGED WITH ACCESSORY AFTER THE FACT WERE VERNON WEGNER, DAVID BROER AND JOAN KAHL IN VIOLATION TITLE 18, USC, SECTION 3;

IN COUNT 11, CHARGED WITH CONSPIRACY WERE GORDON KAHL, YORIE KAHL, SCOTT FAUL, DAVID BROER, VERNON WEGNER AND JOAN KAHL. ARMED AND EXTREMELY DANGEROUS; SUICIDAL TENDENCIES.

ADMINISTRATIVE:

THE BUREAU IS REQUESTED TO RELAY THIS TELETYPE TO THE DIRECTOR, U. S. MARSHAL SERVICE, MC LEAN, VIRGINIA.

Tr. App. 115

PAGE FOUR ← MP 89B-388 UNCLAS

ALL RECEIVING OFFICES SHOULD NOTE THAT ALL INVESTIGATION IN THIS MATTER IS TO BE HANDLED JOINTLY WITH U.S. MARSHAL SERVICE (USMS) WHENEVER POSSIBLE. IF USMS PERSONNEL ARE UNABLE TO PARTICIPATE IN ANY INVESTIGATION, USMS IS TO BE PROMPTLY ADVISED OF THE INVESTIGATION AND TO BE KEPT FULLY APPRISED OF THE RESULTS. THIS INSTRUCTION; I.E., COMPLETE JOINT INVESTIGATION WITH USMS IS TO BE INCLUDED IN EACH COMMUNICATION RELATING TO THIS INVESTIGATION.

BT

Tr. App. 116



S. Hrc. 98-176

**ATTORNEY GENERAL'S GUIDELINES FOR DOMESTIC  
SECURITY INVESTIGATIONS (SMITH GUIDELINES)**

83602828

**HEARING**

BEFORE THE

**SUBCOMMITTEE ON SECURITY AND TERRORISM  
OF THE**

**COMMITTEE ON THE JUDICIARY**

**UNITED STATES SENATE**

**NINETY-EIGHTH CONGRESS**

**FIRST SESSION**

**ON**

**ATTORNEY GENERAL'S GUIDELINES FOR DOMESTIC SECURITY  
INVESTIGATIONS (SMITH GUIDELINES)**

**MARCH 25, 1988**

**Serial No. J-98-25**

Printed for the use of the Committee on the Judiciary

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ATTORNEY GENERAL'S GUIDELINES FOR DOMESTIC SECURITY INVESTIGATIONS (SMITH GUIDELINES)

FRIDAY, MARCH 25, 1983

U.S. SENATE,  
SUBCOMMITTEE ON SECURITY AND TERRORISM,  
COMMITTEE ON THE JUDICIARY,  
Washington, D.C.

The subcommittee met, pursuant to call, at 2:07 p.m., in room SD-226 of the Dirksen Senate Office Building, Senator Jeremiah Denton (chairman of the subcommittee) presiding.

Also present: Senators Hatch and East.

Staff present: Joel S. Lisker, chief counsel and staff director; Bert W. Milling, Jr., counsel; and Fran Wermuth, chief clerk.

OPENING STATEMENT OF SENATOR JEREMIAH DENTON

Senator DENTON. Good afternoon. This hearing will come to order. I would like to welcome my colleague from North Carolina, who also serves as the chairman of the Separation of Powers Subcommittee. Senator East has been consistently involved and interested in the activities of this subcommittee. We appreciate it very much, Senator East, and welcome you again today.

Senator EAST. I thank the Chairman.

Senator DENTON. I want to welcome our two distinguished witnesses, D. Lowell Jensen, Assistant Attorney General, Criminal Division, U.S. Department of Justice, and William H. Webster, Director of the Federal Bureau of Investigation. Welcome, gentlemen, and thank you for taking time from your busy schedules to come down.

This hearing is the fifth in a five-part series held on the domestic security guidelines under which the Federal Bureau of Investigation has been operating since April 1976.

On February 4, 1982, during an FBI oversight hearing at which Judge Webster testified, the subcommittee examined in detail the problems posed by the "Levi guidelines." On that occasion, it was decided that it was desirable to hold separate hearings on the issue. Four subsequent hearings, the records of which have been published, were held on June 24, 25, August 11 and 12, 1982. On those occasions, the subcommittee received testimony about the extent of the limitations imposed on the FBI in the wake of Watergate and the COINTEL PRO revelations. It examined not only the language of the 1976 domestic security guidelines but, more important, how that language is interpreted by Bureau officials and how the policy

(1)

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Tr. App. 108

As I see organized crime in America today, I see almost a wide-open country with almost no checks or balances. This openness not only involves the drug area, but includes the foreign criminal area, the Cosa Nostra. As you know, in the Labor Committee we have spent a considerable amount of time discussing the Cosa Nostra.

I personally, Mr. Director, have appreciated the leadership that you have asserted in the Freedom of Information and Privacy Act problems. Your testimony both openly and in secret before our committee—the Judiciary Committee in particular—has helped us to understand the difficulties that you have in enforcing the laws as a result of problems created by the Freedom of Information Act and the Privacy Act. And yet you are firmly committed to the implementation of these acts and to keeping them alive, and in so doing keeping the public aware of what needs to be done, what you as an agency are doing, and what the Government is doing as a whole, so that we may have an open society. We need to balance this openness with the considerations that society has for its own self-protection, for the protection against known criminal elements in our society. And, I might add, for the protection even against subversive elements.

In the hearings held on the Freedom of Information Act, we found that foreign nationals are acquiring a lot of information that is being used very detrimentally to our business interests, to our national security and a number of other interests, including the ability to clamp down on organized crime as it exists not only here but worldwide.

So I just want to personally thank you for that and for the leadership that you have asserted in that area. And I am pleased to tell you that we are working again on the Freedom of Information reform bill and we hope we can get it through the Senate this year and then through the House of Representatives so that the reform and the changes can occur without stopping the openness of government which all of us would like to see.

It takes courage to do these things, and I just want to personally congratulate you and Mr. Jensen for your leadership that you have given to us.

Thank you, Mr. Chairman.

Senator DENTON. Thank you, Senator Hatch. Well, after those opening statements, we are ready for the opening statement of the Assistant Attorney General, Criminal Division, D. Lowell Jensen.

**STATEMENTS OF D. LOWELL JENSEN, ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE, AND WILLIAM H. WEBSTER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION**

Mr. JENSEN. Thank you very much, Mr. Chairman, Senator East, Senator Hatch. I am pleased to appear today with FBI Director Webster to discuss with you the Attorney General's revised guidelines governing FBI domestic security and terrorism investigations.

I am aware that you have already received copies of the guidelines, which went into effect on Monday, March 21, and Department of Justice officials in recent weeks have had the very helpful

mation on groups or individuals that posed a threat to our national security.

Were any of these agencies asked by the Department of Justice or by the FBI for their suggestions, recommendations or input prior to modifying the domestic security guidelines? If so, when? If not, why not, in view of the direct impact these guidelines have on their ability to carry out their assigned responsibilities?

Mr. WEBSTER. We have had ongoing discussions with the Secret Service as to what kinds of information that we have that the Secret Service would like to receive. This was renewed, I know, following the shooting of President Reagan, and we are well aware of the Secret Service's concerns about a shrinking data base which they enjoy for their particular purpose, which is protection of a list of protectees, about 20, I believe. And other organizations have expressed—other law enforcement agencies have noticed the drying up of as they call it of certain kinds of information.

I think they have to realize, Mr. Chairman, that we went from several thousand investigations a decade ago to less than a hundred under the guidelines and under the prevailing conditions that we found them. Much of what we were collecting was of almost no value to the Bureau but might have been of value of one kind or another to agencies with specific missions other than law enforcement. I notice that in March 1976 we had 4,868 cases, and in December 1972 we had 73 cases, which was a jump over the year before, in which we had 26 cases.

Naturally, when you are more selective in your investigations, you are going to be collecting less information and I don't think any of us have ever actually analyzed in any scientific way the difference in the quality of the information which we are furnishing under present guidelines versus the quantity which we know is considerably less than we used to provide.

I don't know that any of the other agencies ever articulated specific things that they thought were impeding progress, just that they weren't getting as much information as they had before.

Mr. JENSEN. I think that that is the correct situation. Their perception was that perhaps there was not as much information being gathered, and they said that you approach that in two ways. In the guidelines we have already made the point in general terms that to the extent there was some perception that you could not gather information as public information, that hasn't been made clear. There was no statement about that in the Levi guidelines. In this particular statement it says that you may do so within the limits of the Privacy Act. In effect what you are saying is, gather that information which is lawful and then, at the other end of the spectrum, we will provide for maximum dissemination of that information to every law enforcement agency. At one end of the spectrum, we gather all the information that we can; to the extent that had been hindered before, we wish to remove those hindrances, but at the other end of the spectrum, we provide for maximum dissemination.

Senator DENTON. Could you state, Director Webster, which sections, by division, within the FBI, participated in the formulation of the FBI's recommendations to the Department of Justice concerning modifications to the Levi guidelines?

APPENDIX

ADDITIONAL SUBMISSIONS FOR THE RECORD

EXHIBIT A



Department of Justice

FOR IMMEDIATE RELEASE  
MONDAY, MARCH 7, 1983

AC  
(202) 633-2018

Attorney General William French Smith today announced new guidelines to clarify the scope of domestic security and terrorism investigations by the Federal Bureau of Investigation.

The revised guidelines, which will become effective on March 21, will succeed the 1976 Domestic Security Guidelines, which were the first of their kind.

The new guidelines are needed to ensure protection of the public from the greater sophistication and changing nature of domestic groups that are prone to violence, the Attorney General said.

At the same time, the guidelines will adequately protect lawful and peaceful political dissent, he said.

The new guidelines are the product of more than eight months of review involving numerous components in the Department of Justice, including FBI Headquarters and FBI field personnel.

"We have carefully evaluated our seven years of experience with the original guidelines in light of the operational concerns of FBI field personnel and the comments of interested persons in the Congress and elsewhere," Smith said.

"This review has shown that investigative guidelines do serve important functions. They provide our agents with the direction and certainty they need to perform their critical responsibilities effectively. At the same time, guidelines create a structure of review and accountability to reassure the public that our agents are acting properly under the law."

EXHIBIT B



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

March 7, 1983

MEMORANDUM FOR WILLIAM H. WEBSTER  
Director, Federal Bureau of Investigation

Re: Attorney General's Guidelines on Domestic  
Security/Terrorism Investigations


I am transmitting formally herewith an approved copy of the Attorney General's Guidelines on Domestic Security/Terrorism Investigations, which have been integrated with the Attorney General's Guidelines for General Crimes and Organized Crime Investigations. These guidelines, dated today, will become effective in 14 days.

As you have recognized, enterprises prone to terrorism or criminal violence for political or racist purposes are clearly no less dangerous to our citizens than those who operate lawlessly for financial gain. I am confident that these new guidelines will permit our agents to detect and prevent violent crime by such enterprises with greater certainty and effectiveness, while ensuring the public that they are acting properly under the law.

It is important that the FBI devote its criminal intelligence expertise to domestic security/terrorism cases as it has, with increasing success, in organized crime cases. In the past, operating under distinct guidelines setting different standards and procedures has hampered this effort. The new approach, combining both organized crime and domestic security investigations in a single set of guidelines, should make it easier for your agents to focus their intelligence efforts on those criminal enterprises which threaten our people to attain ideological goals.

These Guidelines are the product of more than eight months of careful review involving numerous components of the Department of Justice. This review process has been extremely worthwhile in demonstrating both the merits of guidelines generally and the need for certain specific revisions here. I greatly appreciate the efforts of you and your staff in helping to identify the precise concerns of field agents and in the critical drafting process itself. I think that the Guidelines will help the agents proceed with more confidence in this high priority area of law enforcement, while ensuring the public that these agents will continue to act within the law as first-class professionals.

I look forward to receiving your views with respect to other guidelines or related matters which may also warrant review.

  
William French Smith  
Attorney General

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Tr. App. #12



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

THE ATTORNEY GENERAL'S GUIDELINES ON GENERAL CRIMES,  
RACKETEERING ENTERPRISE AND  
DOMESTIC SECURITY/TERRORISM INVESTIGATIONS

As the primary criminal investigative agency in the federal government, the FBI has the authority and responsibility to investigate all criminal violations of federal law not exclusively assigned to another federal agency. The FBI thus plays a central role in national law enforcement and in the proper administration of justice in the United States.

Investigations by the FBI are premised upon the important duty of government to protect the public against general crimes, against organized criminal activity, and against those who would engage in political or racial terrorism or would destroy our constitutional system through criminal violence. At the same time, that duty must be performed with care to protect individual rights and to insure that investigations are confined to matters of legitimate law enforcement interest. The purpose of these Guidelines, therefore, is to establish a consistent policy in such matters. The Guidelines should encourage Agents of the FBI to perform their duties with greater certainty, confidence and effectiveness. They should also give the public a firm assurance that the FBI is acting properly under the law.

These Guidelines provide guidance for all investigations by the FBI of crimes and crime-related activities. Investigations involving foreign intelligence, foreign counterintelligence and international terrorism matters are the subject of separate guidelines. The standards and requirements set forth herein govern the circumstances under which an investigation may be begun, and the permissible scope, duration, subject-matters, and objectives of an investigation.

All investigations of crime or crime-related activities shall be undertaken in accordance with one or more of these Guidelines. Part I sets forth general principles that apply to all investigations conducted under these Guidelines. Part II governs investigations undertaken to detect, prevent and prosecute specific violations of federal law. Part III A governs criminal intelligence investigations undertaken to obtain information concerning enterprises which are engaged in racketeering activities involving violence, extortion or public corruption. Part III B governs criminal intelligence investigations undertaken to obtain information concerning enterprises which seek to achieve political or social change through violence.

These Guidelines are issued under the authority of the Attorney General as provided in 28 U.S.C. 509, 510, and 533.

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I. General Principles

Preliminary inquiries and investigations governed by these Guidelines are conducted for the purpose of preventing, detecting, or prosecuting violations of federal law. They shall be conducted with as little intrusion into the privacy of individuals as the needs of the situation permit.

All preliminary inquiries shall be conducted pursuant to the General Crimes Guidelines. There is no separate provision for a preliminary inquiry under the Criminal Intelligence Guidelines. A preliminary inquiry shall be promptly terminated when it becomes apparent that a full investigation is not warranted. If, on the basis of information discovered in the course of a preliminary inquiry, an investigation is warranted, it may be conducted as a general crimes investigation, or a criminal intelligence investigation, or both. All such investigations, however, shall be based on a reasonable factual predicate and shall have a valid law enforcement purpose.

In its efforts to anticipate or prevent crime, the FBI must at times initiate investigations in advance of criminal conduct. It is important that such investigations not be based solely on activities protected by the First Amendment or on the lawful exercise of any other rights secured by the Constitution or laws of the United States. When, however, statements advocate criminal activity or indicate an apparent 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.

General crimes investigations and criminal intelligence investigations shall be terminated when all logical leads have been exhausted and no legitimate law enforcement interest justifies their continuance.

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cooperating private individual in a manner that may influence the exercise of rights protected by the First Amendment must be approved by FBIHQ, with notification to Department of Justice;

4. Nonconsensual electronic surveillance must be conducted pursuant to the warrant procedures and requirements of Title III of the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. 2510-2520;
5. Pen registers must be authorized pursuant to Department policy. This requires an order from a federal district court and an extension every 30 days, under the December 18, 1979, memorandum from the Assistant Attorney General in charge of the Criminal Division to all United States Attorneys;
6. Consensual electronic monitoring must be authorized pursuant to Department policy. For consensual monitoring of conversations other than telephone conversations, advance authorization must be obtained in accordance with established guidelines. This applies both to devices carried by the cooperating participant and to devices installed on premises under the control of the participant. See USAM 9-7.013. For consensual monitoring of telephone conversations, advance authorization must be obtained from the SAC and the appropriate U. S. Attorney, except in exigent circumstances;
7. Searches and seizures must be conducted under the authority of a valid warrant unless the search or seizure comes within a judicially recognized exception to the warrant requirement. See also, Attorney General's Guidelines on Methods of Obtaining Documentary Materials Held by Third Parties;
8. Whenever an individual is known to be represented by counsel in a particular matter, the FBI shall follow applicable law and Department procedure concerning contact with represented individuals in the absence of prior notice to their counsel. The SAC or his designee and the United States Attorney shall consult periodically on applicable law and Department procedure.

V. Dissemination of Information

The FBI may disseminate information during investigations conducted pursuant to these guidelines to another Federal agency or to a State or local criminal justice agency when such information:

- A. falls within the investigative or protective jurisdiction or litigative responsibility of the agency;
- B. may assist in preventing a crime or the use of violence or any other conduct dangerous to human life;
- C. is required to be furnished to another Federal agency by Executive Order 10450, as amended, dated April 27, 1953, or a successor Order;
- D. is required to be disseminated by statute, inter-agency agreement approved by the Attorney General, or Presidential Directive;

and to other persons and agencies as permitted by Sections 552 and 552a of Title V, U.S.C.

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VI. Cooperation with Secret Service

The FBI is authorized to provide investigative assistance in support of the protective responsibilities of the Secret Service, provided that all preliminary inquiries or investigations are conducted in accordance with the provisions of these guidelines.

VII. Reservation

- A. Nothing in these guidelines shall limit the general reviews or audits of papers, files, contracts, or other records in the government's possession, or the performance of similar services at the specific request of a Department or agency of the United States. Such reviews, audits or similar services must be for the purpose of detecting or preventing violations of federal law which are within the investigative responsibility of the FBI.
- B. Nothing in these guidelines is intended to limit the FBI's responsibilities to investigate certain applicants and employees under the federal personnel security program.
- C. These guidelines are set forth solely for the purpose of internal Department of Justice guidance. They are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any manner, civil or criminal, nor do they place any limitation on otherwise lawful investigative and litigative prerogatives of the Department of Justice.

  
William French Smith  
Attorney General

Date: March 7, 1983

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## EXHIBIT C

## UNITED STATES DEPARTMENT OF JUSTICE

TRANSCRIPT OF THE PRESS BRIEFING BY THE HONORABLE WILLIAM FRENCH SMITH, ATTORNEY GENERAL OF THE UNITED STATES, AND WILLIAM H. WEBSTER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, ON THE NEW GUIDELINES, WASHINGTON, D.C., MARCH 7, 1988

## PROCEEDINGS

Mr. SMITH. I signed this morning some new guidelines dealing with the subject of domestic security and terrorism. And I thought that what I would do would be to just briefly run through some of the changes that have been accomplished in those guidelines.

First, as you know, the original guidelines were issued in 1976, and we now have almost seven years of experience under them. During the last eight or nine or 10 months, we have been reviewing our experience under the original guidelines. And when I say, "we," I mean all of the departments or divisions here that are involved with them, such as, obviously, the FBI, and particularly the FBI Field Operations, as well as our own—what I've got is the divisions here that have some interest, and there are quite a number.

We've also discussed them with the appropriate members of Congress, both on the Senate side and on the House side, and as a result of all of those discussions, we have come up with the document which you have in front of you and which I signed this morning. In essence, they represent an effort to simplify and clarify and also in some cases to make some procedural and substantive changes.

First, with respect to simplifying, we have put them where we think they appropriately belong, namely, as part of the general crimes and racketeering enterprises guidelines. In a very real way from the standpoint of the public and from the standpoint of the victims, it does not make much difference whether a criminal enterprise is involved with the motive of profit or whether it involves a political or social cause if force and violence is involved.

We have also eliminated the three step investigative procedures which existed under the old guidelines. There, as you remember, they were preliminary, limited, and full investigations, and in each of those steps there were different standards and different investigative techniques and different reporting periods and different supervisory levels.

We have now established just a single investigating step: that is, the full investigation. In addition to that, there is also the preliminary inquiry which exists right now under the general crimes guidelines, and that preliminary inquiry procedure would be available here.

We have established as the standard the same standard which now exists for racketeering enterprises: namely, whether the fact and circumstances reasonably indicate that two or more persons are engaged in an enterprise to further political or social goals in whole or in part through the use of forces or violence in violation of the federal law. Now, that is a standard which is significantly below probable cause, but it does establish a criminal nexus.

Another significant change involves the adoption of the criminal enterprise concept. There has been a good deal of change in recent years in the forms of organizations and the method of operation. By using the criminal enterprise approach, which is the approach, as I say, that is now used with racketeering and organized crime very successfully, we are able to deal with the problem as it is and not be confined by artificial organizational lines which, in so many cases, are very loose, disjointed, and hard to define.

For example, in any particular activity, we would be able to include front organizations or support organizations or the operators of safe houses into a single investigation without necessarily applying the standard to each one individually, which might be very, very difficult to do. Of course, this has been the approach, as I say, with the racketeering enterprise guidelines.

Concerning advocacy, obviously advocacy, the exercise of First Amendment rights, certainly under these guidelines would in no way trigger in investigation, but advocacy of criminal activity, force and violence, or statements which create an apparent attempt to commit a crime, could trigger an investigation. For example, if somebody threatens to kill the president, that is something that we certainly would have to look into. And in the guidelines here we have clarified that point.

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**FBI DOMESTIC SECURITY GUIDELINES**

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**OVERSIGHT HEARING**  
BEFORE THE  
**SUBCOMMITTEE ON**  
**CIVIL AND CONSTITUTIONAL RIGHTS**  
OF THE  
**COMMITTEE ON THE JUDICIARY**  
**HOUSE OF REPRESENTATIVES**  
NINETY-EIGHTH CONGRESS  
FIRST SESSION  
ON  
FBI DOMESTIC SECURITY GUIDELINES  
APRIL 27, 1983  
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## FBI DOMESTIC SECURITY GUIDELINES

WEDNESDAY, APRIL 27, 1983

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC.

The subcommittee met at 9:30 a.m. in room 2141 of the Rayburn House Office Building, Hon. Don Edwards, (chairman of the subcommittee) presiding.

Present: Representatives Edwards, Kastenmeier, Conyers, Schroeder, Washington, Sensenbrenner, Gekas, and DeWine.

Staff present: Catherine A. LeRoy, counsel; and Philip G. Kiko, associate counsel.

Mr. EDWARDS. I recognize the gentleman from Ohio.

Mr. DEWINE. Mr. Chairman, I ask unanimous consent that the subcommittee permit this meeting this morning to be covered in whole or part by television broadcast, radio broadcasts, and/or still photography, pursuant to rule 5 of the committee rules.

Mr. EDWARDS. Without objection, it is so ordered.

The subject of today's hearing are the recently published Attorney General guidelines that modify the Levi guidelines on domestic security. We're going to hear from two witnesses today—the FBI and the Department of Justice—but that is not to say that we don't have a lot of others who would like to be heard.

This morning I received a statement expressing concern about the new guidelines, signed by 70 organizations. In addition, I received a petition this morning opposing the weakening of the Freedom of Information Act, signed by 10,000 individuals. This petition was originally to be sent to the Attorney General, but now the signers are afraid to send it over to the Attorney General because of the new guidelines. They fear that their opposition to an official Government policy will now become part of some intelligence file, and, in all sincerity, they're scared to send it over. So they sent it to this subcommittee instead.

In the last week or two, I have received statements from individuals who have been victims of domestic spying abuses in the past—civil rights workers, feminists, and members of various unpopular political groups. All of these individuals express their fear that the weakening of the guidelines signals a return to the past.

Now I don't believe that this is the intention of the present FBI Director. Judge Webster has tried to allay my concerns and those of others here in Congress who have written or talked to him. But the ambiguity of these guidelines, and the possibility that some future FBI may place a different interpretation on them, are legiti-

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