Future Trends in State Courts

2006

The Anti-Government Movement Today

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Future Trends Statement: Thought by many to have been in decline, mitigated perhaps by tough prosecution, organizational incompetence, infighting, and the nonappearance of the New World Order, the anti-government movement groups have been "quietly retooling" since their peak in the 1990s.[1]

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The assaults on the World Trade Center and the Pentagon on September 11, 2001, as well as recent attention on natural disasters and pandemics, may well have diverted our attention from internal extremist activities to focus on other potential, high-profile emergencies. Any attempt to discount these groups and the threat they pose to courts and judicial officers is shortsighted, especially in this era of increased attentiveness to court security issues. According to Dr. Mark Pitcavage, "These new militants seemed angrier and more volatile than the fringe figures of the past, bent on attacking America in order to save it—no matter how great the 'collateral damage.'" [2]

Moreover, while current discussions of extremism focus on Islamic terrorism, the heightened attention to public threats increases the scrutiny of domestic terror. In a new way, court leaders must be equally diligent to identify and measure the scope of extremist activity and its potential threat to court security and procedures.

This article attempts to identify the trends in the anti-government movement and serves as a reminder of potential resources on extremism. Special thanks go to the Anti-Defamation League (ADL) and their law-enforcement Web site (www.adl.com/LEARN). The site provides numerous entries about the prominent players and trends in the extremist world, including a comprehensive list of groups and an index of the most prominent symbols used by hate groups.

According to the ADL, the landscape of American extremism constantly changes. Recent years witnessed:

- increasing emphasis on "lone-wolf" activism (acting in small cells or alone to avoid arrest);
- the ascendancy of the Internet as an instrument for organizing extremists and disseminating information;
- the use of “white-power” music as a recruiting mechanism by professional bigots like National Alliance head William Pierce;
- the emergence of Holocaust denial as an extremist *lingua franca*, both domestically and worldwide, as well as budding alliances between Western deniers and their Middle Eastern counterparts—even as David Irving lost a widely publicized libel lawsuit and other deniers were repeatedly defeated in their courtroom battles;
- the increasing role of women (who are held in low esteem by the traditional militia groups) in far-right movements;
- the apparent demise of the neo-Nazi stronghold Aryan Nations after the group and its aging leader, Richard Butler, lost a multimillion-dollar civil decision (stemming from an assault by its security guards);
- opportunistic support of the anti-globalization effort and of the Palestinian cause by some on the far right;
- the convergence between the radical right and some elements of the radical left—conspiratorial anti-globalists and hard-core anarchists in particular;
- the emergence of a new and active anti-government extremist group that calls itself the "Little Shell Pembina Band of North America";[3] and, most recently,
- increased support of foreign anti-American terrorists.

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The Militia Movement Today

The militia movement is the youngest of the major right-wing anti-government endeavors in the United States (the sovereign-citizen movement and the tax-protest movement are the two others), yet this movement has seared itself into the American consciousness as virtually no other fringe movement has. The publicity extended to militia groups in the wake of the Oklahoma City bombing in 1995, although the militia movement was erroneously linked to that tragedy, made them into a household name. Indeed, reporters, pundits, and politicians alike use the term so frequently that it is often bandied about carelessly as a synonym for virtually any right-wing extremist group.

Even though militia groups were not, in fact, involved with the Oklahoma City bombing, they have

nevertheless embroiled themselves since 1994 in a variety of other bombing plots, machinations, and serious violations of law. Their extreme anti-government ideology, along with their elaborate conspiracy theories and fascination with weaponry and paramilitary organization, lead many members of militia groups to behave in a manner that justifies the concerns expressed about them by public officials, law enforcement, and the general public.[4]

Experts say that by the mid-1990s, all 50 states harbored an organized anti-government group. By 1996, the number of militia and patriot organizations had grown to 858 identifiable groups, including 380 armed ones according to the Southern Poverty Law Center's Klanwatch. These figures don't even include secessionist campaigns, which deny that Texas, Hawaii, and Alaska are legally part of the United States; property-rights and land-use advocates, who deny the legality of environmental and other federal laws; and tax protesters, who refuse to pay taxes on the grounds that the IRS is an illegal entity. (Nor do the center's figures include radical environmentalist, ultra-fundamentalist, hate, or survivalist groups.) Moreover, the emergence of a more sophisticated economic infrastructure and information network has given a sense of permanence to what experts are now calling a "movement."

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Redemption Scams

Would you like to obtain the hundreds of thousands of dollars that the government holds in your name? Would you like to discharge your debts, including car payments, taxes, and child support? What if getting a traffic ticket meant that the government would pay you for an amount you specify?

These promises by the “redemptionists” are like most things that sound too good to be true. The “redemption scam” is an unusual and quite destructive tactic, which has come to light in recent years. The scam literally capitalizes on forces already in place—jailed militia members, the bogus legal history devised by anti-government groups, and basic human greed and need.

The idea behind the scam amounts to convoluted and bogus revisionist legal history. With handbooks circulating in prisons, audiotapes and books available for purchase,[5] seminars offered across the country, and information on the Internet, the procedures are tried by a range of people, many of whom may not have ties to anti-government groups.[6]

Particularly troubling and difficult to stem is the tide of state corporation commission (SCC) filings.

The challenge with these filings is that, unlike liens and other documents, they are not filed in court. (However, Pitcavage notes that one benefit to this system is that filings exist in a centralized place, unlike court filings, which are county-by-county, so that a pattern is easier to discern.[7]) Such scams are prolific in jails, where "Moorish Nationals" have latched onto the procedure.

Due to the combination of new technology—electronic filing—and ministerial nature of SCCs, there is very little procedure by which an SCC can screen or even view bogus filings.[8] But these and other frivolous filings do have distinctive markings. Red flags to watch for include:[9]

- A © symbol after the person's name
- Names in all capital letters
- Putting punctuation before the surname
- Using terms or initials after the person's name ("sui juris" or "SPC," for example)
- Debtor and secured party have the same name (although one may be in all capital letters, or surname first)
- No zip code, or putting brackets around a zip code
- The phrase "debtor is transmitting utility"
- Use of the term "Employer ID Number" rather than "Social Security Number"
- Reference HJR-192
- Gratuitous references to the Uniform Commercial Code (UCC)
- References to scripture[10]

How can such filings be stopped? The solutions involve various groups working together—prosecutors, courts, state corporation commissions, prison personnel, and other entities. Offenders who are already serving life without parole for other crimes pose particular challenges. In Virginia, one such inmate filed UCC financing statements with the state SCC in which he named himself as a secured party for total debts of $108,000,000 owed by federal judges, prison employees, and a clerk of federal court.[11] He was evidently not part of any organized group, but learned the tactics from a manual circulating the prison system. After a lengthy paper battle, the courts, prosecutors, and prison staff finally collaborated and used what appeared to be the only remedy at their disposal: holding him in criminal contempt, with fines taken from his canteen account, and viewing the situation as a violation of prison rules meriting segregation.

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Prisons—The New Front

Not surprisingly, with the tougher prosecution of extremists in the latter part of the 1990s, prisons have begun to see a notable increase in activity. Convicted anti-government leaders have come to see prison as a great opportunity for recruiting. Mark Pitcavage, the fact-finding director for the Anti-Defamation League, recently spearheaded a study of the contemporary prison-gang scene called "**Dangerous Convictions: An Introduction to Extremist Activities in Prisons.**" The *Intelligence Report* interviewed Pitcavage, a historian and expert about the radical right, about the findings of

the ADL's 52-page report:

> Take Leroy Schweitzer, the Montana Freeman [a form of "sovereign citizen"] leader who's in federal prison in South Carolina serving a 22-year sentence for various financial scams. He's teaching prisoners how to engage in "paper terrorism," how to file bogus liens against public officials, attorneys and others. He even showed one jewel dealer serving a 40-year sentence on money laundering charges how to file a [bogus] $1.5 billion lien against the judge in his case. Other imprisoned ideologues try to influence followers outside of prison. Craig "Critter" Marshall, an environmental extremist serving a five-year sentence for conspiracy to commit arson, told Earth First! readers last year that the only form of solidarity he wants is more arsons. He wrote something like, "When someone picks up a bomb, instead of a pen, is when my spirits really soar."

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Conclusion

Though in decline since the deadly Oklahoma City terrorist bombing in April 1995, militias have been enjoying a quiet upsurge since 9/11. While new trends like the redemption scams and the Little Pembina Shell Band will almost certainly emerge from time to time, many old-line militias have tried in recent years to reposition themselves as a force on local political and environmental issues.

Some of the bigger, old-line militias have even shifted their focus since the attacks on the World Trade Center and the Pentagon to battling terrorism by providing security training and selling survival gear. In Michigan, once the hotbed of the militia movement, militia groups went one step further: they've offered the government their expertise in training domestic anti-terrorist forces.

That's a dramatic departure from the militias of just a decade ago. Only time will tell whether the shift may be genuine, or at least partly so. Nevertheless, courts, prosecutors, state agencies, and prison staff must work together to identify and stem frivolous filings. Attorneys general can work to root out the fraudulent scams perpetuated by con artists. And those responsible for court security must keep such groups and tactics on their radar screens, and be aware of these issues when planning security measures.

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Anti-Government Movement Timeline

1969: Henry L. Beach founds Posse Comitatus movement in Portland, Oregon.

February 13, 1983: Gordon Kahl, one of the leaders of the Posse Comitatus, dies in a shootout with U.S. marshals in Arkansas.

February 1992: White supremacist theorist Louis Beam calls for "leaderless resistance," or cells of

fighters who report to no one. In coming years, the concept will be picked up by many in the Patriot movement.

August 31, 1992: White supremacist Randy Weaver surrenders after an 11-day standoff at his cabin on Ruby Ridge, Idaho, that left his wife, son, and a U.S. marshal dead. The incident galvanizes many on the radical right.

April 19, 1993: The FBI tries to end the 51-day standoff in Waco, Texas, by injecting tear gas into a building that subsequently bursts into flames, leaving some 80 Branch Davidians dead. More than any other event, the debacle ignites the militia movement.

November 1993: The Brady Bill, imposing a waiting period for handgun purchasers, is signed into law, infuriating many gun enthusiasts. Anger at the bill, along with a 1994 ban on some assault weapons, helps fuel the militia movement.

January 1, 1994: The first modern militia, the Militia of Montana, is officially inaugurated. It is led by John Trochmann, a white supremacist supporter of Randy Weaver.

January 1994: The North American Free Trade Agreement (NAFTA) is implemented, angering many over the prospect of a loss of U.S. jobs to Mexico. Patriots see this as reflecting the growing power of a global elite, or New World Order.

March 1995: Former Klansman Don Black puts up the first hate site on the World Wide Web, starting a trend that will be followed by hundreds of militia groups.

April 19, 1995: A truck bomb brings down the Oklahoma City federal building, killing 168 people in America's worst domestic terrorist attack. Timothy McVeigh, later convicted in the bombing, had ideological roots both in the Patriot world and among neo-Nazis like William Pierce, whose novel, *The Turner Diaries,* served as a blueprint for the attack.

March 25, 1996: A common-law group called the Montana Freemen begins an 81-day standoff in Montana after its leaders are arrested and charged with a multimillion-dollar fraud. The standoff ends peacefully.

1996: Several West Virginia militia members are arrested for plotting to destroy an FBI fingerprinting facility. The groups go underground, but resurface in 2004.

June 2, 1997: Timothy McVeigh is convicted in the Oklahoma bombing and will later be sentenced to death. Coconspirator Terry Nichols will be tried later in the year and sentenced to life in prison.

December 1997: Nearly 100 New York City employees, including some corrections officials, are arrested for using common-law "untaxing" kits to evade taxes. The case underscores how far such ideology has spread.

June 1998: A study by the Southern Poverty Law Center shows that in the preceding three years, 19 states have passed new laws or strengthened existing ones to cope with bogus property liens and threats from "common-law" adherents. Another eight states are considering similar actions.

September 13, 1999: Tennessee common-law ideologue Peter Stern is charged with conspiring to defraud tax authorities with fake checks from the Montana Freemen. Around the nation, hundreds of common-law followers like Stern are going to jail.

November 1999: Nearly 10,000 people in Denver attend the last Preparedness Expo before the new year to prepare for the "Y2K" collapse that many Patriots fear.

January 1, 2000: Despite Patriot expectations that the millennial date change will bring martial law or massive social collapse, nothing of the kind occurs.

February 21, 2001: Separatist Republic of Texas members join an anti-immigration group, Ranch Rescue, in trying to halt illegal aliens from entering the country.

September 11, 2001: Attack on the World Trade Center.

August 2002: Redemptionists in Cuyahoga County, Ohio, are indicted for involvement in a scam involving sight drafts.

January 2003: Joseph Komes, Jr., sends a $2 million invoice to Judge Ward Arnold in McHenry County, Illinois, for unauthorized use of his “copyrighted” name during his tax-evasion hearing.

September 2003: An inmate in Oklahoma invoiced the federal prosecutor and two judges for $13.5 million for unauthorized use of his “copyrighted” name during trial.

January 2004: A New Hampshire citizen announces that he and his friends have “formed a cell” in Wakefield.

May 6, 2004: Three men belonging to a group calling itself "Project 7" were arrested in Kalispell, Montana, where authorities discovered an arsenal that included fully automatic machine guns and 30,000 rounds of ammunition. Members were plotting to assassinate police, prosecutors, judges, and other state officials.

Fall 2004: Northern Indiana Preparedness Expo held for survivalists, militia groups, etc.

January 28, 2005: An Idaho man said by government lawyers to be associated with the anti-government militia movement was found guilty Friday of plotting to kill a federal judge, a prosecutor, and an IRS agent in retaliation for an earlier criminal case brought against him.

June 18, 2006: Recommended training standards posted to the Modern Militiaman site (**www.modernminuteman.net/forums/index.php?showtopic=2**).

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City of Salina v. Wisden, 737 P.2d 981 (Utah 1987). Defendant tried for violations of the motor-vehicle code claimed that, due to his status as a “free man,” the justice-of-the-peace court in which he was tried lacked jurisdiction; that he was denied equal protection because he was not granted an appeal; and that a statute under which he was charged was not properly applied to him. The court held that “[c]onsent to laws is not a prerequisite to their enforceability against individuals.”

U.S. v. Martin and Felice, 356 F. Supp. 2d 621; 2005 U.S. Dist. LEXIS 2606. Defendants were inmates serving life sentences in Lee County, Virginia.

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[1] Mark, Pitcavage, “The Quiet Retooling of the Militia Movement.” Anti-Defamation League, 2004.

[2] Ibid.

[3] Members of the group claim that they belong to a sovereign Native American tribe and, therefore, are not subject to laws and regulations. Although it started as a tribe, the "Little Shell Pembina Band" is part of the anti-government **"sovereign-citizen" movement**. Unlike true Native American tribes, one need not be genealogically linked to the tribe to become a member. Its members' activities range from driving with bogus license plates to perpetrating insurance fraud to committing tax evasion.

[4] Pitcavage, “Quiet Retooling,” 2004.

[5] “Discover how your governmentally-created, ALL-CAPITAL LETTERS-WRITTEN NAME, which is a corrupted, non-standard English version of your true name *and compromises you with an entirely separate legal entity that*-is used by banks, government agencies, and corporations to attack and exploit you legally and financially.”—Online ad for the $125-dollar book, *Redemption in Law*, 2nd ed., July 2000, online at **www.cyberclass.net/strawman.htm**.

[6] See the transcript of the Jean Keating Work Shop (December 25, 2004), posted on the Austin Freedom School site: **www.freedom-school.com/keating_seminar_transcription.pdf**.

[7] Mark Pitcavage, “Old Wine, New Bottles: Paper Terrorism, Paper Scams and Paper ‘Redemption,’” *Militia Watchdog Bulletin* (November 8, 1999) (**www.adl.org/mwd/redemption.asp**). “The fact that they file with the Secretary of State is a fortuitous happenstance, because it means that there is a centralized repository for much of these filings, whereas in many previous such schemes, filings were only done at the county level, meaning that a state that wanted to track the scheme had to contact every single county.”

[8] “With the advent of electronic filing of UCC statements with the Clerk’s Office, which is expected to be available later this year, there will be little, if any, human involvement or intervention with UCC documents that are electronically filed. . . . .

The duty of the Commission with regard to the filing of UCC, business entity, and federal tax lien documents, which is performed by the Clerk, is purely ministerial. Accordingly, if a document that has been submitted to the Commission for filing complies with the requirements of law and is accompanied by payment of the required fee, the Clerk must file the document. The Commission does not have the authority or discretion to reject a document on other bases." *State Corporation Commission v. Martin & Falice,* Response to Petition, (c)(d), at 5.

[9] *Intelligence Report,* "Behind the Walls." An expert discusses the role of race-based gangs and other extremists in America's prisons. Southern Poverty Law Center, Winter 2002. **http://www.splcenter.org/intel/intelreport/article.jsp?sid=55**.

[10] One such filing quoted Proverbs 17:18: "A man void of understanding striketh hands, and becometh surety in the presence of his friend" [underline added by the person filing].

[11] *Falice v. Mullen, et al.* 2004 U.S. App. LEXIS 11275 (June 7, 2004). See also *Williams, et al., v. Martin & Falice.* No. CLK-2004-00011, Final Order, State Corporation Commission, December 20, 2004.

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