

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

#### MORNING BUSINESS

Mr. DOLE. I want to ask that there be a period for the transaction of routine morning business for about the next 10 minutes or so. There are a couple of people who want to speak. Then we will turn to the terrorism bill.

Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with Members permitted to speak for not more than 5 minutes each, and that at 6:45 the Senate then turn to the consideration of Calendar No. 192, S. 735, the antiterrorism bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Chair.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 856 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### HEARINGS ON TERRORISM

Mr. SPECTER. Mr. President, the Subcommittee on Terrorism of the Judiciary Committee was scheduled to have hearings on terrorism today.

Those hearings could not be held because the Senate was in session continuously from 9 a.m. with rollcall votes of 9 minutes. So those hearings had to be postponed. They are going to be held on Thursday, June 8.

A good many people came from substantial distances. I expressed our regrets that we could not hold the hearing. But it was not possible to do so. But I did tell them that the statements which had been submitted would be put in the RECORD at this time so that their prepared statements could at least be read by Members of the Senate or those interested in reading them.

At this time, I ask unanimous consent that the statement of attorney John W. DeCamp, the statement of Mr. Norman Olson, the statement of Mr. Leroy Crenshaw, and the statement of the Militia of Montana be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

Memorandum from: Senator John W. DeCamp, Atty.

To: Sub Committee on Terrorism, U.S. Senator Judiciary Committee.

Re: Testimony to Committee.

To paraphrase an old saying. . . . "Five months ago I couldn't spell 'Militia' and now I represent one."

It was five months ago I agreed to PROVIDE LEGAL ASSISTANCE TO the leaders of the Montana Militia on a dozen felonies. Why? I felt the felony charges involved open and shut first amendment issues of freedom of speech, assembly and right to petition

Government issues, and have learned a wealth of information since that time—particularly in light of the Oklahoma bombing and the anti-militia movement.

Before I go too much further, let me give brief background on myself and let me answer the first questions that press and your staff asked of me.

*Question:* Are you a white supremacist?

My wife is Vietnamese—one of the Boatpeople. Our four home made AMERASIAN children are the four most beautiful and talented mixed race children on the planet. My business partner is African-American. My Comptroller is Indian from Bombay & my legal associates over the years have been mostly Jewish. You make your own conclusions.

*Question:* Are these militias dangerous?

Absolutely yes, and absolutely no.

First, the media and MOST OF US have made the same fundamental error ("Cat Bagging" I call it) as was made during the McCarthy Era, during the Vietnam War Protest Movement, and during Watergate.

That is, we lump all the Militias, the So Called Patriot groups, and Tax Protesters and Free Men & Survivalist Groups together as identical cats and then put them all into one bag.

Second, we SELECT An individual or entity that is simply off the spectrum in their beliefs, one not tethered to reality and attribute those horrible characteristics to all the militias. In short, we "demonize" them. Quickly, they are all labeled as white supremacist, racist, anti-government, paranoid revolutionaries fixing to blow up the world.

The truth is that there is as much diversity among these groups as there is among religious groups. As a young boy, I remember sitting in the front pew and hearing the Priest in my small town of 1,800 people explain why the Protestants were all going to hell. And, on Monday morning at school my best friend, a Protestant kid named Jimmy, would explain to me that his preacher had told him the same thing about us Catholics the day before.

It has been my observation that many of these groups—particularly the ones I considered not tethered to reality—are a bit like the Priest and the Preacher \* \* \*. That is, much of their effort is devoted to explaining to their members why the other group are not real patriots, or why Bo Gritz or John Trochman are really C.I.A. agents.

In truth, most of the militia groups—Montana Militia, Oklahoma Militia, New Hampshire Militia—could be classified as middle of the road among hard conservatives. What do I mean?

Ten, twenty and thirty years ago they are the individuals who were clamoring for "Law and Order."

I suppose it is ironic, some might say poetic, that what many of them sought, "Law and Order" has now come to pass in a FORM they deem to be excess \* \* \* that is too much oppressive law and abuse of the Constitution. And "order" has become what they fear to be "a new world order." And thru speaking out, they want everyone to know this attitude on their part and their fears and concerns.

But are they dangerous?

They are a political movement. All political movements are dangerous to some other political movement they run counter to.

That is how our system of government evolves \* \* \* thru political conflict and wars fought with words instead of bullets and fought in the press and from the bully pulpit instead of on the battlefield.

Ultimately, that is the only truly distinguishing feature separating our 200-year-old political system from all others that went before it. Namely, the ability thru verbal

conflict and battle for our system to reverse itself (revolution) and go in an opposite direction without the necessity of a violent revolution.

But are they physically dangerous or a threat to our Government or our Constitution?

You judge \* \* \* but do it on the facts, not on innuendo or the words of the natural enemies of these militias, namely, other political groups opposed to their philosophy.

To the best of my knowledge, there are no reported incidents of any significance of militias being involved in any of the following:

1. Drive by shootings.
2. The drug trade.
3. Use of children for pornography, pedophilia & drug couriers.
4. Gang wars.
5. Auto theft.
6. Murder, rape, robbery, trafficking in illegal arms.

If militias are involved in these somebody is not reporting them. And I doubt that.

For benefit of those who might differ with me on this, I would point out that in each of the incidents you might be familiar with, Gordon Kahl, Radny Weaver, Waco, the events were initiated by the Government in an attempt to serve usually misdemeanor warrants on contested tax matters using overwhelming force and what in hindsight seems rather poor judgement.

In short, an analysis by you will show that the militias themselves have been the victim of violence rather than the perpetrator or initiator.

As an example to prove my point, I challenge this committee to examine the most notorious & deadly event in American history involving U.S. marshals \* \* \* namely, the Gordon Kahl shoot-out 12 years ago in which about a half-dozen marshals were shot, and Kahl escaped resulting in the largest manhunt in American history.

Have the courage to OBJECTIVELY examine this event—same with Waco—, and you will begin to understand the origins of the militia movement, their disenchantment and fear of law enforcement and Government.

Whether you believe Kahl was the most notorious and crazy tax protester in American History or whether you believe he was a martyr responsible for triggering the militia movement, it is only by understanding this case in depth that you can understand the origins of the Militia movement.

*Question:* Are you, John DeCamp, a member of a militia?

Sure, about twenty-five years ago I was a member. We called it the United States Army. We had training sessions and exercises in a place called Vietnam. I was an Infantry Captain there specially assigned to a man named Bill Colby. Bill subsequently became my friend, Godfather, advisor and Legal Associate on a case or two. Bill was the individual who insisted I write the book, the Franklin Cover-up—which book resulted in some of the Militias asking me to represent them. You may remember Bill as the former head of a group called the C.I.A., Central Intelligence Agency.

So, since Colby told me to write my book the Franklin Cover-up; and since the book resulted in my representing the Montana militia and being here today, I suppose I'm here because of the C.I.A. just kidding. . . .

My Militia leader, a chap named McNamara, told us in Vietnam that we were winning; that our government was sincere . . . and a lot of other nice things that inspired us to get our heads blown off. Then a couple weeks ago, I understand Mr. McNamara told the world that he was only "funnin" us when he told us those things during the war. McNamara said that he or our other leader Lyndon knew all along that they were lying to us.

That is the about the same thing those war protesters were saying twenty-five years ago. But twenty-five years ago Mr. McNamara and Lyndon said the war protesters were lying and Mr. McNamara and Lyndon tried to suspend their right to criticize or question government. Lyndon tried to beat their heads in, lock them up and shut them up using government agencies. Now, I get a little gun-shy when I see the Government taking the same approach to the Militias today. Instead of raiding them, threatening them, indicting them for what they say and believe, let's keep open minds and listen to their arguments the same as any other political debate.

Who knows, we might discover that "truth lies somewhere in the middle" as it frequently does in all things in life.

There is no proof at this point, nor any indication of proof, that the militias themselves—unlike Vietnam war protesters—have blown up any buildings, media and political innuendo to the contrary notwithstanding.

*Question:* How should government treat the militias?

The same as any other political movement or group. Give them the full benefit of the First Amendment. Let the war be fought in the press and with words. The legitimate ones will survive and maybe evolve. In open debate, any crazies will self-destruct.

The only real danger from the militias is if you try to suspend pieces of the Constitution to shut them up or destroy them.

For God's sake . . . for America's sake . . . don't rip off a corner of our Constitution to address a crisis or threat that has yet to be proven to even exist.

Three times in my short life, I have watched panic set in with Government Leaders. Those three times are: McCarthyism, Vietnam war protest movement, Watergate.

Each time, government reacted by trying to suspend our Fundamental First Amendment Rights.

McCarthyism: I remember \* \* \* teachers taking loyalty oaths \* \* \* neighbors questioning and accusing their neighbor or competitor of being a Communist. J. Edgar being given free reign to suspend the Constitution. And everybody was paranoid about their neighbor.

Vietnam war protesters: I sure remember that. First reaction was to try to shut them up. That simply resulted in violence.

Watergate: My hero Dick Nixon panicked and for his own security also tried to rip off a corner of the Constitution and shut up his critics. That resulted in a brutal First Amendment "caning."

But, in each case, it was not the Government which saved the Constitution for the people; rather it was the free and unfettered press using their First Amendment which saved the Constitution from the Government abuse.

That First Amendment—and the free press and robust and wild and wooly free speech it promotes—is our ultimate check and balance to preserve the Constitution.

Whether it is Edward R. Murrow exposing McCarthy as a Charlatan; or the New York Times daring to print the Pentagon Papers; or, God Forbid, the Washington Post taking on Nixon and the entire government in Watergate, it has been the press operating under the First Amendment that has saved our Constitution and Americans from Government abuse rather than the Government saving our Constitution from press or American citizen abuse.

So what ever you do, don't overreact and trade pieces of our Constitution for an instant solution to some perceived but unproved problem.

Let me conclude by simply saying this: the best way to understand the militias, their

motives, their agenda, their danger or their benefit to America is to understand their origins.

And, you can only understand their origins if you will as a governing body publicly, openly and thoroughly examine Waco and Gordon Kahl and Randy Weaver.

This is what we ask of you. An open, public, above-board Senate examination of those events that will help re-establish, no matter the outcome of that objective examination, trust and credibility in our Government agencies when they speak.

(From The Alanson Armory: Wolverines, May 24, 1995)

#### TESTIMONY OF MR. NORMAN OLSON

Thank you for the opportunity to testify today. The following statement will attempt to answer the question of the legitimacy and the need of the citizen militia.

Not only does the Constitution specifically allow the formation of a Federal army, it also recognizes the inherent right of the people to form militia. Further, it recognizes that the citizen and his personal armaments are the foundation of the militia. The arming of the militia is not left to the state but to the citizen. However, should the state choose to arm its citizen militia, it is free to do (bearing in mind that the Constitution is not a document limiting the citizen, but rather limiting the power of government). But should the state fail to arm its citizen militia, the right of the people to keep and bear arms becomes the source of the guarantee that the state will not be found defenseless in the presence of a threat to its security. It makes no sense whatsoever to look at the Constitution of the United States or that of any state for permission to form a citizen militia since logically, the power to permit is also the power to deny. If brought to its logical conclusion in this case, government may deny the citizen the right to form a militia. If this were to happen, the state would assert itself as the principle of the contract making the people the agents. Liberty then would depend on the state's grant of liberty. Such a concept is foreign to American thought.

While the Second Amendment to the U.S. Constitution acknowledges the existence of state militia and recognizes their necessity for the security of a free state; and, while it also recognizes that the right of the people to keep and bear arms shall not be infringed, the Second Amendment is not the source of the right to form a militia nor to keep and bear arms. Those rights existed in the states prior to the formation of the federal union. In fact, the right to form militia and to keep and bear arms existed from antiquity. The enumeration of those rights in the Constitution only underscores their natural occurrence and importance.

According to the Tenth Amendment, ultimate power over the militia is not delegated to the Federal government by the Constitution nor to the states, but resides with the people. Consequently, the power of the militia remains in the hands of the people. Again, the fundamental function of the militia in society remains with the people. Therefore, the Second Amendment recognizes that the militia's existence and the security of the state rests ultimately in the people who volunteer their persons to constitute the militia and their arms to supply its firepower. The primary defense of the state rests with the citizen militia bearing its own arms. Fundamentally, it is not the state that defends the people, but the people who defend the state.

The second line of defense of the state consists in the statutory organization known as the National Guard. Whereas the National

Guard is solely the creation of statutory law, the militia derives its existence from the inherent inalienable rights which existed before the Constitution and whose importance are such that they merited specific recognition in that document. While the National Guard came into existence as a result of legislative activity, the militia existed before there was a nation or a constitutional form of government. The militia consisting of people owning and bearing personal weapons is the very authority out of which the United States Constitution grew. This point must be emphasized. Neither the citizen's militia nor the citizen's private arsenal can be an appropriate subject for federal regulation. It was the armed militia of the American colonies whose own efforts ultimately led to the establishment of the United States of America! While some say that the right to keep and bear arms is granted to Americans by the Constitution, just the opposite is true. The Federal Government itself is the child of the armed citizen. We the people are the parent of the child we call government. You, Senators, are part of the child that We The People gave life to. The increasing amount of Federal encroachment into our lives indicates the need for parental corrective action. In short, the Federal government needs a good spanking to make it behave.

One other important point needs to be made. Since the Constitution is the limiting document upon the government, the government cannot become greater than the granting power, that is the servant cannot become greater than his master. Therefore, should the Chief Executive or other branch of government, or all branches together act to suspend the Constitution under a rule of martial law, all power granted to government would be canceled and defer back to the granting power, the people. Martial law shall not be possible in this country as long as the people recognize the Bill of Rights as inalienable.

Since the power of self defense and the defense of the state is ultimately vested in the people, there is no possible way that a Governor or the Chief Executive of the United States, or any legislative body can "outlaw" the citizen militia for to do so would rob inherent power from the people. If that were to happen, our entire form of government would cease.

Historically, we have found that the Governor's militia, that is the National Guard, is intended to reduce the need for the citizen militia. Simply, if the National Guard did its job in securing the state, the citizen militia would not emerge. That it has emerged so dramatically seems to indicate that the people do not feel secure. Simply stated, the growing threat of centralized Federal government is frightening America, hence the emergence of the citizen militia. When government is given back to the people at the lowest level, the citizen militia will return to its natural place, resident within the body of the people. Civil war and revolution can be avoided by re-investing governing power to the people.

To summarize: Citizen militia are historic lawful entities predating constitutions. Such militia are "grandfathered" into the very system of government they created. The Constitution grants no right to form militia, but merely recognize the existing natural right of all people to defend and protect themselves. The governments created out of well armed and free people are to be constantly obedient to the people. Any attempt to take the means of freedom from the people is an act of rebellion against the people.

In order to resist a rebellious and disobedient government, the citizen militia must

not be connected in any way with that government lest the body politic lose its fearful countenance as the only sure threat to a government bent on converting free people into slaves.

TESTIMONY OF LEROY CRENSHAW BEFORE THE SENATE COMMITTEE ON THE JUDICIARY, MAY 25, 1995

Good Morning Chairman Hatch and Distinguished Members of this Committee.

My name is Leroy Crenshaw, and I would request that this Committee accept my prepared statement as a part of the record of these proceedings.

I was born and raised in the beautiful State of Alabama, and I now live and teach school in the great State of Massachusetts. I have a faithful and supporting wife and we have raised six fine children.

We all feel privileged to have been born in these times when the promise of our forefathers has begun to spread to all races, colors, and creeds, of our countrymen. Ironically however, these times have evolved all too soon into conflicts between my countrymen of all races and the officers of their government. For many of my friends who are not Black Americans, these times have brought circumstances into their lives that have no memorable precedent. For me and my wife, we see emerging official conduct that is all too reminiscent of earlier days of "us" and "them" that Black Americans have known as their daily diet since our country began. We welcome our white brethren to our sides in this time of burgeoning oppression.

During recent times, we ordinary Americans have experienced repeated episodes of authoritarian confrontation provoked and executed by our federal government. We have witnessed with horror as each of our individual rights, as enumerated in the first Ten Amendments to our Constitution, has fallen to attack by our federal government at the highest levels. We have repeatedly attempted redress through our courts, through our elected Representatives and Senators, and through pleading with the agencies of our government, all to no avail after a consistent pattern of restatement of our issues into "non-issues", in order to avoid dealing with the substance of our complaints.

We have witnessed our federal Government make itself a party to the collapse of our banking and Savings and Loan institutions.

We have witnessed our Government commit our young men to foreign military adventurism upon false premise, and upon an usurped authority.

We have all been victims of federal incursion into our private financial affairs to the point of our right invasion of the sanctity of our family domain, under the guise of routing out fraud by us working Americans.

We have witnessed out right and provable lies told to the records of our federal courts by the judges appointed to these high positions.

We have witnessed our own President disclaim our Bill of Rights as "radical" liberties to be granted to ordinary people.

We have witnessed one Vice President (Quayle), along with at least one Attorney General (Barr), attempt to convince us to abandon our right to jury trials in all criminal cases and a civil case in excess of twenty dollars (1990-1991).

We have discovered that the CIA, the Department of Justice, and the DEA, along with other agencies of government have worked in concert to engage and profiteer from drug trafficking.

We have witnessed the compromise of the sovereignty of our state governments by federal funding schemes that always contain a myriad of control strings.

We have witnessed our community controlled school systems invaded by "better idea" federally funded concepts that offer no rational solutions, except mind conditioning of our young into "interdependent" concepts that scorn the virtue of self reliance and fundamental education.

We have witnessed repeated instances when officers of our federal government, acting under color of federal law, have committed multiple crimes against us, in the form of actual violence, and in the form of 'white collar' extortion, theft, embezzlement, and provable fraud.

We have witnessed the consistent official forgiving of these crimes without any authority under our Constitution to grant these officers any reprieve for their offenses against our laws and our Constitution.

We have studied our Law, and we have found there our fundamental rights still stated to be "protected".

We also have found within our Constitution, the prescription for dealing with these perversions to our security that trouble us so much.

We find in the First Amendment to the Constitution that the Congress shall pass no law abridging our right "peaceably to assemble, and to petition the government for a redress of grievances.", but Congress has passed such laws.

We find the Second Amendment constitutionally prescribed protection of our individual duty to take arms if need be in defense of our Constitution, to be under attack by our own Congressmen.

We find in the Fourth Amendment, our protection of our right to be secure in our homes from official threats against our persons, our papers, and our effects, against searches and seizures upon non-existent or warrantless incursions into our private domains, but we know of repeated incidents of just such incursions into the homes of persons who are later found to be completely innocent of any wrongdoing, and some of such persons have died as a result.

We find in the Fifth amendment that none of us is to be deprived of our life, without due process of law, but we know now of many unarguably innocent people who have been killed by our federal officers who knew of the innocence of their victims before their killing acts.

We find in the Fifth Amendment that none of us is to be deprived of our liberty without due process of law, but we know that many of us have been imprisoned upon trumped up charges that are ultimately shown to have been knowingly brought upon fraudulent grounds.

We find in the Fifth Amendment that none of us is to be deprived of our property without due process of law, but we know that many of us has had his cash, possessions, and future means of earning a living, seized without any opportunity to oppose such seizure before the fact.

We find in the Fifth Amendment that each of us is entitled to obtain "just compensation" as payment from our government before our property of any sort is taken for public purposes, but our government is depriving us of that which is ours upon a daily basis without any payment what so ever.

For all the above findings, the officers of our government are acting in clear repugnance to our Constitution. Those in government who control the course of redress within our institutions know that we have suffered these crimes under our Constitution. Yet, they do nothing, and these facts constitute a condition of officials acting in insurrection and rebellion against our Constitution, as meant in section 3 of the Fourteenth Amendment.

We all know that should our government fail to immediately purge itself of such man-

ner of conduct, that we each are empowered by Section 4 of the Fourteenth Amendment to suppress any such manner of insurrection and rebellion—at the expense of our National Treasury.

Now let us all understand:

That we the people have always had, and still possess, the right, the duty, and the power, to "effect [our] Safety and Happiness."

That, "Prudence . . . will dictate that Governments long established [such as ours] should not be changed for light and transient causes; and . . . all [our] experience has shown, that mankind is more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which [we] are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce [us] under absolute Despotism, it is [our] right, it is our duty, to throw off such government [or usurping officers within], and to provide new Guards for [our] future security."

"Such has been the patient sufferance of [my countrymen]; and such is now the necessity which constrains [us] to alter [our present state of oppression]." To this end, we have commenced to keep and bear our Arms upon common respect and allegiance to the defense of our Constitution, and to those long suffering public servants of our government who are compelled to remain silent while a small arrogant elitist sect wield powers never granted to them by us, and destroy our nation.

My humble message to this panel is that we know you and your counterparts in the House of Representatives are aware of these problems, and your sworn duty to suppress those federal officials acting against us. We urge you to do your duty. We shall not fail to do ours.

Thank you all for your kind attention.

LEROY CRENSHAW,

Springfield, MA, May 25, 1995.

Hon. ROBERT GOLDBERG,  
Subcommittee on Terrorism, Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I come before this subcommittee on terrorism to state my views, establish for the record the basic concepts behind the Militia movement, and for all American's who are unable to receive justice from a system that is bogged down in red tape and corruption.

First, I speak for myself. My dealings with the Internal Revenue Service [IRS] began at a time when I was personally involved with two deaths in my immediate family. One was our daughter, the other was my wife's mother. The IRS claimed we owed an additional \$1,000.00 to \$2,000.00 in taxes. This figure skyrocketed from that level to \$12,000.00 after application of penalties and fines. Upon advice of the federal judge who heard our case, we paid nothing pending a class action suit against the tax shelter. The IRS subsequently closed down the tax shelter, and all participants who were assessed additional taxes, fines, and penalties, by the IRS for their good faith money management. As I said, at that time I was under stress, having just lost two loved ones, and so we paid the \$12,000.00. We were given forms to complete that we were told would allow the debt to be forgiven. However, nothing has come of this assurance to date. The forms were returned to the IRS, and we made several telephone calls on this matter only to be told that no one knew anything about this. Justice has not been served in our matter, and I petition this chamber to launch an investigation and return to myself and every other individual that has been targeted by the IRS any and all moneys that have been taken under duress and threat of prosecution.

Another case is that of *Thomas M. Read v. The United States of America, et al.* This case went to the U.S. Supreme Court upon dismissals all along the way (Supreme Court Docket No. 92-1952). Thomas Read, and his wife Sandy, had been hounded for six and one-half years by corrupted federal court appointees in the Northern California bankruptcy system. Neither Read, nor his wife, has any connection to any bankruptcy—except by the fraudulent and false claims lodged under Connecticut law against them. In October of 1986, Read underwent a two week jury trial, and he and his wife were found to have been completely innocent of the allegations lodged against them. It was a jury trial, and the jury determined that the plaintiff, a bankruptcy trustee, was guilty of knowingly inducing the Reads into a fraud, a tort offense under Connecticut law. But the trustee ran to his bankruptcy judge in California, and sought and received a "Permanent Injunction" against the Reads from ever acting upon their judgment upon the issues he (the trustee) had brought to trial in Connecticut Superior Court. The case had not been removed to federal jurisdiction—because a prior federal action brought against the Reads had resulted in an abstinence by the federal courts of exercise of federal jurisdiction over this case, and also because the time limitations for removal to federal jurisdiction had long since expired. Mr. Read was not aware of the corruption that existed in the Northern California bankruptcy system, and filed an appeal to the Bankruptcy Appellate Panel for the U.S. Court of Appeals for the Ninth Circuit. That court misstated facts, and proceeded to proclaim bankruptcy trustees immune from personal liability upon the false premise that they possessed "derived judicial immunity" (This case was mentioned in Rodney Stich's Book *Defrauding America*, pp. 109 and 110), even though these trustees do not function in a judicial capacity. The Reads had already suffered a \$346,000.00 loss resulting from the years of fraudulent suit, and ultimately suffered a complete financial collapse, in 1989.

Since that time, Mr. Read has been railed upon by our federal courts when he has stated the facts of this case. The fact remains, a jury determined that court appointees did conceive and work in concert to perpetrate a fraud upon the Reads. If our government, in order to serve the public, must commit acts constituting torts against ordinary citizens and protect its appointed federal actors, then the government assumes the burden of justly compensating the damaged parties under the Fifth Amendment Taking Clause. In this case, and many others, it did not.

Finally we come to the militia movement. Because of all of the above incidents, and many more, the citizens of this country have become disenchanted, skeptical, and suspicious, of our federal government on all levels. I, myself, am not a member of any militia, but having been involved in a dispute with the government in the form of the IRS, and having seen many friends who have become involved in incidents that were not of their making or choosing, I have come to realize that we must force our elected officials to do our bidding because they refuse to respond to us. I must conclude that, since there is so much corruption in government, and there seems to be no way that the "good guys" can be differentiated from the "bad guys", by the government, then, we have to eliminate the "bad guys" ourselves. I am here to advise you that the American people are waking up, and these awakening Americans are seeing the truth of our times. They are seeing many of you, and many of your colleagues, lie and deceive us without even a thought of remorse.

The militia movement started because the majority of the politicians are not telling

the truth and the people have no redress for their grievances. The politicians are liars and the news media are purveyors of these lies as if they were the truth. The militia movement is comprised of ordinary every day people who love their country and the way of life that is slowly being sucked away by government officers acting upon an usurped authority. You were all put in office by people who are in the militia, who are teachers, like myself, and who are more likely than ever to be unemployed individuals due to unconstitutional laws passed by this Congress, and Executive Orders signed into law that should never see the light of day.

Certain actions by the ATF, CIA, IRS, and other federal agencies have brought attention to themselves and their "Jack booted thugs" by the few who need to be eliminated from the ranks of federal government. There is no justice if the ones who shoot nursing mothers and dogs, and little children in the back, later get promoted instead of prosecuted. Case in point is Special Agent Potts. Let's get some justice for the American people by putting this murdered (Potts) in jail. We don't want him promoted, we want him, and others of his ilk, out of office, with NO benefits, NO retirement, and NO chance of ever later acquiring them. If a public officer dishonors his oath to defend and protect the Constitution, that officer should relinquish any rights he or she thought that were theirs, but instead it is the people of America who end up relinquishing their individual rights. That IS a crime. People who break the law need to be punished, that includes politicians, judges, trustees, or anyone who has acted in violation of the public trust.

The terrorism that has been perpetrated against America, has been against all Americans. How dare they insinuate that loyal Americans would stoop to hurt other Americans. Yet, individuals in the person of Ms. Janet Reno, have the nerve to sit there and act indignant about charges spoken against her on the Waco massacre. Make no mistake, it was a massacre, and I doubt if the truth will ever be told because of the corruption and graft that permeates the entire justice system. These harsh words, but not nearly as harsh as the reality that American citizens endure each day.

There is today in America, a resurgence of loyalty and if you are not corrupt, if you work for the people, and if you uphold the Constitution, you have nothing to fear from anyone, much less a militia movement. Unfortunately, payoffs, underhanded money deals, corruption and illegal use of the power of office is the rule rather than the exception. Some believe that the only terrorism instigated in this country today, has been at the hands of government officials. I don't see the people of this country putting up concrete barriers around their homes. This country was founded on the premise that the government worked for the people, not the other way around. If we are being denied access to our "elected officials" what is the next step? The saying "A guilty mind needs no accuser" applies here! Only the guilty flee, when no one pursues.

If Larry Nichols and Terry Reed are wrong in their accusations of massive drug trafficking against Mr. Clinton, let's put them in jail after a fair trial. But, if as we all suspect, they are truthful, let's put Mr. Clinton on the line, Impeach and prosecute and do not under any circumstance allow him to grant immunity or to pardon anyone. Is this too much to ask? I ask all of you, how many members of Congress as well as judges, etc., would remain in office of forced to be held accountable to the laws of the ordinary man.

As a black man born and raised in Alabama, I've been subjected to things most Americans only read about in History books.

Now, today, in this country, land of the free home of the brave, white Americans are beginning to be subjected to the same types of discrimination and random acts of violence that are really not targeted at any one group, but at all Americans who love their country and are trying to get rid of the corruption and graft that lines our courtrooms and legal professions. The few bad apples do spoil it for the "good guys" every time.

Sincerely,

LEREOY CRENSHAW.

EXCERPT FROM HEARING BEFORE THE SUBCOMMITTEE ON ECONOMIC AND COMMERCIAL LAW OF THE COMMITTEE ON THE JUDICIARY, NOVEMBER 6, 1991

Hamilton described another bankruptcy-related killing, in which attorney John Scott was murdered as his charges of bankruptcy corruption started to threaten the established racketeering enterprise and the involved federal judges, trustees and law firms. Someone killed Scott near Austin, Texas.

GIVING THEMSELVES IMMUNITY FROM THEIR CRIMES

Federal judges of the Ninth Circuit held that the private trustees, including embezzler Charles Duck, who committed the nation's worst Chapter 11 corruption, were officers of the court, and were therefore immune from liability. Federal judges, therefore, held that a citizen has no claim against an officer of the court (i.e., trustee, attorney, judge, or one of their employees) arising from the criminal acts of that federal official, even though the acts are criminal and inflict enormous harm upon an innocent person. They held in effect that officers of the court could inflict any type of outrage upon the public, and the public has no remedy.

One of the many people victimized by the judicial corruption was Thomas Read of Connecticut. Read had not sought relief in Chapter 11, but was affected by Charles Duck, and the federal judges seeking to protect the admitted embezzler. Read obtained a Connecticut judgment against Duck. Bankruptcy Judge Alan Jaroslovsky of Santa Rosa, who had protected Duck's criminal activities, issued an injunction forever barring Read from enforcing the judgment. Read argued that the injunctive order exceeded the judge's authority. Read filed an appeal with the Ninth Circuit Bankruptcy Appellate Panel (composed of Chapter 11 judges. The appellate panel rendered a published decision:

"Federal judges, seeking to protect these criminal acts and themselves, have rendered decisions holding that "judicial immunity not only protects judges against suit from acts done within their jurisdiction, but also spreads outward to shield related public servants, including trustees in bankruptcy."

"This circuit has adopted a . . . rationale stating that a trustee or an official acting under the authority of the bankruptcy judge is entitled to derived judicial immunity because he is performing an integral part of the judicial process. . . . a trustee, who obtains court approval for actions under the supervision of the bankruptcy judge, is entitled to derived immunity.

"It is well settled that the trustee in bankruptcy is an officer of the appointing court. Courts other than the appointing court have no jurisdiction to entertain suits against the trustee, without leave from the appointing court, for acts done in an official capacity and within his authority as an officer of the court. . . . It is . . . axiomatic that the Trustee, 'as a trustee in bankruptcy [and] as an official acting under the authority of the

bankruptcy judge, is entitled to derived judicial immunity because he is performing an integral part of the judicial process."

"Sound policy also mandates immunizing the trustee. The possibility that we would hold trustees personally liable for judgments rendered against them in their representative capacity would invariably lessen the vigor with which trustees pursue their obligations. Immunity is essential because, as Judge Learned Hand noted, "to submit all officials, the innocent as well as the guilty, to the burden of a trial and to the inevitable danger of its outcome, would dampen the ardor of all but the most resolute, or the most irresponsible, in the unflinching discharge of their duties. . . . Accordingly, we hold that the trustee [Charles Duck], acting under the authority of the court, is entitled to derived judicial immunity."

As the judicial involvement in the Chapter 11 corruption surfaced, the Ninth Circuit Court of Appeals rendered a judgment<sup>103</sup> protecting judges against responsibility for their criminal acts. The Ninth Circuit rendered the decision holding that regardless of any criminal conduct committed against the public or an individual by a judge or person acting on his behalf, such as a trustee, the public had no remedy against the judges, or anyone acting with the judges. The need for these self-protective and unconstitutional decisions is rapidly increasing as federal judges are heavily implicated in some of the worst criminal activities ever exposed in the history of the United States. Worse judicial corruption has yet to be described.

Justices of the U.S. Supreme Court enlarged upon the protection against their own criminal acts (and they may need this protection shortly). The Supreme Court Justices held in *Stump v. Sparkman*<sup>104</sup> that a judge could deliberately commit unlawful, unconstitutional, and corrupt acts upon a citizen, destroy personal and property rights, and be immune from financial liability. This decision was repeatedly stated by U.S. District Judge Marilyn Patel, San Francisco, as I sought relief against California and federal judges.

The Constitution and statutes disagree with judge-made law, federal civil rights statutes and constitutional rights to seek relief clearly do not provide immunity to federal judges when they violate clear and settled civil and constitutional rights, or against corrupt or criminal acts, and who inflict harm upon any member of the American public.

In *Stump v. Sparkman* the judge entered into a conspiracy, ordering a young girl permanently sterilized. The Supreme Court held that the girl had no remedy against the judge, as the public's welfare requires that a judge be free to exercise his duties without fear of the consequences. That is a farce, and the public's welfare isn't protected by protecting crooked judges.

#### APPEARANCE BEFORE THE SENATE SUBCOMMITTEE ON ANTI-TERRORISM, MAY 25, 1995

Not only is it a pleasure to have this opportunity to define for your and America who and what the militia is, what they stand for and why all Americans have the constitutional obligation to participate in patriotic or militia groups, but it is also saddening that this opportunity arose out of the Oklahoma tragedy.

Contrary to popular opinion, the Militia Of Montana does not base its existence upon the legal definition of militia. The foundation for the right to exist is clearly a First Amendment issue, freedom of speech and freedom of assembly, as a private organization. At this time there are approximately ten million American citizens participating

in patriot/militia activities in all fifty states, with the numbers growing steadily every day.

The Militia Of Montana, created by a few loyal American citizens, has become a national "guide-post" for newly founded patriot groups.

Why people need to participate in militia/patriot organizations and activities is best shown in the Declaration of Independence. It is too lengthy to read at this time, however it speaks for itself and for American patriots. We would like to request that this document be entered into the permanent record at this time, as a partial support document to our statements.

The Declaration of Independence gives excellent insight and explanation as to why individuals go to extreme measures when flagrant injustices continue by "out of control", oppressive public servants. This same restrictive oppression is once again rearing its ugly head, only this time in America.

The following are just a few examples as to why American citizens are becoming more and more involved in militia/patriot organizations:

The high Office of the Presidency has turned into a position of a Dictator through the abusive use of Executive Orders and Directives. This must be stopped. The Senate and the House of Representatives have been stripped of their power and authority and act only as mouth pieces for "public policy". When the President over rules the Congress by Executive Order, Senators and Representatives wonder why their constituents are so upset.

When government corruption, fraud, deception and secret government theft has not been tried and adjudicated, Senators and Representatives wonder why their constituents are so upset.

When government plans and authorizes the assassination of 87 Americans in their home and church, or directs the sniper to kill a mother while holding her infant in her arms and then awards those responsible with a job promotion, Senators and Representatives wonder why their constituents are so upset.

When government takes private property from American Citizens to protect the kangaroo rat, Senators and Representatives wonder why their constituents are so upset.

When government law enforcers, dressed like local gang members in total black, bust down your door, often the wrong door, Senators and Representatives wonder why their constituents are so upset.

When the President, Senate and House of Representatives infringed upon the Second Amendment, are attempting to infringe upon the Fourth Amendment (H.R. 666) and are now, through these hearings, contemplating on infringing upon the First Amendment, Senators and Representatives wonder why their constituents are so upset.

When private interest groups like "The World Government of World Citizens" can sell their own stamps and their own passports to their own members and the government allows and accepts them as valid, contrary to the law, Senators and Representatives wonder why their constituents are so upset.

When government allows our military to be ordered and controlled by foreigners, Senators and Representatives wonder why their constituents are so upset.

When government allows foreign armies (some of whom are using them to kill their own citizens) to train in our land, Senators and Representatives wonder why their constituents are so upset.

When government allows the military to label patriots as the enemy, Senators and Representatives wonder why their constituents are so upset.

When government defines human beings as a biological resource under ecosystem management, Senators and Representatives wonder why their constituents are so upset.

When government sends billions of dollars in aid to foreign countries while there are millions of homeless and starving Americans, Senators and Representatives wonder why their constituents are so upset.

When government forces Americans to work over five months to pay their income taxes alone, Senators and Representatives wonder why their constituents are so upset.

When government refuses to hold hearings on government sanctioned abuses, Senators and Representatives wonder why their constituents are so upset.

When government tampers with and destroys evidence needed to solve a crime, Senators and Representatives wonder why their constituents are so upset.

When government now considers the very idea of infringing upon the people's rights of freedom of speech, assembly and the right to redress, Senators and Representatives wonder why their constituents are so upset.

"The Law perverted and the police powers of the state perverted along with it!! The law not only turns from its proper-purpose, but made to follow a totally contrary purpose, the law becomes the weapon of every kind of greed.

Instead of checking crime the law itself becomes guilty of the evils it is supposed to pursue.

Since this is now true, it is a grave and serious fact. Moral duty to my fellow man requires us to call these facts to the attention of our fellow citizens."

These were the words of a French Patriot, Frederick Bastiat, in 1884 as he watched his nation move into Socialism and an oppressive police state.

These are identical concerns echoed today by the militia/patriot groups and organizations. These groups and organizations represent lawyers, doctors, soldiers and laborers.

Militia/patriot organizations are not terroristic, aggressive or offensive in structure or design. We have, and presently deplore and denounce the senseless act of violence that took place in Oklahoma. We have and will continue to assist in any manner to apprehend all persons that may have planned or carried out that deed. At whatever level they may hide.

Militia/patriot groups are only aggressive in our means by which we educate a docile American public. Our singular mandate, which is public and overt, is the preservation of the Constitution of the United States (a Republic), as it was founded and the Sovereignty of this great nation.

Ladies and Gentlemen of the Senate and House of Representatives the people would like to know where and when it will end? Will it end with America turning into a Socialist Republic (which we all know is the end result of a Democracy)? Or, will you do your duty to fulfill your oath which all of you took to defend this country from all enemies foreign and domestic?

If you decide to fulfill your oath the first thing you must do is stop relying upon rumor and gossip. Do not rely upon the press or other organizations which have their own agendas. Rely upon your own investigations.

As one example, we would like to refer you to the Congressional Record of the 92d Congress, First Session, Vol. 117, No. 189, Monday, December 6, 1971, House of Representatives. Congressman John R. Rarick (D-La.) exposed the Anti-Defamation League's (ADL) vast world-wide spy network. According to Congressman Rarick the ADL provides information to the press which accepts it as truth, Congressman Rarick also stated the

ADL uses its information "to suppress free speech and discussion and to influence public thought and sentiment of an unsuspecting citizenry."

Lo and behold what do we now have? Legislation that will suppress freedom of speech and discussion.

In 1983 the Department of Justice (DOJ) paid the ADL \$20,000 in taxpayers' money to produce a report on so-called "hate groups". The DOJ refused to publish the report because it was so sensationalized that the DOJ could not consider it credible. The ADL went ahead with its own copyright and published the report anyway, feeding it to the press. The DOJ forced the ADL to relinquish the copyright. Now the ADL is once again feeding the press lies, rumor and gossip which the press accepts as gospel.

The press then takes this mis-information, rumor and gossip, sensationalizes it to spin a tale until it grows and grows so out of proportion that the press starts scrambling to create a better story than the other guy. Law enforcement, military and government officials then pick up on it believing in a literal "feeding-frenzy" of the press. This has become a story that had lost control and those who do not investigate it for themselves are totally irresponsible, especially law makers.

As we are now witnessing, Americans are questioning the press. This is evidenced by the phenomenal growth of the patriot/militia movement.

As this patriotic awareness expands, millions of Americans will expect a new view from a more responsive government. A new re-birth of responsibility from a government that has strayed from its "job-description" as mandated by the Constitution. A government created by the people and for the people. Not the limited few.

May God be with all America as he watches over the shoulders of you who write her laws. A nation can survive its fools and even the ambitious. But it cannot survive treason from within.

America has nothing to fear from patriots maintaining "vigilance." She should, however, fear those that would "outlaw" vigilance.

#### WACO AND RUBY RIDGE INQUIRIES

Mr. SPECTER. Mr. President, I had been looking for some time to talk on my own inquiries into the events at Waco and Ruby Ridge, but since the leader has scheduled the terrorism bill to come up and has limited the opening statements in morning business to 5 minutes, it is my intention to try to be the lead speaker tomorrow. That will fit into some of my opening comments on terrorism. I will present the findings of my preliminary inquiry at that time.

I thank the Chair and yield the floor.

#### CONCLUSION OF MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMPREHENSIVE TERRORISM PREVENTION ACT

The PRESIDING OFFICER. The clerk will report S. 735 by title.

The legislative clerk read as follows:

A bill (S. 735) to prevent and punish acts of terrorism, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

#### AMENDMENT NO. 1199

Mr. HATCH. Mr. President, I send an amendment in the nature of a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. DOLE, for himself, Mr. HATCH, Mr. NICKLES, Mr. INHOFE, Mr. GRAMM, and Mr. BROWN, proposes an amendment numbered 1199.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HATCH. Mr. President, today the Senate begins consideration of the Dole-Hatch Comprehensive Terrorism Prevention Act of 1995. This amendment has within it one of the most important pieces of criminal law in this country's history, and that is the Dole-Specter-Hatch habeas corpus reform bill. That is only one part of it, but that is the one part that will make a difference with regard to the Oklahoma City bombing.

This legislation represents a landmark bipartisan effort to address the issue of grave national importance; that is, the prevention and punishment of acts of domestic and international terrorism.

This legislation adds important tools to the Government's fight against terrorism and does so in a temperate manner that is protective of civil liberties. In short, I believe that this bill is the most comprehensive antiterrorism bill ever considered in the Senate.

This legislation increases the penalties for acts of foreign and domestic terrorism, including the use of weapons of mass destruction, attacks on officials and employees of the United States, and conspiracy to commit terrorist acts.

It gives the President enhanced tools to use his foreign policy powers to combat terrorism overseas, and it gives those of our citizens harmed by terrorist acts of outlaw states the right to sue their attackers in our own courts of law.

Our bill provides a constitutional mechanism to the Government to deport aliens suspected of engaging in terrorist activity without divulging our national security secrets.

It also includes a provision that constitutionally limits the ability of foreign terrorist organizations to raise funds within the United States.

Our bill also provides measured enhancements to the authority of Federal

law enforcement to investigate terrorist threats and acts. In addition to giving law enforcement the legal tools they need to do the job, our bill also authorizes increased resources for law enforcement to carry out its mission. The bill provides for \$1.8 billion over 5 years for an enhanced antiterrorism effort at both the Federal and the State level.

The bill also implements the convention on the marking of plastic explosives. It requires that the makers of plastic explosives make the explosives detectable.

Finally, the bill appropriately reforms habeas corpus, as I mentioned before.

The Specter-Hatch habeas corpus bill will correct some of the deficiencies in criminal law that exist today. It will stop the frivolous appeals that have been driving people nuts throughout this country and subjecting victims and families of victims to unnecessary pain for year after year after year.

Habeas corpus allows those convicted of brutal crimes, including terrorism, to delay the just imposition of punishment for years. And this will correct that while still preserving and protecting the constitutional rights of those who are accused.

Several points, however, should be addressed. I have long opposed the unchecked expansion of Federal authority and will continue to do so. Still, the Federal Government does have a legitimate role to play in our national life and in law enforcement. In particular, the Federal Government has an obligation to protect all of our citizens from serious criminal threats emanating from abroad or those that involve the national interest. Over 140 years ago, Abraham Lincoln had this to say about the role of Government.

The legitimate object of Government is—

... to do for the people what needs to be done, but which they cannot, by individual effort, do at all, or do so well, for themselves. If some men will kill, it is a common object with peaceful and just men to prevent it.

Similarly, it is the responsibility of the Federal Government to assist the States in meeting those threats that none alone can adequately meet. The terrorist threat, whether posed by foreign entities or domestic interests, meets this test.

We must, nevertheless, remember that our response to terrorism carries with it the grave risk of impinging on the rights of free speech, assembly, petition for the redress of grievances, and the right to keep and bear arms. We cannot allow this to happen. It would be cruel irony if, in response to the acts of evil and misguided men hostile to our Government, we stifled true debate on the proper role of Government.

Nor shall we exchange our precious Constitution which has protected us for over 200 years for false promises of "increased security." For as Ben Franklin said: