

Montana Human Rights Network

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TO: HOUSE JUDICIARY COMMITTEE MEMBERS
FROM: MONTANA HUMAN RIGHTS NETWORK
SUBJECT: BACKGROUND ON HB 284
DATE: 1/27/2005

EXPLANATION OF ATTACHED DOCUMENTS

THE ATTACHED DOCUMENTS ARE ADDITIONAL BACKGROUND INFORMATION THAT RELATES TO THE MONTANA HUMAN RIGHTS NETWORK'S OPPOSITION TO HB 284.

1. The first two pages are background on the Posse Comitatus. It discusses the group's formation and ideology, along with its contributions to the common-law-court movement. As a frame of reference, the Montana Freemen were part of the common law movement.
2. The second document attached is an e-mail that was circulated earlier this week by the Militia of Montana in support of HB 284. For background on Gordon Kahl (mentioned in the first paragraph of the e-mail), please see Document #1. For background on Rudy Ridge and Waco (also mentioned in the first paragraph), please see Document #3.
3. This document provides an abbreviated history of the Posse Comitatus and how it influenced the formation of today's militia movement (referred to as the "patriot" movement in this piece). It also has background on Ruby Ridge and Waco, which are mentioned in Document #2.
4. Portions of the *Posse Comitatus Handbook* are reprinted. This is taken from: *Blood in the Face*, James Ridgeway, 1990.
5. A notice created by current Posse Comitatus activist James Wickstrom. This is taken from: *Blood in the Face*, James Ridgeway, 1990. For more background on James Wickstrom, please see Document #1.

If you have any questions, please feel free to contact me.

Sincerely,

Travis McAdam

Research Director

Excerpted from: *Common Law and Uncommon Courts: An Overview of the Common Law Court Movement*, by Mark Pitcavage, 1997.

The Posse Comitatus

The common law courts and sovereign citizens are the direct ideological descendants of the Posse Comitatus; any attempt to understand the common law courts must start with this group. The Posse, though, is not necessarily an easy entity to understand.

On one level, the Posse was a right-wing extremist organization with a more or less definable beginning. In 1969 a retired dry cleaner named Henry "Mike" Beach (a former member of the 1930s pro-Nazi group, the Silver Shirts) formed the a group called the Sheriff's Posse Comitatus. In California, William Potter Gale started a similar organization, the United States Christian Posse Association, around the same time. From these beginnings, branches formed in other areas of the country, numbering around 80 or so by the mid-1970s. The farm crisis of the early 1980s, for reasons which will be explained below, caused membership to rise greatly, particularly in the plains states.

From the start, the Posse caused problems for local, state and federal authorities. As early as 1974, Thomas Stockheimer, head of the Posse in Wisconsin, was convicted on charges of assaulting an Internal Revenue Service agent. Indeed, the normally placid state of Wisconsin became a hotbed of Posse activity, due to leaders Stockheimer, James Wickstrom and Donald Minniecheskie. In northeastern Wisconsin, Wickstrom--who styled himself the "national director of counterinsurgency" of the Posse and liked to conduct paramilitary training--established the "Constitutional Township of Tigerton Dells," a "township" that consisted of a compound of trailers on a farm lot. From there Wickstrom waged a war against local authorities that resulted, in the mid-1980s, in the eventual destruction of the "township" and Wickstrom's arrest (one of many). In other states as well, most notably Kansas, Posse members repeatedly clashed--with resulting deaths and injuries--with local authorities.

It was, however, Gordon Kahl of North Dakota who achieved the most notoriety and became the Posse's first real martyr. Kahl was a virulent racist and tax protester who traveled to farm protest meetings across the country's midsection to win converts to the Posse cause. In 1983 four U.S. marshals and two local law enforcement officers set up a roadblock to arrest Kahl for violating the terms of his probation. A shootout ensued which resulted in the death of two of the marshals and the wounding of two others. Also wounded was Kahl's twenty-year-old son. When Kahl fled the state, a nationwide manhunt--and nationwide publicity--began. Months later, Kahl was tracked down in Arkansas, where he died during another gunfight in which a county sheriff was killed.

Eventually, though, the Posse declined as an effective organization, largely through loss of leadership. Faced with repeated imprisonments, some leaders such as James Wickstrom scaled back their activities. Other leaders, such as Henry Beach and William Potter Gale, died natural deaths, the latter while appealing a conviction for threatening IRS agents. Still others, like Kahl, died violently. The result was that by the late 1980s the Posse was floundering. Always locally based, pockets of the Posse continued to survive here and there, but it was no longer a force (3).

As an organized right-wing group, the Posse did not really survive. But the Posse had never been simply an organization--indeed, it was hardly ever well-organized. The Posse Comitatus was much more durable as an ideology. Thousands, perhaps tens of thousands, of people who never

"Hidden History" as Justification

The third defining characteristic of Posse ideology is the peculiar method by which Posse members justified their positions. They did this through an emphasis--some would say obsession--on "hidden history." In other words, they believed that the true history of the United States--and thus the true laws, the true obligations of citizens, the true government--had been hidden from the American citizen by a massive, long-lasting conspiracy. Indeed, the Posse's handbook noted that

"the rule for the Judiciary, both State and Federal, has been subtle subversion of the Constitution of these United States. The subversion and contempt for the Constitution by the Judiciary is joined by the Executive and Legislative branches of government. It is apparent that the Judiciary has attempted to alter our form of Government. By unlawful administrative acts and procedures, they have attempted to establish a Dictatorship of the Courts over the citizens of this Republic. The legal profession has, with few exceptions, conspired with the Judiciary for this purpose." (6)

Later Posse leaders would develop this simple beginning into a complex tale of conspiracy and cover-up, over a period of over a hundred years, designed to subvert liberty.

Given this notion, that the true laws of the United States had been covered up by conspiring legislators, judges and lawyers, Posse adherents seek to uncover the hidden history that has been deprived them. They do this through searching through law books and legal codes, the writings of the founders and early legal scholars, the Uniform Commercial Code, the Bible, and other documents. "People say we're creating our own laws," said Montana Freeman Russell Landers, "We're not creating anything. It's right there in the law already." Indeed, practically any document can become fodder for a Posse governmental theory. There is no end to what a creative Posse mind can come up with (7).

One example is the "Missing Thirteenth Amendment," popularized by Texas activist Alfred Adask. Posse adherents discovered a draft Constitutional amendment from the republic's early days, one that would deny citizenship to Americans accepting titles of nobility. This was one of many amendments which failed because not enough states ratified it. But Posse adherents decided not only that it had been ratified, but that its ratification had been covered up by a conspiracy. Their erroneous beliefs were bolstered by discovering some old printed copies of the Constitution which listed the draft amendment along with other, actually ratified amendments. Posse "scholars" combed through state archives, looking for votes on ratification, or hints of cover-up, and concluded, not surprisingly, that there had indeed been a cover-up. Why did the Posse spend all this energy? Because of the way that they interpreted the meaning of the amendment. To the Posse, all lawyers had "titles of nobility," because they put the term "esquire" after their names. Therefore, lawyers were not legally citizens of the United States--but they had engaged to cover up the Thirteenth Amendment, which would have taken away so much of their power.

Another example of Posse creativity was the Committee of the States, the brainchild of Posse leader William Potter Gale in the 1980s. Gale argued that the Articles of Confederation, the document that governed the United States before the Constitution was ratified, had never been officially repealed and remained in force. Gale then pointed to a clause in the Articles which said that Congress could appoint a committee that would handle the general affairs of the United States when Congress was not in session (under the Articles, there was no executive branch). Gale interpreted this to mean that the Committee of the States was a second Congress, with full and equal powers--he promptly arranged for a (self-appointed) Committee to come into being.

From: MOM <nox2128@blackfoot.net>
Sent: Monday, January 24, 2005 4:53 PM
To: <mom-l@mailman.montana.com>
Subject: HOUSE BILL NO. 284////Montana

Here's a new Bill recently introduced in Montana's 90 day legislative session. It would require the elected County Sheriff (who is the highest elected peace and "law enforcement" officer in America) to be notified first & give consent before feds can invade state residents' lives and property, or control a "crime scene". For me, It's a "NO-BRAINER" !!! This type of Bill would have prevented incidents like " Ruby Ridge" in North Idaho, "Waco" in Texas, the Sunday highway ambush of the Kahl Family (only one member being named in a stale "warrant" non-exercisable on Sundays) in North Dakota in 1983, the subsequent ambush and murder of Gordon Kahl and the elected County Sheriff Gene Matthews in Arkansas on June 3, 1983, and the "federal" cover-ups of numerous "plane crashes" and obvious assassinations. Quietly but firmly speak with your legislator about this Bill! Ask him or her to "sign on", and to vote "FOR" when the time comes. If your State hasn't one yet, print this copy, change "Montana" to ----, and hand it to your State Representative with your supporting statement .Ask him/ her to introduce it in your state! Here's one act where your "vote" cannot be jiggered with, and once in place, our States will have more control over "federal behaviors", and especially Misbehaviors.

2005 Montana Legislature
About Bill—Links
HOUSE BILL NO. 284
INTRODUCED BY R. HAWK

A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING ARRESTS,

SEARCHES, AND SEIZURES BY FEDERAL EMPLOYEES; PROVIDING THAT FEDERAL EMPLOYEES MUST OBTAIN THE COUNTY SHERIFF'S PERMISSION TO ARREST, SEARCH, AND SEIZE; PROVIDING EXCEPTIONS; PROVIDING FOR PROSECUTION OF FEDERAL EMPLOYEES VIOLATING THIS ACT; REJECTING FEDERAL LAWS PURPORTING TO GIVE FEDERAL EMPLOYEES THE AUTHORITY OF A COUNTY SHERIFF IN THIS STATE; AND PROVIDING

AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Purpose. It is the intent of the legislature to ensure maximum cooperation between federal employees and local law enforcement authorities; to ensure that federal employees who carry out arrests, searches, and seizures in this state receive the best local knowledge and expertise available; and to prevent misadventure affecting Montana

NEW SECTION. Section 3. Remedies. (1) An arrest, search, or seizure or attempted arrest, search, or seizure in violation of [section 2] is unlawful, and the persons involved must be prosecuted by the county attorney for kidnapping if an arrest or attempted arrest occurred, for trespass if a search or attempted search occurred, for theft if a seizure or attempted seizure occurred, and for any applicable homicide offense if loss of life occurred. The persons involved must also be charged with any other applicable criminal offense in Title 45.

- (2) To the extent possible, the victims' rights provisions of Title 46 must be extended to the victim or victims by the justice system persons and entities involved in a prosecution.
- (3) The county attorney shall prosecute once a claim of violation of [section 2] has been made by the county sheriff or designee of the sheriff, and failure to prosecute subjects the county attorney to recall by the voters and to prosecution by the attorney general for official misconduct.

NEW SECTION. Section 4. Invalid federal laws. Pursuant to the 10th amendment to the United States constitution and this state's compact with the other states, the legislature declares that any federal law purporting to give federal employees the authority of a county sheriff in this state is not recognized by and is specifically rejected by this state and is declared to be invalid in this state.

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

- END -

Latest Version of HB 284 (HB0284.01)

Processed for the Web on January 13, 2005 (5:21pm) New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted. See the status of this bill for the bill's primary sponsor.

Status of this Bill | 2005 Legislature | Leg. Branch Home

This bill in WP 5.1 | All versions of all bills (WP 5.1

format)

Authorized print version w/line numbers (PDF format)

[NEW SEARCH]

Prepared by Montana Legislative Services

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Excerpted from: *Shooting for Respectability*, by the Montana Human Rights Network, 2003.

The modern-day “patriot” movement grew out of the 1970s and 1980s Posse Comitatus. Latin for “power of the county,” the Posse combined racism, anti-Semitic conspiracy theory, and paramilitary organizing. Its paramilitary organizing scheme centered on the belief that adult residents of a county were empowered to defend their interpretation of the Constitution, using violence if necessary. The Posse believed citizens were not subject to state or federal authorities, holding that the county sheriff was the highest legitimate law officer. The group swore to use force to prevent the seizure of property to pay “illegal” taxes and also to oppose encroachment by federal institutions.ⁱ

California’s William Potter Gale pioneered the idea of the Posse Comitatus as far back as the 1950s. However, it wasn’t until the early 1970s that he outlined his vision for “Volunteer Christian Posses,” which were also to be known as the Posse Comitatus, in his newsletter, *IDENTITY*. Gale was a Christian Identity adherent. Christian Identity is based on a racist interpretation of the Christian Bible teaching that Jews are the literal children of Satan and people of color are subhuman “mud people.” In his newsletter article, Gale stated that county sheriffs who did not follow the directives of these paramilitary Posses should be “removed by the Posse to a populated intersection of streets in the township and at high noon be hung there by the neck, the body remaining until sundown, as an example to those who would subvert the law.” Oregon’s Henry Lamont Beach would later plagiarize Gale’s writings and create the Posse *Blue Book*. He also encouraged “patriots” to form Posse groups in every American county. Like Gale, Beach had been active in radical right-wing circles for decades, including holding a leadership position with William Dudley Pelley’s pro-Adolph Hitler “Silver Shirt Legion of America” during World War II.ⁱⁱ

Posse ideology combined with two incidents in the early 1990s to serve as the catalyst for today’s “patriot” movement. The two incidents -- Idaho’s 1992 Ruby Ridge standoff and the 1993 siege of the Branch Davidians in Waco, Texas – both involved the violation of federal laws regarding firearms.

At Ruby Ridge, Randy Weaver, a Christian Identity adherent, sold two sawed-off shotguns to a federal informant he had met at a white supremacist gathering at Idaho’s Aryan Nations. The barrels of the altered shotguns were shorter than federal law allowed. Weaver was arrested, posted bond, retreated to his family’s cabin near Ruby Ridge, and did not appear in court. The Weavers engaged in a 17-month standoff with U.S. Marshals. By the time the standoff ended, Weaver’s wife and son were dead, as was a U.S. Marshal.ⁱⁱⁱ

In Waco, the Branch Davidians, a religious cult, were converting AR-15 semi-automatic rifles into machine guns. The siege at Waco began with a bungled raid by the Bureau of Alcohol, Tobacco and Firearms (ATF). Even though they knew it had lost the element of surprise, federal agents stormed the cult’s compound. The botched raid left four ATF agents and six Davidians dead. This began a 51-day standoff culminating with another

Posse Comitatus Handbook

THE POSSE COMITATUS
by authority of
The Constitution Of The United States

In the formation of this constitutional republic, the county has always been and remains to this day, the TRUE seat of the government for the citizens who are the inhabitants thereof. The County Sheriff is the only legal law enforcement officer in these United States of America.

The Sheriff can mobilize all men between the ages of 18 and 45 who are in good health and not in the federal military service. OTHERS CAN VOLUNTEER! This body of citizens is the Sheriff's Posse. Each must serve when called by the Sheriff. The title of this body is the Posse Comitatus.

The Posse is the entire body of those inhabitants who may be summoned by the Sheriff, or who may volunteer, to preserve the public peace or execute any lawful precept that is opposed. Since the Sheriff is the servant of the citizens who are inhabitants of the County, it is not his choice as to whether or not the Posse is organized and brought into being. It is only his choice as to whether or not he wishes to use it.

Since the formation of our Republic, the local County has always been the seat of government for the people. A county government is the highest authority of government in our Republic as it is closest to the people, who are in fact, the government. The County Sheriff is the only legal law enforcement officer in the United States. . . . It is his responsibility to protect the people of his County from unlawful acts on the part of anyone, including officials of government. His oath of office is to uphold, preserve and defend the constitution of these United States and the State in which his County Exists. He may be required to do no less and no more in the performance of his official duties. It should be emphasized that this protection extends to Citizens who are being subjected to unlawful acts even by officials of government, whether these be judges of courts or Federal or State Agents of any kind whatsoever.

The County Sheriff must be advised of the instances where unlawful acts are committed. It is the duty of the Sheriff to protect the local citizens from such unlawful acts. Once he has been advised and refuses to perform his lawful duty in respect to the matter, the Posse Comitatus has the lawful right under natural law to act in the name of the Sheriff to protect local jurisdiction. Since the Second Amendment to the Constitution says, "the right of the people to keep and bear arms shall not be infringed." In the execution of the law, arrests may be made. The criminal may be remanded to the custody of the County Sheriff for trial by a citizen jury empanelled by the Sheriff from citizens of the local jurisdiction. . . .

The unlawful use of County Sheriffs as LACKEYS of the Courts should be discontinued at once. *There is no lawfull authority, for Judges and the Courts to direct the law enforcement activities of a County Sheriff. The Sheriff is accountable and responsible only to the citizens who are the inhabitants of his County.* He is under oath of office and need not receive unlawful orders from Judges or the Courts. They are the Judiciary but the Sheriff is the Executive branch of our government. He is responsible to protect citizens, even from unlawful acts of officials of government. If he refuses to do so, he should be removed from office promptly. . . .

The Constitution is a simple document. It says what it means and means what it says. It means today what it meant when it was written. It is the SUPREME LAW for the States of the Union as well as for the Federal Government, which has been created by the States and the people, existing as States, which are separate sovereign Republics within the United States. . . . The Federal government is a servant of the States and the people, not their master. . . .

The "WOODLAWN ORGANIZATION", a coalition affiliate in Chicago stated; "SO WE'RE LIKELY TO SEE ORGANIZED GUERRILLA WARFARE, STRIKING OUT TO DOWNTOWNS AND OTHER AFFLUENT CITY AREAS."

This guerilla warfare no doubt will be led by the Jew communist specially trained Soviet and Cuban agents along with the thousands of Viet Cong that the Jews, who control the Immigration Department has allowed into the United States.



It's time for old-fashioned American Justice

yet available..... it is far later than you think. Praise YAHVEH, our King of Kings. Remember.... Luke 19:27, and the weekly information number to call.... (715) 535-2828.

REPRINT PERMISSION GRANTED
PASS ON TO A FRIEND

James P. Wickstrom
James P. Wickstrom
National Director of Counter-Insurgency

The scene at the left will be a very common situation in rural America when and if the above information takes place. The White Anglo/Saxon Posse's across this Christian Republic await for the opportunity to clear up America of which the Jews and their 'lackey' jerks called politicians have made a GARBAGE DUMP.

On or near May 10, 1983 there will be a LARGE INTERNATIONAL BANKING MEETING to reshape the 'world' banking system. This should be very interesting. I'm suprised that it wasn't scheduled for May 1st (MAY DAY-COMMUNISISM) of which is of the Jewish bankers.

Store guns, ammunition, and other supplies while they are

are actions of treason." A Posse charter required signatures of "seven male Christians" who would be "the guiding hand" in forming the Posse and "hopefully keep the Posse under control."

Beach claimed a Posse membership of 100,000 and, while no one ever took that claim seriously, Posse members built a reputation for themselves.

In 1974 Thomas Stockheimer, chairman of the Wisconsin Posse, was convicted of assaulting an IRS officer. He fled and was apprehended three years later in West Virginia. In 1976, Posse members seized a potato-packing shed during a land dispute in Stansfield, Oregon. All during the 1970s, Wisconsin Posse members disrupted meetings of