

Federal infiltration into militia, patriot groups comes under fire

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PHOENIX - They'd come to hate him soon enough. But for six months last year, members of the Viper Team regarded the newcomer they called "Doc" as a welcome addition to their secretive militia group.

Tattooed, quietly confident and well-versed in weaponry, Doc so impressed his fellow Vipers that they made him their chief of security just six weeks after he joined.

He helped organize camp-outs in the desert, where Vipers fired machine guns and blew up cactuses with homemade bombs. During Viper meetings, Doc could be counted on to steer rambling discussions back to business, suggesting that the group set goals, form a plan or even start a second team.

Last July, when federal officials rounded up the Vipers on weapons and explosives charges, Doc was there, too - but not in handcuffs. The model militiaman was actually an infiltrator of the sort he had vowed to kill, an undercover agent in the government's campaign to prevent domestic terrorism.

Since the Oklahoma City bombing in April 1995, the federal government has stepped up surveillance of right-wing militia and patriot groups that share the anti-government leanings attributed to Timothy McVeigh.

The goal is to uncover the next terrorist plot before it is carried out. But now some say that such efforts have gone too far.

While the militia set's fiery rhetoric and penchant for guns are a frightening combination for many Americans, neither wild speech nor gun ownership is illegal, and civil libertarians worry that the government is targeting fringe groups not for what they do but for what they say.

Defense attorneys said the militia threat was overblown, and their clients were just big talkers until pushed into committing crimes by undercover "agent provocateurs" sent by the government.

Defense attorneys are paid to say that, but judges and juries appear to be finding at least some merit in such arguments.

In four major raids on militias during the past year - in Georgia, Washington, West Virginia and Arizona - the government's initial portrayals of terrorist cabals plotting violent rebellion have been clouded later in court by mistrials, mixed verdicts and skeptical judges.

Three members of the 112th Georgia Militia were indicted in May 1996 on charges that they conspired to stockpile pipe bombs and assassinate federal officials "starting at the highest level." But authorities later conceded there were no concrete assassination plans, and the militia members claimed entrapment by an informant who boasted of being a "master chef" in bomb-making.

A jury last November convicted the three of possessing pipe bombs and conspiring to use them in a violent crime. But they were acquitted of conspiracy to use explosives against federal employees or property.

A Seattle jury was similarly torn in the February trial of Washington State Militia founder John Pitner and six others. They were accused of plotting to make pipe bombs in a conspiracy to harm federal agents and foil the invasion of United Nations troops they allegedly expected across the Canadian border.

At trial, however, the defense portrayed a key informant as a convicted bad-check artist who lied to his FBI handlers. The jury convicted four defendants on charges of possessing illegal weapons, but deadlocked on the conspiracy charge against all seven. A retrial is set for this summer.

In West Virginia, Mountaineer Militia leader Floyd Ray Looker and six others were arrested in October after an undercover FBI agent claiming to represent a Mideastern terrorist group gave Looker \$50,000 for photographed blueprints of an FBI fingerprint center in Clarksburg, W.Va.

One of the federal charges Looker will face at trial in August invokes a 1994 anti-terrorism law that prohibits providing "material support" to terrorists. But a federal magistrate expressed reservations about the way prosecutors are using the previously untested law, and defense attorneys already are preparing for an appeal. They argue the statute is so broad that someone could be charged for giving a would-be terrorist a newspaper photo of the U.S. Capitol.

In Phoenix, federal officials held a triumphant news conference after the Vipers were arrested to announce they had foiled a plot to blow up government buildings. While investigators seized truckloads of guns and bomb-making ingredients from the Vipers' suburban homes, President Clinton thanked federal agents who had averted "a terrible terrorist attack."

The actual indictment, however, cited the Vipers on lesser conspiracy, weapons and explosives charges. Investigators conceded the group neither posed an imminent threat nor had a specific plot, and a federal judge released half the Vipers on bail, saying they posed no danger to society.

Ten Viper Team members, offering guilty pleas in hopes of leniency, were sentenced in March to prison terms ranging from one to nine years. Two others,

Charles Knight and Christopher Floyd, chose to fight the single charge facing them: conspiracy to manufacture and possess illegal explosives.

Knight's trial, scheduled to resume Tuesday following a two-month delay, offers a rare glimpse into the clandestine world of undercover operations, where government agents walk a fine line between revealing criminal activity and encouraging it.

The man the Vipers knew as Doc was actually John Schultz, a state game warden working under the direction of the federal Bureau of Alcohol, Tobacco and Firearms.

Schultz took the Viper Team oath in December 1995 and quickly became a respected team member - all the while secretly recording or videotaping nearly every meeting.

Transcripts of those tapes show Schultz was more than a passive observer. In a group that could spend most of an evening debating the design and cost of Viper Team patches, he repeatedly steered members into discussions that could be used to bolster conspiracy charges against them.

"Did anybody ever sit down and just come up with a plan on where you were when you started, where you want to be at a certain point in time?" Schultz asked at one meeting. "Is there a big picture that's been formulated at all?"

Others said there was no plan.

"Maybe we ought to do that," Schultz said.

Another time, he pressed for details about crimes the Vipers might commit following a national disaster of the sort they feared - a U.N. invasion, perhaps, or widespread race riots.

"You're talking (about stealing) food, gasoline, you're talking a crime, yes?" he said. "Why not a bank? Why draw a line?"

Schultz's supervisor, ATF agent Steve Ott, has testified that Schultz brought up the bank-robbery idea only "to ascertain what their mind-set was."

Investigating politically motivated groups, from Vietnam War protesters to today's militias, has long proved thorny for law enforcement officials.

In the 1970s, revelations that the FBI was conducting open-ended investigations of black nationalist and anti-war groups led to Justice Department guidelines governing when such investigations could be opened and how long they could last.

The guidelines, since updated, still rest on the premise that the government cannot investigate a group based solely on its political views. There must be a reasonable indication that a federal crime either has been or will be committed.

The Oklahoma City bombing, however, changed how those guidelines are interpreted. Days after the bombing, FBI Director Louis Freeh told a congressional committee his agency would act "broadly and proactively, as opposed to defensively, which has been the case for many, many years."

Investigators who once waited for evidence suggesting a specific crime now are quicker to react when members of a political group talk generally about committing violent acts, said Ronald Noble, former Treasury undersecretary for enforcement.

The added scrutiny has been noted by militia activists already prone to paranoia.

"It's common knowledge that one out of every five individuals who claims to be a patriot is actually a government informant," said Randy Trochman, co-founder of the Militia of Montana. "Everybody in the movement should be thinking about who that fifth guy is."

Caption: Mug: Floyd Ray Looker