

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN RICHARD SIMPKINS**, on February 10, 1995, at 9:00 A.M.

ROLL CALL

Members Present:

Rep. Richard D. Simpkins, Chairman (R)
Rep. Matt Denny, Vice Chairman (Majority) (R)
Rep. Dore Schwinden, Vice Chairman (Minority) (D)
Rep. Matt Brainard (R)
Rep. Patrick G. Galvin (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Harriet Hayne (R)
Rep. Sam Kitzenberg (R)
Rep. Bonnie Martinez (R)
Rep. Gay Ann Masolo (R)
Rep. William Rehbein, Jr. (R)
Rep. George Heavy Runner (D)
Rep. Susan L. Smith (R)
Rep. Carolyn M. Squires (D)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Joe Tropila (D)

Members Excused: NONE

Members Absent: NONE

Staff Present: Sheri Heffelfinger, Legislative Council
Christen Vincent, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	HB 467, HJR 17, HJR 18
Executive Action:	HB 327 DO PASS AS AMENDED
	HB 427 TABLED
	SB 94 DO CONCUR AS AMENDED
	HJR 17 DO PASS

{Tape: 1; Side: A.}

EXECUTIVE ACTION ON HB 327

Motion: REP. JOE TROPILA MOVED THAT HB 327 DO PASS AS AMENDED.

Motion/Vote: REP. GEORGE HEAVY RUNNER MOVED THE AMENDMENTS.
Motion carried unanimously with REP. SQUIRES voting by proxy.

Vote: Motion carried 14-4 with REP. MARTINEZ, REP. REHBEIN, REP. SMITH, AND REP. TAYLOR voting no and REP. SQUIRES voting by proxy.

HEARING ON HB 467

Opening Statement by Sponsor:

REP. DICK GREEN, HD 61, stated this bill was introduced to bring term limits in line with others and provide the same limits for everyone.

Proponents' Testimony:

Robin McQue submitted EXHIBITS 1 and 2. She stated they weren't opposed to this bill. They felt it was an appropriate bill that will correct ambiguity. There were some questions, such as could the commissioner run again, and would they have to resign at mid-term.

Opponents' Testimony:

none

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. DORE SCHWINDEN asked if the sponsor was in support of the amendments.

REP. GREEN stated they didn't seem problematic.

CHAIRMAN SIMPKINS asked what would happen if this was retroactive to those people already serving.

Ms. McQue believed if there was a problem they would be able to fix that.

Closing by Sponsor:

REP. GREEN stated this is something that has slipped through the cracks and needs to be addressed. He hoped the committee would give the bill a do pass recommendation.

HEARING ON HJR 17

Opening Statement by Sponsor:

REP. JOE TROPILA, HD 47 stated this was a resolution to honor Todd Foster and his great accomplishments before he retired from boxing. He stated Mr. Foster was a great role model for young adults and the people of Montanan need to recognize people like Mr. Foster for those talents.

Proponents' Testimony:

REP. GREEN stated there are so many negative role models out there for young adults. Mr. Foster is an exemplary individual who needs to be honored in such a way. He urged the committee's support of the resolution.

Opponents' Testimony:

none

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. BILL REHBEIN asked if this was passed and brought to the floor for debate if the sponsor would have Mr. Foster present.

REP. TROPILA stated he would if he was able to make it.

Closing by Sponsor:

REP. TROPILA closed urging the committee for support of the resolution.

EXECUTIVE ACTION ON HJR 17

Motion: REP. MATT BRAINARD MOVED THAT HJR 17 DO PASS.

Vote: Motion carried unanimously with REP. MATT DENNY voting by proxy.

CHAIRMAN SIMPKINS asked for a member of the audience to please identify themselves for the record since they were videotaping the hearing. The individual was Marleen Hines, Montana Alliance for Progressive Policy.

HEARING ON HJR 18Opening Statement by Sponsor:

REP. MATT BRAINARD, HD 62, stated the citizens of this state are the unorganized militia. People need to be reminded of their obligation to the state. He read the bill and stated there were costcutting measures in the bill. If the people of the unorganized militia were to be called upon they should have the equipment and education to use it effectively. By using their own ammunition they are in violation of the law. Without being equipped these people are useless.

{Tape: 1; Side: B; Comments: The recording is inaudible for a few seconds at the beginning of this side.}

He stated they are simply talking about tools that should be at the disposal of these people if needed.

Proponents' Testimony:

Gary Marbut, Montana Shooting Sports Association, stated the unorganized militias owned and used arms that were state of the art at one time and it is still a vital entity. He thought this bill was a good expression of what the people wanted. There were some questions about the militia in Montana. There was frustration with federal gun control and how to form some kind of militia unit. This is a cost effective idea that needs legislation. He urged the committee to support the resolution.

Cornela Webb stated people have the right to keep and bear arms. The National Guard is not a part of the federal Army and neither is the unorganized militia. This resolution is not illegal or racist but is a good idea. She urged a do pass recommendation from the committee.

Bob Davies made reference to the movie "Schindler's List." He asked why those people didn't resist what was being done to them. He stated it was because they had no means of defending themselves. He didn't think this would be advocating a civil war, but it would be helping people to be better prepared if there were to come a time when the unorganized militia needed to be called upon. He urged the committee's support of the bill.

Opponents' Testimony:

John Conner, Bureau Chief, Department of Justice, stated they recognize the right to keep and bear arms but they were concerned about this bill. The state already has a trained militia. The laws are not constitutional. Everyone makes mistakes. He submitted EXHIBIT 3.

Ken Toole, Montana Human Rights Network, submitted EXHIBIT 4.

Brad Martin, Montana Democratic Party, stated this resolution sends a message to the state that we need another militia. He stated they don't need to create an un-trained, un-organized militia. He urged the committee to defeat the bill.

David Owen, Chamber of Commerce, stated he didn't think this was a good message to send to the people of Montana. He urged the committee not to pass the resolution.

Don Judge, AFL-CIO, submitted written testimony. **EXHIBIT 5.**

Kathy McCay stated there has been violence in the Flathead Valley. The atmosphere almost incites violence. To encourage people to buy guns increases the violence.

Informational Testimony:

none

Questions From Committee Members and Responses:

REP. PAT GALVIN asked where the government gets the power to call the militia.

REP. BRAINARD stated they get the power to do that from a few people, the Constitution, and the supporting laws.

REP. GALVIN asked what he was talking about when he had said the posse comitatus.

REP. BRAINARD stated this issue was one of individual respect. He stated it is not an endorsement to any organization.

REP. GALVIN asked who may call on these people.

REP. BRAINARD stated the governor or a sheriff can call on these people.

REP. GALVIN asked if he had ever heard of a sheriff or a marshal being used.

REP. BRAINARD stated he was not aware of that. He asked why they should have this defined if it wasn't intended for use.

REP. DENNY asked if there had been a warrant for the arrest issued for the person who made a threat to Judge Lancton.

Mr. Conner stated this letter was sent to many people and they are looking at it for future legal action.

REP. DENNY asked if they were threatened if it is being followed up on.

Mr. Conner stated it is being followed up with all of the individuals that received a letter.

REP. DENNY asked in his opinion if the agencies can control those people out of the country.

Mr. Conner stated he believed so along with others as well.

REP. DENNY asked if they were capable of doing this.

Mr. Conner stated they were capable of doing that.

REP. SCHWINDEN asked if the main issue was proliferation. He asked if more arms means more violence.

Mr. Conner stated the majority of violent crimes prosecuted deal with the increase of arms. Many are responsible and many are not responsible.

REP. HEAVY RUNNER asked if there was a need for this resolution. He stated he couldn't foresee a time when the unorganized militia would be called into duty.

REP. BRAINARD stated all things are possible.

REP. HEAVY RUNNER asked if he agreed that if the Jewish people had been equipped with arms, they wouldn't have gone through what they did in Germany.

REP. BRAINARD stated he would agree with that.

REP. SAM KITZENBERG asked about the Ox Bow incident.

REP. BRAINARD said they are not saying people should take the law into their own hands.

REP. TROPILA asked if unorganized was a misnomer.

REP. BRAINARD stated that was the correct terminology for what they were talking about.

REP. TROPILA asked where these people would get their training with these arms.

REP. BRAINARD stated they were looking at problems. At the present time they aren't receiving training. He suggested during hunters' safety courses they could train these people.

CHAIRMAN SIMPKINS asked what the department or government has done to uphold the Constitution.

Mr. Conner stated they haven't done anything.

CHAIRMAN SIMPKINS asked if weapons create more crime, isn't it when government fails.

Mr. Conner stated that was implemented by the Constitution.

Closing by Sponsor:

REP. BRAINARD stated the law prohibits training with arms. He believed this bill was a good one and he urged the committee's support of the resolution.

EXECUTIVE ACTION ON HB 427

Motion: REP. HEAVY RUNNER MOVED THAT HB 427 DO PASS.

Discussion:

REP. BRAINARD asked what this will achieve. He didn't believe they needed to push this.

REP. SUSAN SMITH stated there is a possibility that they could do more now without the bill.

REP. TROPILA wondered why this was a bill and not a resolution.

REP. SQUIRES asked if this was done.

REP. GREEN stated yes.

REP. LILA TAYLOR asked what kind of budget there is now and would there be more money for doing this.

REP. KITZENBERG stated there are some serious flaws in the bill. He stated they are ignoring the private sector.

REP. HEAVY RUNNER withdrew his do pass motion.

Motion: REP. SMITH MOVED THAT HB 427 DO NOT PASS.

Discussion:

REP. JAY STOVALL asked why they couldn't do this now.

REP. GALVIN stated they want more money to expend.

REP. REHBEIN stated the bill got an adequate hearing and he didn't want the bill.

Motion: REP. REHBEIN MOVED TO TABLE HB 427.

Vote: Motion carried 10-8 with REP. DENNY, REP. SCHWINDEN, REP. GALVIN, REP. HAGENER, REP. HEAVY RUNNER, REP. KITZENBERG, REP. SQUIRES, AND REP. TROPILA voting no.

EXECUTIVE ACTION ON SB 94

Motion: REP. SAM KITZENBERG MOVED SB 94 DO CONCUR AS AMENDED

Discussion:


Doug Mitchell, Secretary of State's Office, recapped the bill for the committee.

Motion/Vote: REP. GALVIN MOVED THE TECHNICAL AMENDMENTS. Motion carried unanimously with REP. SIMPKINS and REP. SQUIRES voting by proxy.


Vote: Motion carried unanimously with REP. SIMPKINS and REP. SQUIRES voting by proxy.

ADJOURNMENT

Adjournment: 12:30 p.m.



RICHARD SIMPKINS, Chairman



CHRISTEN VINCENT, Secretary

RS/cdv

HOUSE OF REPRESENTATIVES

State Administration

ROLL CALL

DATE 2-10-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Simpkin, Chairman	✓		
Rep. Matt Denny, Vice Chairman, Majority	✓		
Rep. Dore Schwinden, Vice Chair, Minority	✓		
Rep. Matt Brainard	✓		
Rep. Pat Galvin	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Sam Kitzenberg	✓		
Rep. Bonnie Martinez	✓		
Rep. Gay Ann Masolo	✓		
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila	✓		



HOUSE STANDING COMMITTEE REPORT

February 10, 1995

Page 1 of 7

Mr. Speaker: We, the committee on State Administration report that House Bill 327 (first reading copy -- white) do pass as amended.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read:

1. Title, line 11.

Following: "ELECTORS;"

Insert: "REVISING THE PERCENTAGE OF QUALIFIED ELECTORS REQUIRED
FOR APPROVAL IN CERTAIN LOCAL AND SCHOOL ELECTIONS;"

Following: "SECTIONS"

Insert: "7-7-2237, 13-1-101, "

2. Title, line 12.

Strike: "AND"

Following: "13-19-313,"

Insert: "AND 20-9-428,"

3. Title, line 13.

Following: "DATE"

Insert: "AND A CONTINGENT TERMINATION DATE"

4. Page 1.

Following: line 20

Insert:

"Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

Committee Vote:

Yes 14, No 4.

351537SC.Hdh

(2) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office as required by law;

(b) for the purposes of chapters 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(3) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residence for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, as long as the organization is not a primary political committee; or

(iv) filing fees paid by the candidate.

(4) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(5) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school

district clerk.

(6) "Elector" means an individual qualified and registered to vote under state law.

(7) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (3);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, as long as the organization is not a primary political committee.

(8) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(9) "Inactive elector" means a qualified elector who is placed on an inactive list under the provisions of 13-2-207(3) or 13-19-313(4).

~~(9)~~(10) "Individual" means a human being.

~~(10)~~(11) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35, 36, or 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes

an "issue" upon approval by the secretary of state of the form of the petition or referral.

~~(11)~~(12) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (2) of this section.

~~(12)~~(13) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

~~(13)~~(14) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

~~(14)~~(15) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

~~(15)~~(16) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

~~(16)~~(17) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

~~(17)~~(18) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

~~(18)~~(19) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

Renumber: subsequent sections

5. Page 2, line 6.

Strike: ":"

6. Page 2, lines 7 and 8.

Strike: subsection (a) in its entirety.

7. Page 2, line 9.

Strike: "(b)"

8. Page 2, line 10.
Strike: "i:"

9. Page 2, lines 11 and 12.
Strike: "(i)" on line 11
Following: "registration" on line 11
Strike: "i; and" on line 11 through "requirements" on line 12

10. Page 7.
Following: line 7
Insert:

"Section 13. Section 7-7-2237, MCA, is amended to read:

"7-7-2237. **Percentage of electors required to authorize bond issue.** (1) Whenever the question of issuing county bonds for any purpose is submitted to the registered electors of a county at either a general or special election, the determination of the approval or rejection of the bond proposition is made in the following manner:

~~(1)~~ (a) determine the total number of active electors who were qualified to vote in the bond election;

~~(2)~~ (b) determine the total number of qualified electors who voted in the bond election from the tally sheet or sheets for the election;

~~(3)~~ (c) calculate the percentage of qualified electors voting at the bond election by dividing the number determined in subsection ~~(2)~~ (1) ~~(b)~~ by the number determined in subsection (1) ~~(a)~~; and

~~(4)~~ (d) when the calculated percentage in subsection ~~(3)~~ (1) ~~(c)~~ is 40% or more, the bond proposition is considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise it is considered rejected; or

~~(5)~~ (e) when the calculated percentage in subsection ~~(3)~~ (1) ~~(c)~~ is more than 30% but less than 40%, the bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of the proposition, otherwise it is considered rejected; or

~~(6)~~ (f) when the calculated percentage in subsection ~~(3)~~ (1) ~~(c)~~ is 30% or less, the bond proposition is considered rejected.

(2) The total number of active electors who are qualified to vote under subsection (1) (a) includes inactive electors who turn out and vote in the election."

(3) For purposes of this section, "active elector" means an individual who is qualified and registered to vote in an election or who is not on an inactive elector list pursuant to 13-2-207 or 13-19-313."

Section 14. Section 20-9-428, MCA, is amended to read:

"20-9-428. Determination of approval or rejection of proposition at bond election. (1) When the trustees canvass the vote of a school district bond election under the provisions of 20-20-415, they shall determine the approval or rejection of the school bond proposition in the following manner:

(a) determine the total number of active electors of the school district who are qualified to vote under the provisions of 20-20-301 from the list of electors supplied by the county registrar for such school bond election;

(b) determine the total number of qualified electors who voted at the school bond election from the tally sheet or sheets for such election;

(c) calculate the percentage of qualified electors voting at the school bond election by dividing the amount determined in subsection (1) (b) by the amount determined in subsection (1) (a); and

(d) when the calculated percentage in subsection (1) (c) is 40% or more, the school bond proposition shall be deemed to have been approved and adopted if a majority of the votes shall have been cast in favor of such proposition, otherwise it shall be deemed to have been rejected; or

(e) when the calculated percentage in subsection (1) (c) is more than 30% but less than 40%, the school bond proposition shall be deemed to have been approved and adopted if 60% or more of the votes shall have been cast in favor of such proposition, otherwise it shall be deemed to have been rejected; or

(f) when the calculated percentage in subsection (1) (c) is 30% or less, the school bond proposition shall be deemed to have been rejected.

(2) If the canvass of the vote establishes the approval and adoption of the school bond proposition, the trustees shall issue a certificate proclaiming the passage of such proposition and the authorization to issue bonds of the school district for the purposes specified on the ballot for such school district bond election.

(3) The total number of active electors who were qualified to vote under subsection (1) (a) includes inactive electors who turn out and vote in the election.

(4) For purposes of this section, "active elector" means an individual who is qualified and registered to vote in an election and who is not on an inactive elector list pursuant to 13-2-207 or 13-19-313."

Renumber: subsequent sections

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Following: line 9

Insert:

"NEW SECTION. Section 16. Contingent termination. [This act] terminates on the date that the secretary of state certifies to the governor that the National Voter Registration Act of 1993 is discretionary."

Renumber: subsequent sections

12. Page 7, lines 11 and 13.

Strike: "10 and 11"

Insert: "11 and 12"

-END-



HOUSE STANDING COMMITTEE REPORT

February 10, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Joint Resolution 17 (first reading copy -- white) do pass.

Signed: *Dick Simpkins*
Dick Simpkins, Chair

DS
Committee Vote:
Yes 8, No 0.

351233SC.Hbk

TABLED BILL

The HOUSE STATE ADMINISTRATION COMMITTEE TABLED HB 427, by motion, on
FRIDAY, February 10, 1995.

Christen Vincent
(For the Committee)

M. Novak
(For the Chief Clerk)

7:30
(Time)

2-11-95
(Date)

February 11, 1995 -- 7:21am

Christen Vincent, Secretary

Phone: 4879

I gave my
Proxy to
Hon. Steward
on all votes
Council amendments
2/10/95
Christen Vincent

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

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05

DATE 2-10-95 BILL NO. HB NUMBER 327

MOTION: Rep. Tropila made the motion to Pass AS AMENDED

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	HA	✓
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	HA	✓
Rep. Susan Smith	HA	✓
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	HA	✓
Rep. Joe Tropila	✓	

By Proxy

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 2-10-95 BILL NO. HB 88 NUMBER 327

MOTION: Rep. Heavy Runner made the amendment.

hb032701. ash

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires <u>By Proxy</u>	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 8-10-95 BILL NO. HQ NUMBER 17

MOTION: Brainard made the motion Do Pass

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority ^{By Rec}	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	—	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 2-10-95 BILL NO. HB NUMBER 427

MOTION: SUB. TO TABLE MADE BY Rehbein

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority		✓
Rep. Dore Schwinden, Vice Chairman, Minority		✓
Rep. Matt Brainard	✓	
Rep. Pat Galvin		✓
Rep. Dick Green	✓	
Rep. Toni Hagener		✓
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner		✓
Rep. Sam Kitzenberg		✓
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires		✓
Rep. Lila Taylor	✓	
Rep. Joe Tropila		✓

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 2-10-95 BILL NO. SB NUMBER 94

MOTION: Do pass on the amend by Rep. Kitzenberg.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman <u>By</u>	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner <u>By</u>	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires <u>By</u>	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 2-10-95 BILL NO. SB NUMBER 94

MOTION: Do Concur and amended made by
Rep. Kitzenberg.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman <i>By</i>	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires <i>By</i>	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

February 5, 1995

PRESS RELEASE

SUBJECT: CAL GREENUP
NORTH AMERICAN VOLUNTEER MILITIA
MONTANA STATE COORDINATOR

RE: HARASSMENT BY GOVERNMENT DESPOTS

THIS DATE, CAL GREENUP OF DARBY, MONTANA, THE MONTANA STATE COORDINATOR FOR THE NORTH AMERICAN VOLUNTEER MILITIA HAD HIS HOUSE BUZZED BY A BLACK HELICOPTER. THE MILITIA WAS ACTIVATED TO WITNESS ANY SECOND OCCURRENCE OF THIS HAPPENING. THE PROPERTY FILED RAPIDLY WITH ARMED NORTH AMERICAN VOLUNTEER MILITIA MEMBERS. THE BLACK HELICOPTER DID NOT RETURN, HOWEVER, THERE WERE TWO STATE POLICE, SEVERAL RAVALLI COUNTY SHERIFF AND THE CITY OF DARBY POLICE CARS APPROACHING THE PROPERTY. THE ASSORTED POLICE TROOPS STOPPED IN DARBY, MONTANA, THEN TURNED AROUND AND PROCEEDED AWAY.

THIS PRESS RELEASE IS BEING TRANSMITTED ACROSS THE NATION BY F. JOE HOLLAND, NATIONAL DIRECTOR OF THE NORTH AMERICAN VOLUNTEER MILITIA. FOR AN ON THE SPOT DESCRIPTION OF WHAT HAPPENED YOU ARE INSTRUCTED TO CALL CAL GREENUP AT 406-821-3588.

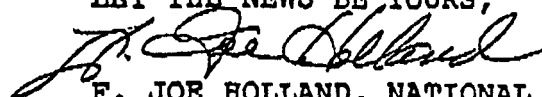
IT IS TIME FOR THE PEOPLE FROM EVERYWHERE TO SHOW SUPPORT FOR THESE FINE PEOPLE OF RAVALLI COUNTY MONTANA. RAVALLI COUNTY MONTANA, IN MY OWN PERSONAL OPINION AND BASED UPON THE EVIDENCE, HAS ONE OF THE MOST CORRUPT JUDICIAL SYSTEMS IN THE ENTIRE NATION.

CAL GREENUP HAS BEEN FALSELY LABELED AS A TAX PROTESTER BY THE MISSOULIAN NEWSPAPER, 500 SOUTH HIGGINS AVE., MISSOULA, MONTANA 59801 (406-523-5340). THIS IS, FROM MY PERSPECTIVE, NOTHING MORE THAN ONE MORE ELEMENT OF THE CONTROLLED PRESS BEING USED IN AN EFFORT TO DISCREDIT A TRUE PATRIOT.

EACH OF THE MANY NEWS OUTLETS THAT RECEIVE THIS FAX IS EXPECTED TO CONTACT CAL GREENUP AND GET THE TOTAL STORY AND LET THE PEOPLE WITHIN YOUR COVERAGE AREA KNOW WHAT IS HAPPENING. THIS MUST NOT BE LET TO BE SWEEPED UNDER THE CARPET BY THESE GOVERNMENT BASTARDS WHO ARE OPERATING ON BEHALF OF AN AGENCY THAT IS NOTHING MORE THAN THE ILLEGITIMATE OFFSPRING OF A PROSTITUTED POLITICAL SYSTEM.

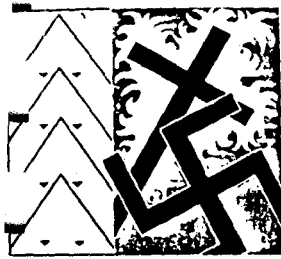
ONLY BY EXPOSING THESE DESPOTIC, DEGENERATE MAGGOTS TO THE GENERAL PUBLIC WILL WE BE ABLE TO LIVE IN AMERICA WITHOUT HAVING THE NEW WORLD ORDER SHOVED DOWN OUR THROAT.

LET THE NEWS BE YOURS,



F. JOE HOLLAND, NATIONAL DIRECTOR

CC: NATIONWIDE



KLANWATCH INTELLIGENCE REPORT

A PROJECT OF THE SOUTHERN POVERTY LAW CENTER

DECEMBER 1994/#76

INSIDE

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Klanwatch
Training Efforts
in 1994

PAGE

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SPLC Launches
\$1 Million COTC
Collection

PAGE

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Georgia
Klansmen
Charged with
Murder

Racist Extremists Exploit Nationwide Militia Movement

White Supremacists Linked to Brigades in Nine States

■ Militant racists have made alarming inroads among the ranks of the rising militia movement now sweeping the United States, according to intelligence developed by Klanwatch.

After months of monitoring the American Patriot Fax Network (APFN), plus numerous militia communiqués and various racist publications, along with reports from law enforcement and human rights sources, Klanwatch discovered numerous links to the white supremacist 'theology' of Identity, the anti-Semitic Posse Comitatus, the Aryan Nations and the Ku Klux Klan.

Militia strategists John Trochmann, Tom Stetson, Pete Peters, Jim Wickstrom and Louis Beam are Identity adherents who have long-standing ties to the Aryan Nations and its leader, Richard Butler. Some are veterans of the Posse Comitatus and the Ku Klux Klan. These, and other racist extremists, are actively involved or associated with militia organizations in at least nine states—Montana, Idaho, Florida, Colorado, Texas, Pennsylvania, Tennessee, Missouri and Michigan.

"The passage of gun-control legislation has fanned the flames of anti-government sentiment



Michigan militia leader, Ray Southwell, recently met with Aryan Nations regional director, Bobby Norton, in Tennessee.

and led to the explosion of private militia groups around the country," explained Klanwatch Director Danny Welch. "The foot soldiers in these groups are just the type of people that Klan and neo-Nazi leaders have recruited in recent years. Citizen militias are fertile ground for white

(continued on page 4)

New Intelligence Report Feature

On October 26, Klanwatch announced the formation of a Militia Task Force to systematically monitor hate group activity within the movement.

Beginning in February 1995, the Klanwatch Intelligence Report will feature a special section called "Militia Update." This section will offer timely intelligence information on militias with hate group connections.

Contacts for law enforcement agencies will be Klanwatch Director Danny Welch and Chief Investigator Joe Roy. They can be reached at (205) 264-0286.

Neo-Nazi Skinheads Organizing Under Banner of Racist Record Company

Resistance Records Gaining Strength in U.S. and Canada

Former leaders of two of the most violent white supremacist groups in North America have formed a racist record company that is attempting to organize neo-Nazi skinheads in the United States and Canada.



Burdi

near in Detroit by George Burdi, alias Eric Hawthorne, of Toronto, and ex-Milwaukee skinhead Mark Wilson. Wilson, now of Detroit, once headed the Church of the Creator, and Burdi, founder of the racist band, RAHOWA, is an ex-leader of Canada's C.O.T.C. and the Toronto-based Heritage Front.

Resistance Records was launched late last

(continued on page 2)

White Supremacists Linked to Militias In Nine States

(continued from page 1)

supremacist recruitment and they have a legitimacy that hate groups can use to present a 'patriotic' face to the public and media."

This situation prompted Klanwatch to form a Militia Task Force, which will use its expertise and experience to monitor citizen militias. The Klanwatch database will be updated to include any racist militia activity and reports from law enforcement agencies.

Based on information developed by the new Klanwatch Militia Task Force, Morris Dees, Executive Chairman of The Southern Poverty Law Center, wrote a letter to United States Attorney General Janet Reno that called for the Justice Department to be alert to the danger posed by the growing white supremacist involvement in these rapidly growing militias. In his letter, Dees stated that the "mixture of armed groups with those who hate is a recipe for disaster."

The anti-gun control activists, tax resisters and anti-federal government groups who comprise most militias are without a racist agenda and are not the concern of Klanwatch. The Task Force will focus on racist activists who function at various levels of leadership within militias and the movement at large.

The white supremacists and anti-Semites taking advantage of this new radical right constituency are following a pattern of organized terrorism that

dates back to the days of Reconstruction and the birth of the Ku Klux Klan. In recent years, efforts by Klanwatch were crucial in breaking up two such racist paramilitary organizations.

Until Klanwatch obtained an injunction against him in 1982, longtime racist Louis Beam operated the Texas Emergency Reserve, an off-shoot of the Texas Klan that was training 2,500 paramilitary soldiers in five secret camps. In a 1986 North Carolina case, Klanwatch, working with the U.S. Attorney for the Eastern District of North Carolina, obtained criminal convictions of two leaders of the White Patriot Party for operating an illegal paramilitary army using stolen military armaments. White Patriot Party members were responsible for numerous crimes, including three murders.

Klanwatch has received reports that active duty military personnel as well as National Guardsmen may be assisting some of the newly-formed militias. Based on the North Carolina experience, these reports are ominous.

The influence of white supremacists and their sympathizers spreads beyond their immediate locales to militias nationwide, via a network of fax machines, computer bulletin boards, short-wave radio broadcasts and mail-order videos. New technology has significant-



Well-armed citizen militias may prove dangerous.

ly accelerated the ability of racist groups to organize effectively and immediately.

"This is one of the most significant and, potentially, most dangerous developments in the white supremacy movement in a decade," said Klanwatch Director Welch. "The popularity of the militias, along with their conspiracy theories, rabid anti-government rhetoric and a willingness to take up arms makes the movement highly attractive to longtime racist leaders like Beam and Wickstrom. It gives them and their cohorts a public platform for their racist agenda and fertile ground for new recruits. It is a very volatile situation." •

MILITIAS WITH KNOWN RACIST TIES

COLORADO

PETE PETERS †
DUNCAN PHILP †
COLORADO PATRIOTS

FLORIDA

ROBERT PUMMER †
HANK PRITCHARD †
JIM PALMER †
FLORIDA STATE MILITIA

MICHIGAN

RAY SOUTHWELL †
NORTHERN MICHIGAN
REGIONAL MILITIA

MISSOURI

TROY MERCER †
TERRY JACKSON †
MISSOURI WHITE MILITIA

IDAHO

TOM STETSON
UNORGANIZED
OF IDAHO
CONCERNED
OF IDAHO

WHITE SUPREMACY AFFILIATION: † ARYAN NATIONS † KLAN † IDENTITY

Racist Leaders in the Militia Movement

- Information collected by Klanwatch from law enforcement, regional human rights groups and other sources reveals
- a network among these individuals.
- While there is no firm evidence, at this time, of a formal alliance among militias with racist affiliations, there is sufficient cause for concern that these groups and individuals are sharing strategic intelligence and financing in their efforts.

JOHN TROCHMANN

Trochmann was a featured speaker at the 1990 Aryan Nations World Congress at Hayden Lake, Idaho and is an associate of Louis Beam. Along with his brother, David, and nephew, Randy, he founded the Militia of Montana in early 1994. A frequent speaker at militia gatherings in Montana, Idaho, Washington and Oregon, Trochmann has ventured as far as California to spread his message in person at public and clandestine meetings.

He operates a mail order service that sells videotapes promoting armed resistance to federal and state authorities and survivalist and paramilitary handbooks such as *Sniper Training & Employment*, *Guerrilla Warfare*, *Booby Traps*, and *Unconventional Warfare Devices and Techniques*. He also publishes *Taking Aim*, a newsletter that charges that the federal government is "unlawful and without authority."

Prior to founding the Militia of Montana, Trochmann formed United

Citizens For Justice to support Randy Weaver, the white supremacist involved in an armed stand-off with federal agents.

TOM STETSON

The 50-year-old Stetson, an adherent of Identity 'theology,' met with Aryan Nations leader, Richard Butler, Louis Beam, Pete Peters and over 100 Posse Comitatus, Identity and Klan activists at an October 1992 gathering in Estes Park, Colo. The main subject was the Weaver stand-off and shooting.

Stetson was instrumental in the formation of United Citizens for Justice (UCJ), the main support group for Randy Weaver. Trochmann was head of the Montana wing of the UCJ. These two groups were the foundation for militias that soon followed in those states.

Stetson heads American Christian Patriots, Concerned Citizens of Idaho, Idaho Liberty Network, the Unorganized Militia of Idaho and Sovereign Citizens of America Network. He was a founding member of the United States Militia association but was supposedly dismissed from that group recently, according to USMA leader, Samuel Sherwood.

Louis Beam, a longtime confidant to Stetson, attended several Concerned Citizens for Idaho and United States Militia Association functions, and was a featured speaker at Stetson's United Citizens for Justice rally.

John Trochmann and Stetson are

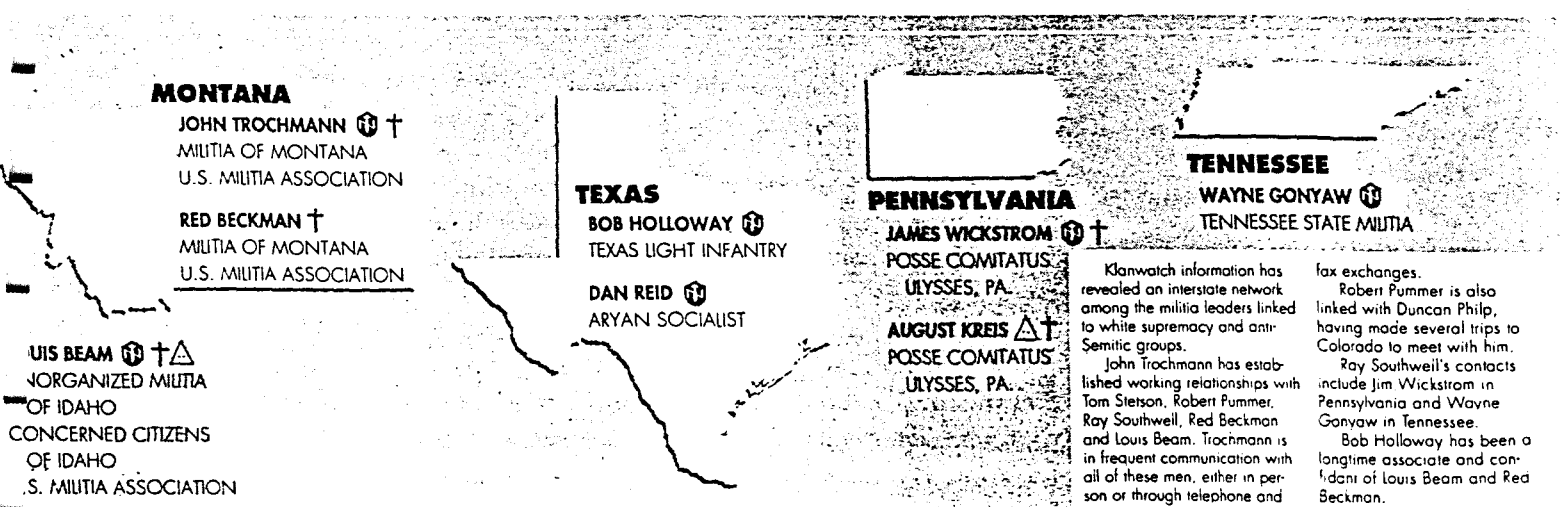
in frequent contact, with Trochmann making regular trips from his home in Montana to Stetson's base near Couer d'Alene, Idaho. Stetson's most recent endeavor is a sophisticated militia communications network called Sovereign Citizens of America Network (SCAN) that utilizes VHF/UHF handheld units, "ham" radios, police and military scanners and computer modems.

JAMES P. WICKSTROM

Throughout the 1980s, Wickstrom was a major Posse Comitatus leader operating from his compound in Tigerton, Wis. He appointed himself judge and attempted to unify all the Posses around the country under a central umbrella group. The Posse Comitatus believes that federal and state governments are illegitimate and there is no legal power above the county level. Many are hardcore racists and anti-Semites. In 1990, Wickstrom was convicted of conspiracy to pass counterfeit bills in an effort to fund a guerrilla army. An Identity minister and virulent anti-Semite, Wickstrom was released last year after serving three years of a 38-year sentence.

In a 1984 Posse Comitatus flier, Wickstrom wrote: "The White Anglo/Saxon Posses across this Christian Republic await the opportunity to clean up America of which the Jews and their 'lackey' jerks called politicians have made a garbage dump!"

Today, Wickstrom operates a shadowy interstate communications network



targeting militias and white separatists from an Identity church in Ulysses, Penn. called The Church of Christ in Israel. Its address is the same as Wickstrom's revived Posse Comitatus. He also has a 900 number hot line called "Fed-Up American" which spews anti-Semitic conspiracy rants against "the Jewish international bankers and their satanic New World Order" at two dollars a minute. "Fed-Up American" shares a post office box in Noxon, Mont.—home to Trochmann and the Militia of Montana—with an Identity group called Yahweh's Covenant Mission.

AUGUST KREIS

A Pennsylvania Klansman and former Ohio Christian Posse Comitatus member, Kreis held a white supremacist function in Ulysses, Penn. in 1992. He is assisting James Wickstrom's Identity-based Church of Christ in Israel and the Ulysses, Penn. Posse Comitatus, a white supremacist militia.

LOUIS BEAM

The Texas-born Beam is a fire-brand supremacist whose affiliations with Aryan Nations, the KKK, Identity and the terrorist group known as The Order have made him one of the most dangerous racists in America. In the early 1980s, Beam led the Texas Emergency Reserve, a paramilitary off-shoot of the Texas Klan that provided military training at five secret locations. In 1987, Beam was charged with sedition as the result of a purported plot to overthrow the federal government. He fled to Mexico and was put on the FBI's 'Ten Most Wanted' list. Upon returning to the U.S. after a gun battle with Mexican police, he was tried and acquitted by an all-white jury in Ft. Smith, Ark. in 1988.

As Aryan Nations' Ambassador-at-Large, Beam led a meeting of some 150 Klansmen, Posse and Identity activists in Estes Park, Colo. in October 1992. In attendance were Pete Peters and Tom Stetson, both of whom have been active in militias in Colorado and Idaho.

In the past two years, the much-traveled Beam has appeared at militia

gatherings in Idaho headed by Tom Stetson and in Montana with John Trochmann. He has also continued speaking at numerous Identity and white supremacist rallies and conferences.

PETE PETERS

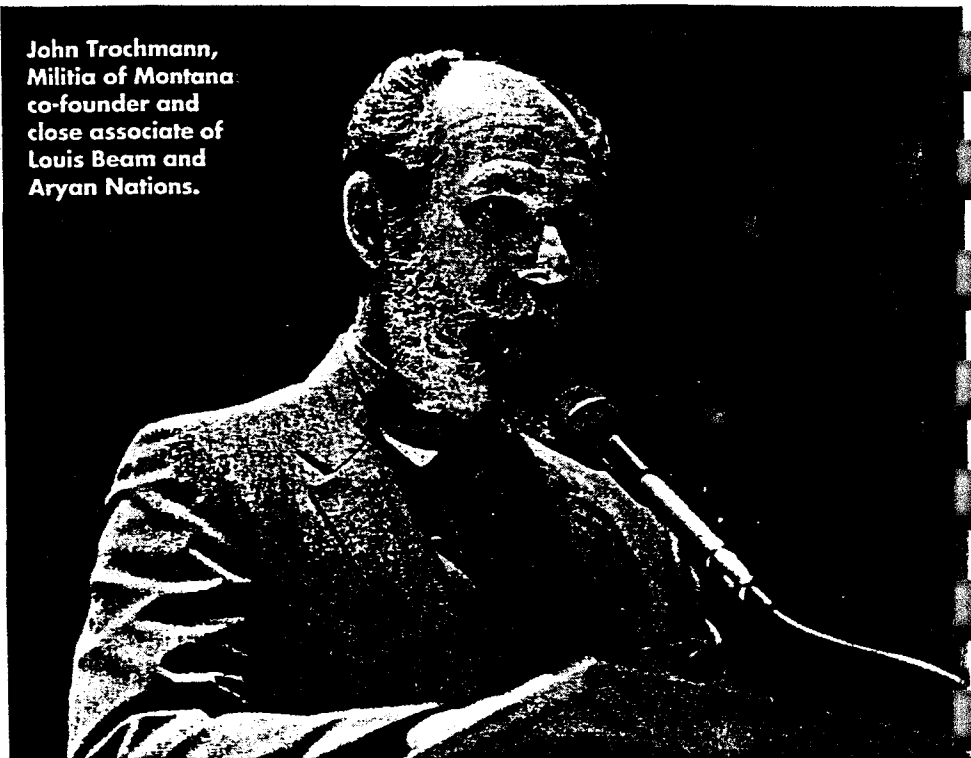
According to this Colorado-based racist Identity minister, "Once one learns and understands the Bible truth

active in paramilitary exercises at Identity sessions in Colorado in recent years.

DUNCAN PHILP

A close associate of Identity minister Pete Peters, Philp is the leader of the White Patriots, a Fort Collins, Colo. militia and now heads the statewide militia organization for that state.

John Trochmann, Militia of Montana co-founder and close associate of Louis Beam and Aryan Nations.



concerning God's Israel people, i.e., that the Caucasian people who settled America and formed the U.S.A. are the covenant people of the Bible, then and only then can one properly understand the perceived injustices and problems concerning the issue of race in this country." (A Scriptural Understanding Of the Race Issue, God's Call For Repentance, Pastor Pete Peters.) Peters operates a nationwide taped ministry from his church in La Porte, Colo. where the late Bob Mathews, founder of The Order, attended services along with fellow terrorists prior to their 1983 campaign of robbery, counterfeiting and assassination.

Peters is a close associate of Beam, Stetson and other leaders in the white supremacist movement. He ministers to the White Patriot Movement and Posse Comitatus in Colorado and has been

MARTIN 'RED' BECKMAN

This veteran tax protester and hard-core anti-Semite has an Identity church in Billings, Mont. called Freedom Church. He authored *The Church Deceived*, which claimed that the Holocaust was God's punishment of the Jews. According to Beckman, "They talk about terrible holocaust of Hitler's Nazi Germany. Was that not a judgment upon a people who believe Satan is their god? They are still with us today, still worshipping their god, Satan, and they are still stealing from the people. They are the ones who schemed and conspired to create a Federal Reserve Banking System."

Beckman, a popular speaker at militia and Constitutional rallies around the country, took the podium at an October 1994 "U.S. Constitution Restoration Rally" in Florida that featured Id-



North American Militia

210 South Third Street, P.O. Box 741
Boonville, Indiana 47601
812-897-4346

COAST TO COAST
BORDER TO BORDER
AMERICA'S LARGEST

December 30, 1994

Judge Jeff Langton
Ravalli County Courthouse
205 Bedford
Hamilton, Montana 59840

Re: Press Release

Dear Mr. Langton:

The purpose of this letter is to introduce you to the North American Volunteer Militia. We are the largest assembled militia that the North American continent has seen since it's beginning. The purpose of the Militia is to assist in civil defense situations and to defend our inhabitants against an out of control government and their hoards of officers that have been sent forth to harass our people.

The reason this letter is being sent to you at this time is to make you aware of what to expect if you continue your aggressive activities against the people of Montana.

Each of you have taken an Oath to uphold the Constitution for the United States. The Oath is your contract with the people. When you violate your Oath of office you become renegade to the Constitution and guilty of treason. I am sure you know what the penalty is for treason.

There is a Judge by the Name of Jeff Langton, of Hamilton, Montana, who hears cases against people while the same people have federal district court action pending at the same time with the judge as defendant. This is clearly a conflict of interest and a violation of the law. That same judge when ask by one of our members about his Oath of Office, stated, and I quote, "THE OATH OF OFFICE IS NOTHING MORE THAN A FORMALITY." This man has no business being a judge. He is a disgrace to the profession and a slap in the face of all those who have given their life and fortunes defending freedom in America.

You have state agents who are threatning to take wildlife from an individual. The individual is not a corporation and has certain unalienable rights. The State of Montana does not own the wildlife. The regulations do not pertain to the human being inhabitants of Montana. BETTER THINK THIS ONE OVER REAL GOOD BEFORE YOU GO AFTER THESE ANIMALS WITHOUT PRODUCING PROOF THAT YOU OWN THEM.

We would prefer that you take a good hard look at what you and your agencies are doing and amend your ways immediately. We are prepared, however, to defend, with our life, our Rights to Life, Liberty, and the Pursuit of Happiness. We number in the thousands in your area and everywhere else. How many of your agents will be sent home in body bags before you hear the pleas of the people?

Proceed at your own peril!

Yours very truly,
The North American Volunteer Militia

F. Joe Holland, National Director

cc: Calvin Greenup
Montana State Militia Cordinator

LIVE FREE OR DIE!

Militia threatens judge

By RUTH TEORNING

A national, Constitution-based, militia organization has issued a stern warning to Ravalli County District Court Judge Jeffrey Langton to "amend his ways" because of recent actions he has taken against other, so-called "strict Constitutionalists."

In a letter sent to Langton last week, the militia director stated, "When you violate your oath of office, you become renegade to the Constitution and guilty of treason. I am sure you know what the penalty for treason is."

Langton said he has seen similar letters sent to other state and federal judges in the recent past. "At least it didn't pass a death sentence on me like a Garfield County group recently did on it's judge," Langton said.

The letter, which also was sent to the Montana Attorney General, the Department of Fish, Wildlife and Parks and the Internal Revenue Service was from the North American Volunteer

Militia, which claims to be "the largest assembled militia the North American continent has ever seen."

The tone of the letter concerns Ravalli County Sheriff Jay Printz. "I don't know where this is headed. I expect some sort of

I expect some sort of confrontation between law officers and some of these people sometime

Sheriff Jay Printz

confrontation between law officers and some of these people sometime," Printz said. "There's a small, hard-core group out there and they are using the Constitution as an excuse to dodge obligations."

F. Joe Holland, the letter's author, national director of the militia, described himself in a telephone interview as a 40-year-old man who loves America, freedom and who believes in "Constitution and God's laws."

In the letter, Holland told Langton the letter was to make him aware of "what we expect if you continue your aggressive activities against the people of Montana." "We would prefer that you take a good hard look at what you, and your agents are doing and amend your ways immediately. We are prepared, however, to defend, with our lives, our rights to liberty and the pursuit of happiness. There are thousands in your area everywhere else. How many of your agents will be sent home in body bags before you hear the pleas of the people?" the letter concluded.

Holland said his group was concerned with the cases of people in the valley who were convicted in Langton's court.

See Militia, pa

continued from page 1

traffic infractions. He referred specifically to Victor resident Lex Herbert.

In the letter, he mentions Calvin Greenup, of Darby, and his ongoing dispute with state FWP officials over his game farm. "You have state agents who are threatening to take wildlife from an individual. The individual is not a corporation and has certain unalienable rights. The State of Montana does not own the wildlife. The regulations do not pertain to the human being inhabitants of Montana. Better think this one over real good before you go after these animals without producing proof that you own them," warned the letter.

Holland estimated his organization has 10 million members in all 50 states with militia organizations in 49 states. He said there were "between 2,000 and 3,000 militia members" in western Montanan who would respond if militia members were threatened.

Last month, there was a militia meeting at Hamilton High School that drew an estimated 300 people.

"This judge is a particular irritation to us. He has said his oath of office is 'nothing more than a formality,' when it is really a contract between him and the folks he is supposed to serve," Holland said. "We will not be treated like Third World inhabitants. They are going to uphold their oaths to the Constitution. These actions are going to stop. If they continue their aggressive activity, they have been forewarned."

Holland said his group believes in a constitutional republic and is working to establish one. He said a major problem is the "corrupt" judicial system with "make-believe" laws. In his letter, Holland referred to Langton as a "disgrace to the profession" and "a slap in the face of all those who have given their lives and fortunes defending freedom in America."

Ravalli Republic
1/7/95

government that appears to be a reprint of William Potter Gale's paramilitary guide, *The Road Back*. Pummer's militia fliers are filled with Identity references.

Pummer had Hank Pritchard in his Florida State Militia before Pritchard moved to the Clearwater area to join Jim Palmer. Pummer is considered dangerous. He served time in prison for second degree murder, according to one source.

ADAM TROY MERCER (AKA REV. TONY STONE)

Imperial Wizard of the militant White Knights of the KKK, Mercer founded the Missouri White Militia in September 1994. He recently met with Aryan Nations representative, Bryce Benson, near Kansas City. Mercer and Perry Jackson publish the racist sheet, *White Beret*. The WKKK and Missouri

White Militia are advocates of Louis Beam's "Leaderless Resistance," a paramilitary strategy that advocates "phantom cells . . . which operate independently of each other and never report to a central headquarters or single leader." Members of the WKKK, whose uniforms include black ski masks, camouflage fatigues and jackboots, have violent criminal records in several states, including assault with a deadly weapon.

WAYNE GONYAW

A retired Shelby County Sheriff's Deputy from Moscow, Tenn., Gonyaw is a sergeant in Aryan Nations and head of the Tennessee State Militia. He met with AN regional director Bobby Norton in Murfreesboro, along with fifteen other AN and militia members from Tennessee and Ohio. Gonyaw claims to have several active duty law enforcement officers in his militia. •

Resistance Records

(continued from page 3)

their publications decrying the murder.

Neo-Nazi activist Harold Covington ran Rowan's obituary on the cover of his November newsletter. Inside the publication, he carried an article about the murder.

But the most vehement denouncement of the killing came from an unexpected source, reclusive neo-Nazi propagandist Major Donald Clerkin of Milwaukee. In the November issue of his newsletter, *The Talon*, Clerkin vowed to take legal action himself if Rowan's death is swept "under the carpet" by Racine authorities.

"Someone saw that nigger shoot and kill Joe Rowan. Someone can identify the killer," Clerkin wrote.

He urged "Skinhead comrades of Joe Rowan" to "go armed when they must confront niggers. Niggers carry guns all the time. This race war we are in is no game—no mere stomping party. It is kill or be killed."

SHOCK TROOPS

With its avid following in the U.S. and Canada, Resistance Records has the resources to revive the stagnant Skinhead movement in North America, Klanwatch's Welch said.

"All the elements are there—the group obviously has money, something very few, if any, Skinhead groups have," Welch said. "Also, Burdi and Wilson are skillful organizers who will continue to use Skinhead music as a recruiting tool. And now, Resistance Records has its own martyr—Joe Rowan. It's a powerful combination."

Welch urged law enforcement authorities to closely monitor the organization and its activities.

"The likelihood of violence is enormous when Skinheads get organized at any level. We've seen it with Bill Riccio's group and with Tom Metzger's following. Skinheads are the shock troops of the white supremacist movement," Welch said. "They don't just talk about committing violence—they go out and do it." •



Militia rallies in North Carolina.

SEE PAGE 3 FOR
PAUL HILL CONNECTION

VOLUME 1
NUMBER 2
AUGUST 1994

FRONT LINES RESEARCH

IN DEFENSE OF
REPRODUCTIVE HEALTH,
EDUCATION, AND
DEMOCRACY

MISSIONARIES' LEADER CALLS FOR ARMED MILITIAS

by John Goetz

Rev. Matthew Trehwella, whose group Missionaries to the Preborn recently blockaded a Milwaukee clinic in a challenge to the Freedom of Access to Clinic Entrances (FACE) Act, has a broader, violent political agenda. Trehwella has called for the formation of armed citizen militias. He is also a leader in the new U.S. Taxpayers Party, which represents a convergence of the violent wing of the anti-abortion movement with elements of the Radical Right in the U.S. [Ed.]

Morning in Milwaukee

At 7 AM on June 4, 1994, a crowd of 30 supporters and a few TV cameras watched as six anti-abortion demonstrators blockaded the front door of Affiliated Medical Services. The protesters attached themselves to two station wagons — using handcuffs, chains, steel bars, pipes, and a 55-gallon drum filled with concrete. Then they welded the car doors shut. It cost the city of Milwaukee \$50,000 and two broken “jaws of life” to remove and arrest the six protesters.¹ It took seven hours to make the clinic fully operational again.

The next week, the U.S. Attorney filed criminal charges against the demonstrators for violating the new FACE law. The spokesperson for the demonstrators, Monica M. Miller, called the blockade a challenge to

FACE and threatened to continue “until there are no more pro-life demonstrators arrested.”² Matthew Trehwella, the leader of Missionaries to the Preborn, one of the primary organizers of the demonstration,³ said, “When Congress and the President say, ‘You cannot protect innocent babies from being killed,’ that is an immoral command, one which we will not obey.”⁴ Legal Action for Reproductive Rights, PPFA’s litigation arm, has filed the first civil action suit by an abortion provider under FACE on behalf of Affiliated Medical Services against

CONTINUED ON PAGE 3 ►



Matthew Trehwella points to his trigger finger at the USTP Wisconsin state convention.

“My son Jeremiah, I’m teaching him to be a free-man... I grab his trigger finger, and he’s sixteen months old, and if you ask him ‘Jeremiah, where’s your trigger finger?’ — he’ll go like this immediately.”

— Matthew Trehwella

RANDALL TERRY AND THE U.S. TAXPAYERS PARTY

by John Goetz

A new Randall Terry has emerged in recent months. Terry is a new leader of the radical right U.S. Taxpayers Party (USTP) and is launching a new “leadership institute” to train “militant” and “unmerciful”¹ activists for a new era of Radical Right politics.

Terry was the keynote speaker at the Wisconsin state USTP convention

in May. Although he called for return to biblical “patriarchy” and for criminalization of homosexuality, he was not the most controversial speaker. When USTP National Committee member Jeffrey Baker shouted, “Abortionists should be put to death”² during his convention speech, the audience erupted in applause.

CONTINUED ON PAGE 3 ►

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FEDERAL LANDS

UPDATING

"...bringing to the federal land user, helpful information for protecting private rights"

OCTOBER 1994

WHY THERE IS A NEED FOR THE MILITIA IN AMERICA

BACKGROUND

"A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed." (Second Amendment) 1791

According to Webster's New World Dictionary, the word "militia" means "any army composed of citizens who have volunteered, rather than be conscripted, and who are not professional (paid) soldiers."

The militia in America dates back to the pilgrims; who landed on Plymouth Rock. Of all of the pilgrims who came to America, it was the responsibility of the able bodied men to afford a musket, ball and powder, breast-plate and helmet to don the uniform of the colony in its defense.

But militias in the present day are primarily used for state and local protection. The state constitutions are a treaty, a guarantee of rights, protected as a compact, between the federal and state governments on behalf of the people for their "general welfare"; and knowledge and assurance that their peace and prosperity will be protected. For this reason, every state in the union has a provision for a militia. It is "We the People," who ordain and create the government for our service, not the government that creates people to serve it. Therefore, the importance of militia was recognized by our Founding Fathers as a Constitutional right guaranteed to the citizens of the several states organized as the United States of America, under the constitution, including the Second Amendment, without which, the Constitution would not have been ratified.

Militias generally consist of able bodied male inhabitants of the state between the ages of 18 and 45 years, except such as are exempted by law. The legislature of the state shall provide by law for the organization, equipment and discipline of the militia, which shall conform, as nearly

as practicable to the regulations of the government of the armies of the United States.

In 1916, when World War I was in full bloom, former President Teddy Roosevelt asked President Woodrow Wilson to commission him a general and he volunteered to raise a militia army, just as he did in the Spanish American War and lead it into battle in Europe, as he did in Cuba. Wilson, ever the cold blooded politician, immediately eliminated the militia in the United States, unilaterally, on June 3, 1916, with U.S. Code Title 32. This completely altered the definition of the militia and its service, who controlled it, and what it was. Without knowing or realizing it, U.S. Title 32 VIOLATED EVERY ARTICLE AND SECTION OF THE CONSTITUTION AND THE 2ND AMENDMENT. Title 32 has since been rescinded.

"...we cannot trust the federal government to look out for our individual freedoms..."

Do not confuse the state militia with the National Guard. The National Guard, although having the Governor as their state commander-in-chief are still responsible primarily to the national commander-in-chief, President Clinton. The militia is a body of soldiers in a state enrolled for discipline, but not engaged in actual service; except in emergencies. Today the National Guard comprise 44% of all our military personnel.

Time and time again, competent legal counsel has stated in written opinion, that fully armed militia units are constitutionally mandated in the United States. And... if law abiding citizens want to form such units, they have a perfect legal right to do so.

Time and time again, competent legal counsel has stated in written opinion, that fully armed militia units are constitutionally mandated in the United States. And... if law abiding citizens want to form such units, they have a perfect legal right to do so.

WHAT'S WRONG IN AMERICA

Why would a state need a fully armed and functioning militia? Because, unfortunately, we cannot trust the federal government to look out for our individual freedoms, which are disappearing faster than baby turtles at a seagull convention.



WEATHER

MOSTLY CLOUDY

with scattered valley showers and snow over the mountains. Gusty east winds in eastern passes.
High 40°/Low 25°/Precip. 40%

TUESDAY

Missoulian

SPORTS

BILL PLAYS HARD BALL

Baseball talks go into extra innings as President Clinton gives players, owners one more day. **Page D1**



FEBRUARY 1995

MISSOULA, MONTANA

50 CENTS

Guard chopper stirs up Bitterroot 'militia'

PATRICIA SULLIVAN
the Missoulian

The near-legendary black helicopter — supposedly a harbinger of the New World Order — buzzed institutionalist Cal Greenup's Darby-area ranch Sunday afternoon, sending the local militia to arms and causing the Ravalli County Sheriff's Department to respond to a call of threatening gathering at the Darby town

marshal's house.

The Idaho National Guard helicopter, on its way back to Boise from Missoula and practicing low-level training, turned out of the Bitterroot Valley at Greenup's ranch, said Sheriff Jay Printz.

"They have guns on this ship connected to the pilot's helmet, so when the pilot turns his head, the guns will turn," Printz said.

Unfortunately, when he was making his turn to go into the Selway, he was at Greenup's place,

and he turned his head, which then created all this furor."

Greenup, the subject of a front-page story in Saturday's Missoulian, was expecting an attack by government forces because of his refusal to appear in court for failure to pay state income taxes, and because he's fought state licensing of his elk farm. A warrant has been issued for his arrest and Greenup has said he would rather die than go to jail.

When Greenup saw the

helicopter at 2:26 p.m. Sunday, he called out his supporters. A militia meeting had been scheduled for 3 p.m., Greenup said, and he was getting ready for it when he heard the helicopter approaching.

"Sure enough, when I saw that sucker coming over the hill, then I saw it tip and dip, my heart jumped in my mouth and I can't explain the fear," Greenup said.

The helicopter passed within 200 feet above his house, Greenup said. Greenup's wife called militia

members for help, and within minutes, 20 to 30 militia members had gathered at the elk farm.

"I told them to watch me," Greenup said. "If he makes a wrong move, we're going to dump him out of the sky. Yeah, we were going to shoot him down but he never came back."

Meanwhile, 9-1-1 dispatchers got a call from Darby town marshal Larry Rose's wife, Sandy, who said two militia members were at her home, yelling at her husband.

Deputies dispatched to the site arrived after the men left, so the deputies rendezvoused in Darby and headed back to Hamilton, Printz said.

Idaho National Guard Maj. James Ball said Monday that the AH64 Apache helicopter, which like all Army aircraft is painted a "real dark green, a flat khaki," was practicing low-level terrain masking techniques on a routine training

See **MILITIA**, Page A-8

NEW RELEASE

EMPIRE ON THE RUN

By: Mark Koernke

3 HOUR - INTELLIGENCE UPDATE
February 19, 1994

1. MARK BRINGS US UP TO DATE ON THE STATUS OF CONDITIONS IN AMERICA. RESTRICTIONS ON MEETINGS ARE NOW TAKING PLACE IN CERTAIN PARTS OF THE COUNTRY.
2. NEW FEDERAL LAW ENFORCEMENT AGENCY DESIGNED TO BE AN UMBRELLA FOR ALL OF THE ALPHABET SOUP AGENCIES (ATF, FBI, DEA, ETC.)
3. MARK EXPLAINS THE KOREA, BOSNIA AND MESOPOTAMIA SITUATIONS AND HOW THEY WILL AFFECT AMERICA AT HOME.
4. NAMES THE STATES THAT HAVE ALREADY BANNED HANDGUNS. ALSO EXPLAINS THE KENTUCKY LAW WHERE IT IS ILLEGAL TO WEAR CAMO CLOTHING IN THE WOODS.
5. DOCUMENTS THE PLAN BY OUR GOVERNMENT TO ABOLISH THE U.S. AND MAKE 4 SEPARATE COUNTRIES OUT OF THE NORTH AMERICAN CONTINENT. (REMEMBER THE MOVIE "AMERIKA")?
6. DETAIL EXPLANATION OF THE CITIES THAT HAVE COORDINED OFF CITY BLOCKS IN MASSIVE GUN ROUNDUPS.
7. NEW INFO. ON THE SOVIET EQUIPMENT LOCATED NEAR BILOXI, MISSISSIPPI.
8. NEW MARKERS ON ROAD SIGNS INDICATING COORDINATES FOR ARTILLARY SHELLING BY U.N. TROOPS + OTHER DESIGNS.

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THANK YOU,

DAVID C. TROCHMANN
MEMBER, MILITIA OF MONTANA

Militia

Continued

flight out of Boise with a refueling stop in Missoula. Ball said the aircraft has black markings, but Greenup said he saw none. The pilot told Ball that the helicopter was between 500 and 1,000 feet all the time, moving at 150 knots on a dead-reckoning, visual flight rules course.

"That means no circles, no hovering," Ball said.

The armament system was turned off, as it is on routine training flights, and the guns carried no ammunition, Ball said. The guns were in a fixed position, pointing directly ahead. Ball said the route was chosen because the terrain provides good training for pilots and navigators.

The North American Volunteer

Militia sent out a faxed press release Sunday titled "Harassment by Government Despots" which outlined the incident. F. Joe Holland, the group's national director, charged that Ravalli County has "one of the most corrupt judicial systems in the entire nation" and said the Missoulian headlines falsely labeled Greenup as a tax protester in an effort "to discredit a true patriot."

"This must not be let to be swept under the carpet by these government bastards who are operating on behalf of an agency that is nothing more than the illegitimate offspring of a prostituted political system," Holland said in the press release. "Only by exposing these despot, degenerate maggots to the general public will we be able to live in America without having the New World Order shoved down our throat."

Sheriff Printz called items in the

press release wrong and misrepresentations of what actually happened. He's expressed concern that if the rhetoric doesn't cool down, a violent confrontation could erupt.

"They're really forcing bad to happen," Printz said. "They're really trying to force it."

Ball also noted that although flights from Boise into western Montana have been rare in the past, the Boise-based 1st Battalion of the 183rd Aviation Division will soon affiliate with a combat support aviation group in Helena.

That means "there's a potential in the future that there may be increased air traffic between Boise and Helena," Ball said. "Whether or not they follow this route through Darby or Hamilton or Missoula, I don't know."

The group flies both Blackhawk and Apache helicopters.

MONTANA

Talk darkens at militia meeting

By DON SCHWENNESEN
of the Missoulian

KALISPELL — The talk turned more militant at Kalispell's third militia meeting Thursday night, though one remark brought a protest from the audience and was disavowed by the moderator.

About 150 people attended the session at the Flathead County Fairgrounds when the emphasis was on building alliances with other protest groups and seeking support from local officials.

Moderator John McGlothlin said there's no need to organize an inactive militia, which already exists, subject to the governor's call.

"We're all in it. All we have to do is become an active part of it," he said, by owning a military-style weapon and ammunition and being ready.

Those at the meeting were asked to put their names into a series of boxes labeled with the names of different parts of the county so that telephone networks came be set up to

share information.

"If our government's doing anything weird, we want to know about it," McGlothlin said, urging networks with groups such as People for the West, United We Stand, and a property-rights preservation group petitioning to throw out the county's building permit system.

Jess Quinn, an organizer of that effort, said about 4,000 signatures have been gathered in a week and a half.

Though he's wrangling with the county attorney over the wording of the petition, Quinn said many in county government support the petition drive.

He said a town meeting is being planned for April 16 at 7 p.m. at Kalispell Junior High School to discuss a range of county issues.

Though he urged legal, peaceful measure to change government, Quinn said he believes big government is trying to force a popular revolt.

"What they want us to do is revolt, folks," he said at one point. "They're going to

push us so far we might not be able to stop that."

Later, he added "I know people in northern Washington who have sniper squads set up. When the hour strikes, there will be public officials dead in the streets."

That remark brought protest.

"I'm not in favor of even giving the idea of making a statement about taking violence (shooting a politician," a man in the audience said, adding that it would "paint us as a bunch of wild-eyed Rambos. Hopefully, it won't happen again."

"That kind of thing is something we're trying to avoid," McGlothlin agreed.

Another speaker, Garrick Hansen Whitefish, talked about a legal battle he's waging against local judges.

He said a daylong program by Howard Griswold on April 16 will focus on lawful participation in militias and on avoiding the jurisdiction of incorporated governments.

That program will run from 9 a.m. to 5 p.m. at the Mountain Mall in Whitefish.

"Vulcan Goddess" Janet Reno's among suspects

3/25/84 Missoulian

Militia speaker exposes conspiracies

By JOHN STROMNES
of the Missoulian

THOMPSON FALLS — Betrayal, conspiracy and treason at the highest levels of American government threaten ordinary citizens of Sanders County with the new world order, a militia organizer asserted Thursday night in Thompson Falls.

John Trochman of Noxon said firearms in the hands of private citizens are the only defense against federal politicians and their appointees who want to strip Americans of their cultural traditions, their moral values and their political freedoms of speech, assembly and especially of their right to hear arms.

About 70 people listened silently as Trochman, a longtime political activist and con-

gressman (Janet) Reno," through U.S. Sen. Max Baucus — who voted for the Brady law that provides for background checks on people who want to buy handguns — all the way down to the local forest ranger.

"Our local Forest Service is part of this treasonist scheme," Trochman said.

His 40-minute address was part of a diatribe against authority, part invocation of American patriotism and part conspiracy theory.

Two years ago, a person I knew watched the outcome of the national elections on a military (transmission) two days before they were held," Trochman said, apparently implying the election of Bill Clinton was fixed beforehand and the military had a part in it.

He suggested that Hong Kong police officers were being offered federal jobs in the United States to be part of a technical police

"If you are an able-bodied citizen, you are a member" of the militia, he said.

In literature handed out at this meeting and others, a booklet about Sanders County Unit Alpha of the Militia of Montana states that dues are \$5 a month and a \$20 application fee is needed to join. The fees and dues are for the administrative costs, supplies and equipment of the unit.

Despite Trochman's invective against the federal government and other civil authority, a militia itself "will at all times be respectful of the Rights of the citizen's (sic) of this state, and respective of the civil authority wherein it serves," the Montana Militia information booklet states.

Trochman said Thursday's meeting was the smallest militia meeting so far. Other meetings in Lincoln and Flathead counties

have attracted 200 people, Trochman said.

"We need at least neighborhood watches, county watches, up to state watches (to protect us) when the federal government moves in," Trochman said.

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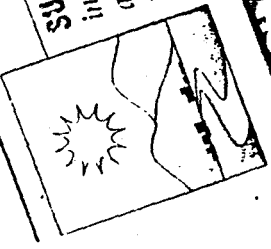
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MISSOULIAN

WEDNESDAY

MISSOULA, MONTANA

Page D4



WENT

SUNNY/FAIRLY
in the day with in
afternoon clouds
will be partly cloudy
High 50/low 20

MARCH 21, 1967

50 CENTS

Armed and dangerous

Officials generally cool to talk of citizen 'militia'

By DON SCHWENNESEN
of the Missoulian

KALISPELL — Flathead County and state officials are taking a guarded approach toward the revival of interest in citizen militia forces in northwestern Montana.

A Montana National Guard spokesman in Helena said flatly last week that the National Guard already is the state's militia.

"It is under the control of the governor," said Lt. Col. Ray Read, public affairs officer, adding that citizens can't form separate militias.

"They have to come to the governor and be part of the defense force" already in place, he said.

A second public meeting in Kalispell on militias is now set for Thursday at 7 p.m. at the Flathead County Fairgrounds. It was postponed from last week because the meeting place was already booked.

The first meeting drew more than 250 people. Speakers at that meeting cautioned that Montana laws limit citizen militia activities,

(See MILITIA, Page A-8)

STRANGESIGHTINGS

Some of those rumors are based in fact

By DON SCHWENNESEN
of the Missoulian

KALISPELL — Mysterious black helicopters, strange-looking military equipment and foreign Gurkha troops training in the mountains of the Yaak?

These were some of the weird goings-on mentioned at a recent Kalispell meeting to talk about forming citizen militias.

One man even suggested that military equipment is being cached in the Trego Tunnel, a remark that brought groans from others who pointed out that Burlington Northern trains regularly use the tunnel.

Still, some of the rumors may not be as far-fetched as they seem.

Lt. Col. Ray Read, public affairs officer for the Montana National Guard, said when two new sand-colored maintenance trucks were recently driven to the Whitefish National Guard unit, he got phone calls asking about them.

"They're very unusual-looking," he said, but they're not foreign.

However, foreign troops have trained regularly in Montana's mountains, in very small groups doing joint exercises with U.S. special forces. A group of 15 troops from Scotland recently was training in the state, he said.

"We had some Gurkhas here last year" with a company of British troops, he said. Gurkhas are

(See RUMORS, Page A-8)

FROM PAGE A-1

Militia

(continued)

but they saw some role for an "unorganized militia" that could stand ready to be called to active service in emergencies.

Another meeting the following night in Eureka reportedly drew more than 200 people.

The movement seems to be rooted in worries about growing federal power, erosion of individual rights, lawlessness in cities, gun control and the use of federal force in notable cases such as the standoff with Randy Weaver in northern Idaho and the assault on the Branch Davidians at Waco, Texas.

Sheriff Jim Dupont said he's been invited to attend the next Kalispell session.

"I sympathize with these folks," he said, but "I don't know if a militia is the answer."

Flathead County can use public help, both politically to gain tougher criminal penalties and for neighborhood watch programs, he said. But he added that the county just doesn't have the crime problems that would warrant armed citizen action.

"I don't have the feds in here telling me what to do," he added. "The federal government, let's face it, has been real good to Montana."

"We've got laws we don't agree with," Dupont said, but "there's a way to counter that ..." through citizen initiatives and petitions.

Lincoln County Sheriff Ray Nixon said the Eureka meeting was well organized and "went real well," though most discussion centered on the Brady bill, which requires background checks before handgun purchases, and the Constitution. Forming a local militia was a side topic, but the sheriff said, "I have no doubt they're going to do that."

"It's right in the Constitution that they can do this," he added. "I don't see where they're going against the government or anything."

Flathead County Attorney Tom Esch said there's no legal basis for a county citizen militia.

"We have other forms of institutions to provide for public safety and national defense," he said, including the sheriff's departments, city police and the National Guard.

He said citizens are within their rights to meet and assemble to discuss common interests in weapons and defense, but he drew the line at forming a citizen militia.

"The idea that they can form a militia, and it has some kind of legal foundation that gives them authority over other parts of the government or other people, we think that's wrong," he said.

"We have to subscribe to the rule of law. We can't just say the Constitution means what I say it

means," he said. "Before long, we have a Lebanon or a Bosnia."

Dave Trochmann of Noxon, who has attended recent meetings and has distributed sample rules and regulations for "The Militia of Montana, Sanders County, Unit Alpha," said "all we are is a support group, to help the unorganized militia of Montana."

The rules call for members to swear an oath of allegiance to uphold the Constitution and constitutional laws of Montana. The U.S. Unit commanders are to be elected unanimously by members. Uniforms are blue jeans and gray shirts. Members can be as young as 18.

The unit commander, governor, county commissioners or sheriff could call up the unit, to

protect lives, families and properties of Montanans. The unit would have to sustain the call by a vote, and anyone who did not morally support a conflict could refuse to go.

In Montana, "the home guard has taken the place of the militia," Trochmann said, acknowledging that the National Guard is the state's legal home guard. But he believes it's within constitutional rights to have an unorganized militia ready for call-up.

Trochmann said that the move to revive the militia is being conducted openly and peacefully and that local officials are being kept informed.

Citizen rights have been eroded, he said. "We might as well try for it and see what we've got left."

Rumors

(continued)

a people who originated from the mountains of Nepal. Read said he had no knowledge of any Yaak training involving Gurkhas.

Two years ago, Montana hosted troops from the Canadian special forces and the Washington National Guard, Read said.

"Coalition training is very popular," he said. "We are invited there, and they are invited here." Montana's huge areas of public land and rugged terrain makes it a popular spot for mountain training, he added.

As for reports of United Nations equipment with white markings and blue lettering, Read had no explanation.

But he said in the past, railroad trains crossing the state have occasionally carried military equipment built by U.S. companies for export to other nations.

As for black helicopters, Flathead County Jim Dupont pointed out that the Montana Air National Guard sends dark helicopters to counties each fall, including Flathead County, where they make low-elevation surveillance flights looking for illegal marijuana patches on national forest land. Local deputies ride in the choppers flown by National Guard pilots in need of flight training time.

'Militia' organizer says fear, distrust of government at core of movement

KALISPELL (AP) — John McGlothlen says his view of the U.S. government is increasingly of an Orwellian entity that is denying his rights and seizing his property illegally.

That concern has prompted him to organize meetings to discuss a "citizens' militia" that could protect people's rights.

The meetings have become a platform for people to vent frustration. Speakers shared suspicions of an increasingly dominating and dangerous government.

Their list of worries includes gun control, the federal deficit, growing taxes, police raids, property seizures and a federal bureaucracy that is overwhelming local government.

The rhetoric at the meetings turned militant at times, with speakers talking about the day when citizens will have to "go to war" with their government.

McGlothlen, a 47-year-old drywall contractor who has lived in the Flathead since 1973, has emphatically distanced himself from neo-Nazis, skinheads and other "hate groups."

But he concedes that the meetings have attracted extreme elements.

"I would say the percentage is really small," he told The Daily Inter Lake in Kalispell.

"The way I see it is that they are not a problem or much of a factor in this," he said. "Usually, when they find out that (the meetings) are not a scary, secretive thing, they go back to their bar stools and talk with each other secretly."

Most of the people who attended the meetings are law-abiding citizens who have legitimate concerns

but feel powerless to do anything about them, McGlothlen said.

"They feel like they have no power, like they're being run over" by big government.

"There's some people out there who are paranoid. But there's a lot



McGlothlen

of people out there who are not paranoid. They are just supremely suspicious of our federal government," he said.

McGlothlen is also frustrated and suspicious. The IRS seized

his home in Evergreen five years ago because he failed to file income tax returns and has not paid taxes since 1977.

McGlothlen maintains that the seizure of his home was illegal. He contends that the 16th Amendment, granting Congress the power to levy and collect taxes on income, was never legitimately ratified. He also questions the IRS's authority because the amendment doesn't have an "enforcement clause" for collecting taxes.

But the IRS is not his only concern. He says Congress has abdicated its responsibility for overseeing monetary policy to the Federal Reserve and has exceeded its authority by allowing huge deficits.

McGlothlen stresses that he is trying to resolve his troubles with the IRS through the courts, and those problems have nothing to do with the militia meetings.

He said the purpose of the meetings was mainly to encourage a dialogue on political and social issues that. Such discussions can help people gain political clout.

But at the same time, he said, the loose network of groups can become a militia should an emergency ever arise.

"There is a purpose for a militia," McGlothlen said. "If the government went totally berserk tomorrow, we'd be in deep trouble."

And he does not feel secure with the National Guard, because "it is owned by the government, not people."

'Militia's message: Stand up and fight

By JACQUIE LONG
Tribune Staff Writer

GFT

The Militia of Montana issued its call to arms Wednesday night in Great Falls, asking area residents to help fight the "multi-trillion-dollar, private corporation called federal government."

Militia organizers spoke of the events in 1775 that triggered formation of the first citizen's militia in America, and said it's time again for residents to fight against "the filth that goes on in government."

Tax protester Martin "F. S." Beckman and several Militia organizers denounced gun control laws, military-type tactics used by police squads, last year's government raid in Waco, Texas, and other instances of government intervention.

The federal government, in particular, was targeted by speakers, who said only each county's sheriff — and no federal agents — has local law enforcement jurisdiction.

But Beckman told listeners not to just blame government for the problems they see.

"The problem isn't at the government level; the problem is at your level and mine," Beckman said. "Eternal vigilance is the price of liberty and we have not been paying the price."

The Militia of Montana — known as MOM — is a loose-knit organization that formed about five months ago in Noxon, the far northwestern corner of Montana.

Organizers have held several, well-attended meetings in the state, and are helping other states form similar networks aimed at "preserving the inalienable rights of the people," said John Troughmann of Noxon.

More than 200 area residents, mostly men, listened Wednesday for two hours to a mixture of constitutional readings and cynical comments, applauding the most stinging anti-government barbs.

No specifics were provided on how the group plans to achieve its goals, although more meetings are scheduled, including one at 7 p.m. May 24 at the Great Falls Public Library. And organizers called for potential leaders to step forward and join a secretive network in which they are given military code names and titles.

Troughmann argued that the new Brady Bill gun-control law cannot be enforced because the federal government has no jurisdiction within individual counties.

And even Cascade County Sheriff Barry Michelotti — when questioned — said he won't continue to enforce the Brady Bill if the U.S. Bureau of Alcohol, Tobacco and Firearms doesn't provide more assistance.

An avid hunter, Michelotti implied that he dislikes regulation of the right to bear firearms, saying, "I think we've got to stand by all of the rights we do have."



HUMAN RIGHTS NETWORK NEWS

Vol. 3, No. 2, June 1994

GUN CONTROL CONCERNS LEAD TO MILITIA ORGANIZING

During the last five months, militia groups have been forming in communities from Troy to Billings. Organizers in the militia movement are using people's frustration with government and anger over recent gun control legislation to garner support for their cause.

Forming domestic armies in response to passage of federal legislation is an extreme act. Not surprisingly, an examination of the individuals involved in the militia movement reveals ties to individuals and organizations associated with the hate movement.

Militia meetings around Montana have been drawing surprisingly large audiences. In recent months, militia meetings have been held in Hamilton, Kalispell, Eureka, Sanders County, Big Timber, Billings, Troy, Bozeman, Helena, and Great Falls. One meeting in Kalispell attracted an estimated 800 people. More commonly, meetings have attracted 100 to 200 people.

While this relatively large turnout is a concern, it is encouraging that the number of people who attend a second or third meeting in a community declines dramatically once people hear the rhetoric of these groups.

Those attending the meetings are exposed to a myriad of conspiracy theories about government plans to deny citizens their most basic freedoms. Organizers try to convince attendees that passage of gun control

legislation is the first step in a conspiracy to subjugate the American people. The conspiracies range from allegations of mercenary troops hiding in the mountains of Montana to a government program to train criminal youth gangs in search and seizure techniques so they can help law enforcement agencies confiscate weapons from citizens.

The most organized militia group in Montana is the Militia of Montana (MOM). MOM is headed up by John and David Trochmann. The Trochmanns have been involved in racist groups in the past. John Trochmann spoke at the 1990 Aryan Congress held in Hayden Lake, Idaho. David Trochmann was featured in a Spokane television news special about extremist groups in Montana.

The mailing list from a group called United Citizens for Justice (UCJ) was used to promote MOM materials. UCJ was formed as a support group for white supremacist Randy Weaver during his stand-off with law enforcement officials in September of 1992. John Trochmann, along with Chris Temple of Polson, were founders of UCJ. Temple was also an organizer for the Populist Party presidential candidate Bo Gritz, during the 1990 elections. The Populist Party and

(Continued on page 2)

Network News is a publication of the Montana Human Rights Network, a nonprofit organization.

Writers: Ken Toole,
Christine Kaufmann,
Marlene Hines, Joel
Trinidad

MOSTLY CLOUDY

with scattered valley showers and snow over the mountains. Gusty east winds in eastern passes.
High 40°/Low 25°/Precip. 40%

TUESDAY

Missoulian

SPORTS

BILL PLAYS HARD BALL
Baseball talks go into extra innings as President Clinton gives players, owners one more day. **Page D1**

RY 7, 1995

MISSOULA, MONTANA

50 CEN

Guard chopper stirs up Bitterroot 'militia'

SULLIVAN 27.95

near-legendary black helicopter — supposedly a harbinger of the New World Order — buzzed constitutionalist Cal Greenup's Darby-area ranch Sunday afternoon, sending the local militia to arms and causing the Ravalli County Sheriff's Department to respond to a call of threatening men gathering at the Darby town

marshal's house.

The Idaho National Guard helicopter, on its way back to Boise from Missoula and practicing low-level training, turned out of the Bitterroot Valley at Greenup's ranch, said Sheriff Jay Printz.

"They have guns on this ship connected to the pilot's helmet, so when the pilot turns his head, the guns will turn," Printz said.

"Unfortunately, when he was making his turn to go into the Selway, he was at Greenup's place,

and he turned his head, which then created all this furor."

Greenup, the subject of a front-page story in Saturday's Missoulian, was expecting an attack by government forces because of his refusal to appear in court for failure to pay state income taxes, and because he's fought state licensing of his elk farm. A warrant has been issued for his arrest and Greenup has said he would rather die than go to jail.

When Greenup saw the

helicopter at 2:26 p.m. Sunday, he called out his supporters. A militia meeting had been scheduled for 3 p.m., Greenup said, and he was getting ready for it when he heard the helicopter approaching.

"Sure enough, when I saw that sucker coming over the hill, then I saw it tip and dip, my heart jumped in my mouth and I can't explain the fear," Greenup said.

The helicopter passed within 200 feet above his house, Greenup said. Greenup's wife called militia

members for help, and within minutes, 20 to 30 militia members had gathered at the elk farm.

"I told them to watch me," Greenup said. "If he makes a wrong move, we're going to dump him out of the sky. Yeah, we were going to shoot him down but he never came back."

Meanwhile, 9-1-1 dispatchers got a call from Darby town marshal Larry Rose's wife, Sandy, who said two militia members were at her home, yelling at her husband.

Deputies dispatched to the site arrived after the men, so the deputies rendezvoused at Darby and headed back to Hamilton, Printz said.

Idaho National Guard Maj. James Ball said Monday that the AH64 Apache helicopter, which like all Army aircraft is painted "real dark green, a flat black," practicing low-level terrain maneuvers on a routine training

See **MILITIA**, Page A-8

Militia

Continued

flight out of Boise with a refueling stop in Missoula. Ball said the aircraft has black markings, but Greenup said he saw none. The pilot told Ball that the helicopter was between 500 and 1,000 feet all the time, moving at 150 knots on a dead-reckoning, visual flight rules course.

"That means no circles, no hovering," Ball said.

The armament system was turned off, as it is on routine training flights, and the guns carried no ammunition, Ball said. The guns were in a fixed position, pointing directly ahead. Ball said the route was chosen because the terrain provides good training for pilots and navigators.

The North American Volunteer

Militia sent out a faxed press release Sunday titled "Harassment by Government Despots" which outlined the incident. F. Joe Holland, the group's national director, charged that Ravalli County has "one of the most corrupt judicial systems in the entire nation" and said the Missoulian headlines falsely labeled Greenup as a tax protester in an effort "to discredit a true patriot."

"This must not be let to be swept under the carpet by these government bastards who are operating on behalf of an agency that is nothing more than the illegitimate offspring of a prostituted political system," Holland said in the press release. "Only by exposing these despotic, degenerate maggots to the general public will we be able to live in America without having the New World Order shoved down our throat."

Sheriff Printz called items in the

press release wrong and misrepresentations of what actually happened. He's expressed concern that if the rhetoric doesn't cool down, a violent confrontation could erupt.

"They're really forcing bad to happen," Printz said. "They're really trying to force it."

Ball also noted that although flights from Boise into western Montana have been rare in the past, the Boise-based 1st Battalion of the 183rd Aviation Division will soon affiliate with a combat support aviation group in Helena.

That means "there's a potential in the future that there may be increased air traffic between Boise and Helena," Ball said. "Whether or not they follow this route through Darby or Hamilton or Missoula, I don't know."

The group flies both Blackhawk and Apache helicopters.

AMENDMENTS TO
HOUSE BILL NO. 467

1. Page 1, line 17
Strike: "(3) A member may not serve more than 8 years in a 16-year period."
Insert: "(3) The secretary of state or other authorized official shall not certify a candidate's nomination or election to the public service commission, or print or cause to be printed on any ballot the name of a candidate for the public service commission if, at the end of the current term of that office, the candidate will have served in that office or had he not resigned or been recalled would have served in that office for 8 or more years in any 16-year period."
2. Page 1.
Following: line 17
Insert: "(4) When computing time served for purposes of subsection (3), the provisions of subsection (3) do not apply to time served in terms that end during or prior to January 1995."
3. Page 1, line 19 through line 21
Strike: Line 19 through line 21 in their entirety.

House Bill No. 467

EXPLANATION OF AMENDMENTS SUGGESTED
BY THE PUBLIC SERVICE COMMISSION

The PSC is not opposed to HB 467. It is appropriate that the term limits for Commissioners be consistent with other elected officials. The PSC would like to suggest three amendments to HB 467 (attached). The PSC believes these amendments would make the the bill consistent with Article IV, Section 8 of the Montana Constitution, and would also remove an ambiguity in the present language.

Amendment 1 replaces the current subsection (3) with language similar to Article IV, Section 8, subsection (1). This will correct the ambiguity that would exist if a Commissioner were appointed to fill an unexpired term (which has happened twice in the last five years). Under current HB 467 an appointed Commissioner could run for a full term after serving the unexpired term. After completing the full term the Commissioner would not have served 8 years, so the questions would be: could the Commissioner run for another full term? and, if so, would the Commissioner have to resign in mid-term when the 8 year limit was reached? The language, "at the end of the current term of that office" corrects for this problem.

Amendment 2, along with amendment 1, makes HB 467 consistent with the treatment of the other elected officials in the Montana Constitution. Amendment 3 deletes NEW SECTION section 2 as that section would not be necessary if Amendments 1 and 2 were adopted.

The PSC very much appreciates your consideration of these amendments.

Debate — committee report, Trans. 418 through 422, 532, 533.

Final consideration, Trans. 1867, 1868.
Text as adopted, Vol. II 1091.

Debate — style and drafting report, Trans. 1186, 1187, 1196, 1197, 2922.

Section 7. Ballot issues — challenges — elections. (1) An initiative or referendum that qualifies for the ballot under Article III or Article XIV shall be submitted to the qualified electors as provided in the Article under which the initiative or referendum qualified unless a new election is held pursuant to this section.

(2) A preelection challenge to the procedure by which an initiative or referendum qualified for the ballot or a postelection challenge to the manner in which the election was conducted shall be given priority by the courts.

(3) If the election on an initiative or referendum properly qualifying for the ballot is declared invalid because the election was improperly conducted, the secretary of state shall submit the issue to the qualified electors at the next regularly scheduled statewide election unless the legislature orders a special election.

History: En. Const. Amend. No. 21, 1990.

Section 8. Limitation on terms of office. (1) The secretary of state or other authorized official shall not certify a candidate's nomination or election to, or print or cause to be printed on any ballot the name of a candidate for, one of the following offices if, at the end of the current term of that office, the candidate will have served in that office or had he not resigned or been recalled would have served in that office:

(a) 8 or more years in any 16-year period as governor, lieutenant governor, secretary of state, state auditor, attorney general, or superintendent of public instruction;

(b) 8 or more years in any 16-year period as a state representative;

(c) 8 or more years in any 16-year period as a state senator;

(d) 6 or more years in any 12-year period as a member of the U.S. house of representatives; and

(e) 12 or more years in any 24-year period as a member of the U.S. senate.

(2) When computing time served for purposes of subsection (1), the provisions of subsection (1) do not apply to time served in terms that end during or prior to January 1993.

(3) Nothing contained herein shall preclude an otherwise qualified candidate from being certified as nominated or elected by virtue of write-in votes cast for said candidate.

History: En. Sec. 1, Const. Initiative No. 64, approved Nov. 3, 1992.

ARTICLE V

THE LEGISLATURE

Section

1. Power and structure.

2. Size.

Chairman Simpkins & Ann. Members

HJR-18

Patrick Henry (Resolution in the Virginia Assembly, 1770), George Washington and George Mason (Orders for the Fairfax Militia, 1774) and the framers of our Constitution agreed with Machiavelli ("The Art of War", 1521), Roger Molesworth ("Franco-Gallia", 1721) and Andrew Fletcher ("Discourse of Government With Relation to Militias", 1737) that the "well regulated militia" consists of the general citizenry, with their own weapons, officered by people chosen by themselves, which is what the Militia of Montana has done.

The Militia Act, (1792) defined the militia as all able-bodied males of age and today, Title 10, Section 311, the U.S. Code includes some females in the militia. In U.S. v Miller (1939), the Supreme Court said that the militia are all able-bodied males 'bearing arms supplied by themselves'. In U.S. v Verdugo-Brquidez (1990), the court said that the right to keep and bear arms belongs to all people in America's 'national community'.

The National Guard was established and made part of the militia by the Dick Act (1903); but the National Defense Act (1920), established and the court confirmed, *Perpich v Department of Defense*, (1990), that the Guard is part of the U.S. Army when the government so chooses. Commanded by the president, the Guard is not part of the state militia intended to protect the people against the federal army. The Guard is part of the federal army itself!! That leaves the defense of freedom against federal tyranny in the hands of the people.....those who make up the militia in each state.

The citizen's militia is not illegal as some would have the people of Montana believe. It is not made up of 'skinheads'. KKK, racists and terrorists as ~~has~~ been stated by some. The militia is made up of the businessmen and women in your community.....your neighbors.

- 10-1-502. Pay and allowances.
10-1-503. Allowances for incidental expenses.
10-1-504. Repealed.

Part 6 — Rights of and Duties Owed Militia

- 10-1-601. Actions against militia members — attorney's fees.
10-1-602. Right-of-way while performing military duty.
10-1-603. Depriving members of organized militia of employment.
10-1-604. Leave of absence of public employees attending training camp or similar training program.
10-1-605. Suspension of license fees for persons in military service.
10-1-606. Suspension of property taxes for persons in military service.
10-1-607 through 10-1-610 reserved.
10-1-611. Authority of commanding officer to arrest.
10-1-612. Arrest of trespassers and disturbers.
10-1-613. Unlawful sale or detention of military property.
10-1-614. Unlawful wearing of uniform.
10-1-615. Misdemeanor violations.

Part 7 — Home Guard

- 10-1-701. Home guard — organization and composition.
10-1-702. Gubernatorial rules for guard.
10-1-703. Use of armories and equipment.
10-1-704. Pay and allowances.

Part 8 — National Guard Reenlistment or Extension Incentive

- 10-1-801. Short title.
10-1-802. Purpose.
10-1-803. Definitions.
10-1-804. Bonus.
10-1-805. Eligibility.
10-1-806. Administration.

Chapter Cross-References

Civilian control of military, Art. II, sec. 32,
Mont. Const.

Importation of armed persons, Art. II, sec.
33, Mont. Const.

Composition of militia, Art. VI, sec. 13,
Mont. Const.

Governor as commander-in-chief of
militia, Art. VI, sec. 13, Mont. Const.

Call of forces, when authorized, Art. VI,
sec. 13, Mont. Const.

Department of Military Affairs created —
appointment of Adjutant General, 2-15-1201
through 2-15-1203.

Power of Mayor to call out militia,
7-4-4303.

Exemption from arrest, 46-6-102.

Ammunition — blanks, 50-37-102.

Part 1

General Provisions

10-1-101. Definitions. Unless the context requires otherwise, in this title, the following definitions apply:

- (1) "Department" means department of military affairs.
- (2) "Militia" means all the military forces of this state, whether organized or active or inactive.
- (3) "National guard" means the army national guard and the air national guard.
- (4) "Officer" means commissioned or warrant officer.

History: En. 77-1601 by Sec. 25, Ch. 94, L. 1974; amd. Sec. 7, Ch. 49, L. 1977; R.C.M. 1947, 77-1601.

Cross-References

Department of Military Affairs created,
2-15-1201.

10-1-102. Powers and duties of department of military affairs. Under the direction of the governor, the department shall:

- (1) keep a roster of all officers and enlisted persons of the militia of this state whether active, inactive, or retired;
- (2) supervise, administer, and coordinate civil defense and disaster control activities;
- (3) recruit, mobilize, administer, train, discipline, equip, and supply the organized militia;
- (4) maintain the archives and keep the records and documents required by law or regulation to be filed with the United States department of defense;
- (5) establish and maintain the headquarters required for the militia;
- (6) exercise the powers vested in it and perform any other duty and function required of it by the governor and by federal and state laws and regulations.

History: En. 77-1606 by Sec. 30, Ch. 94, L. 1974; amd. Sec. 8, Ch. 49, L. 1977; R.C.M. 1947, 77-1606.

Cross-References

Department power to authorize construction on federal land, 18-2-102.

Construction — contracting agency,
18-2-103.

Montana Historical Society directed to store certain war records, 22-3-221.

10-1-103. Classes of militia. The classes of the militia are:

- (1) the organized militia, which consists of the national guard and the Montana home guard;
- (2) the unorganized militia, which consists of the members of the militia who are not members of the organized militia.

History: En. 77-1602 by Sec. 26, Ch. 94, L. 1974; R.C.M. 1947, 77-1602.

Cross-References

Composition of militia, Art. VI, sec. 13,
Mont. Const.

"Militia" defined, 10-1-101.

Composition of home guard, 10-1-701.

10-1-104. Federal regulations to govern. Federal laws and regulations, forms, precedents, and usages relating to and governing the armed forces of the United States and the militia, including The Uniform Code of Military Justice, shall, insofar as they are applicable and not inconsistent with the constitution of this state, apply to and govern the military forces of this state, including all members of the national guard on active duty within the state as active duty guard/reserve (AGR) personnel under Title 32, U.S.C.

History: En. 77-1603 by Sec. 27, Ch. 94, L. 1974; R.C.M. 1947, 77-1603; amd. Sec. 1, Ch. 430, L. 1983.

10-1-105. Rules by governor. The governor may prescribe rules to carry out his functions and duties under this title and the constitution of this state. These rules must conform to any applicable federal laws and regulations.

History: En. 77-1604 by Sec. 28, Ch. 94, L. 1974; R.C.M. 1947, 77-1604.

(a) interrupts, molests, or disturbs the orderly discharge of duty by those under arms;

(b) disturbs or prevents the passage of troops going to or returning from any duty; or

(c) assaults a member of the uniformed militia while that member is performing any military duty.

(3) A person who is arrested under this section shall be transferred to the civil authorities in the county where the offense was committed.

(4) A person committing an offense for which an arrest may be made pursuant to this section is guilty of a misdemeanor.

History: En. 77-2106 by Sec. 63, Ch. 94, L. 1974; amd. Sec. 11, Ch. 49, L. 1977; R.C.M. 1947, 77-2106.

Cross-References

Right-of-way while performing military duty, 10-1-602.

Definition of assault, 45-5-201.

Place of imprisonment when none specified, 46-18-211.

Penalty when none specified, 46-18-212.

10-1-613. Unlawful sale or detention of military property. A person may not conceal, sell, dispose of, offer for sale, purchase, retain after demand made by an officer, or in any manner pledge or pawn any arms, equipment, or other military property issued by the United States or this state for use of the militia.

History: En. 77-2107 by Sec. 64, Ch. 94, L. 1974; R.C.M. 1947, 77-2107(part).

Cross-References

Property remains public property, 10-1-107.

Unlawful sale as misdemeanor, 10-1-615.

Damage or destruction of public property unlawful, 45-6-101.

Definition of theft, 45-6-301.

10-1-614. Unlawful wearing of uniform. A person who is not a member of the organized militia may not wear the uniform or insignia issued or authorized for use by the organized militia.

History: En. 77-2108 by Sec. 65, Ch. 94, L. 1974; R.C.M. 1947, 77-2108(part).

10-1-615. Misdemeanor violations. A person who violates 10-1-603, 10-1-613, or 10-1-614 is guilty of a misdemeanor.

History: Ap. p. Sec. 60, Ch. 94, L. 1974; Sec. 77-2103, R.C.M. 1947; Ap. p. Sec. 64, Ch. 94, L. 1974; Sec. 77-2107, R.C.M. 1947; Ap. p. Sec. 65, Ch. 94, L. 1974; Sec. 77-2108, R.C.M. 1947; R.C.M. 1947, 77-2103(3), 77-2107(part), 77-2108(part).

Cross-References

Place of imprisonment when none is specified, 46-18-211.

Misdemeanor penalty when no penalty is specified, 46-18-212.

Part 7 Home Guard

10-1-701. Home guard — organization and composition. The home guard may be organized, maintained, and disbanded at the discretion of the governor, in accordance with federal law and regulation, when additional defense forces are needed in this state. The home guard shall be composed of officers assigned to it and any able-bodied citizen of this state who volunteers to serve in it. If additional persons are needed in the home guard, members of the unorganized militia shall serve if enrolled by draft or otherwise as provided by law and regulation.



Montana State AFL-CIO

Donald R. Judge
Executive Secretary

110 West 13th Street, P.O. Box 1176, Helena, Montana 59624

406-442-1708

Testimony of Don Judge, Montana State AFL-CIO, on House Joint Resolution 18 before the House Committee on State Administration, February 10, 1995

=====

Mr. Chairman, members of the committee, for the record my name is Don Judge. I represent the members of the Montana State AFL-CIO and I rise today along with David Owen, the President of the Montana Chamber of Commerce, in opposition to House Joint Resolution 18.

Some who have witnessed our two organizations battling each other in the political arena might find it unusual or even odd that the AFL-CIO and the Chamber of Commerce appear together on the same side of this issue. But it's not at all unusual for these two all-American institutions, business and labor, to march side-by-side together when we see our country and our economy threatened.

The bill you have before you, HJR18, poses just such a threat. The events of this past week in Ravalli County give a hint of the disasters awaiting this country if legislation like this ill-conceived bill is passed by the legislature. Let's consider the near tragedy that was averted simply because an innocent and unwitting Army National Guard pilot followed a flight path heading the helicopter he was flying southwest instead of turning northeast. That young man has a family. He was practicing to become a more skilled aviator. He thought he was serving his nation. He was oblivious to the company of armed men gathered to kill him if he turned his aircraft in what they had determined was the wrong direction. Only blind luck and perhaps the grace of God saved his life.

The nation has now read of this incident. We must ask ourselves what others must think of this "Last Best Place." Had the self-styled militia in the Bitterroot Valley been successful in shooting that young man out of the Big Sky, the tragedy would have marked Montana a savage and bloody place. History books would mention Darby, Montana along with Dealy Plaza.

Thank God the worst didn't happen. Thank God our legislature has a chance to tell the world that here, in this place, Montana still adheres to the Constitution of the United States.

Allow me to read, briefly from Article 1, Section 8 of the Constitution of these United States: *"The Congress shall have Power... To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress..."*

And Article 1, Section 9: *"No State shall, without the Consent of the Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement of Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay."*

Testimony of Don Judge on HJR 18
Page Two
February 10, 1995

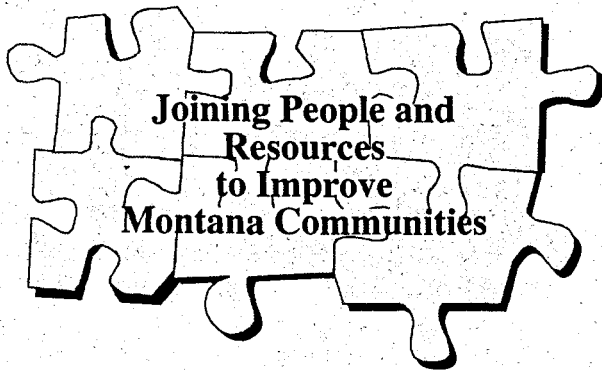
The law of our land is clear. HJR18 should be laid to rest. If not, who will be eager to work in a state where people take up arms against their own? Who will invest their money or move their business to a place where the state government takes no responsibility for the nation's well-being? Who will come to visit our beautiful wild places knowing that they could be killed for the non-crime of getting lost on a back road, or flying over the public's airspace?

Mr. Chairman, members of the committee, the Montana Chamber of Commerce and the Montana State AFL-CIO are here today because we believe that the good of our state, the health of its economy, and the security of its workers depends upon sending a positive signal to the rest of the world. If we are going to encourage economic growth and development, we need to let businesses know they are welcome, and workers know they are safe here. We want other Americans to know that we believe in the Constitution of these United States, and in a government *Of the people, By the people and For the people*.

HJR 18 would send the wrong signal to America and the rest of the world. For the sake of our economy, our security, our jobs and our kids' futures, we urge you to reject House Joint Resolution 18. Thank you.

Respectfully submitted by Don Judge, Executive Secretary, Montana State AFL-CIO

Office of Community Service



"Our own actions may seem insignificant; but when we all join together and volunteer, we can make an enormous difference in the lives of each other and our communities."

Governor Marc Racicot

Amendments to House Bill No. 327
First Reading Copy

For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
February 10, 1995

1. Page 1.

Following: line 20

Insert:

"Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means an individual who is qualified and registered to vote in an election and who is not on an inactive elector list pursuant to 13-2-207 and 13-19-313.

(2) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

~~(2)~~(3) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office ~~as~~ required by law;

(b) for the purposes of chapters 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

~~(3)~~(4) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residence for a candidate or other individual;

questions, bond issue questions, or a ballot question. For the purposes of chapters 35, 36, or 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes an "issue" upon approval by the secretary of state of the form of the petition or referral.

~~(11)~~(12) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (2) of this section.

~~(12)~~(13) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

~~(13)~~(14) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

~~(14)~~(15) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

~~(15)~~(16) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

~~(16)~~(17) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

~~(17)~~(18) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

~~(18)~~(19) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

Renumber: subsequent sections

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

State Administration

DATE 2-10-95

BILL NO. HO 17 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

State Administration

DATE 2-10-95

BILL NO. HQ18 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Brad Martin	MT Democratic Party		✓
Don Judge	MT STATE AFL-CIO		✓
David Owen	mt chamber		✓
Dick Baumbarger	Montana - Veterans		✓
John Connor	Attorney General's Office Dept of Justice		✓
Ken Toole	Human Rights Network		✓
Corky Smith	Self		✓
GARY MARBUT	MSSA GOA CCRKBA WMCA BSPSL	✓	
Kathy McKay	Self		✓
Kamala Webb	Self - FIJA	✓	
Ed Caplis	MSCA		✓
O. J. Mansa	Veteran & Citizen		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

State Administration

DATE 2-10-95

BILL NO. HB 467 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.