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Pursuant to *Federal Rule of Civil Procedure 56*, FBI Defendants have moved for summary judgment contending that Plaintiff's claims are moot because they did not locate any documents responsive to Plaintiff's *FOIA Request* and consequently did not withhold any documents or improperly assert any exemption as a basis for withholding documents. But as the Court now knows, that is not true. A key document consisting of the *SPLC-OKBOMB Memorandum* was withheld. With this *Memorandum*, Plaintiff is also submitting another document dealing with "domestic security/terrorism" the *SPLC's* informant, "Elohim City," "OKBOMB," "BOMBROB," "McVeigh," "Guthrie," "Brescia," and "Langan" the very

subjects of Plaintiff's *FOIA Request*. More importantly, this second document is another electronic communique' from Director of the FBI documenting that Guthrie and the others were funding McVeigh's attack upon the Murrah building with monies they had obtained from bank robberies.<sup>1</sup> Plaintiff, therefore, submits this *Memorandum* in opposition to FBI Defendants' *Motion for Summary Judgment*. Also contained in this *Memorandum*, is Plaintiff's *Rule 56(f) Motion* asking that FBI Defendants' *Motion for Summary Judgment* be continued until Plaintiff has completed limited discovery on the existence of the documents and/or records in question.

#### **RULE 56(f) CONTINUANCE MOTION**

Pursuant to *Federal Rule of Civil Procedure 56(f)*, Plaintiff hereby asks the Court to continue FBI Defendants' *Cross-Motion for Summary Judgment* until an additional search for the records in question can be conducted by the FBI Defendants and the results of that search reported back to the Court under oath. Thereafter, depending upon the results of that search Plaintiff can complete discovery related to the existence of the documents and/or records in question as well as the adequacy of the FBI Defendants' search. In support of this

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<sup>1</sup>Interestingly, FBI Defendants still contend there is no connection between McVeigh, the Oklahoma City bombing, Elohim City or the Mid-West Bank Robbery Gang which operated out of Elohim City. FBI Defendants make this claim even though this *BOMBROB-Funding Memorandum* states that the informant reported to the FBI that the Elohim City crowd feared that if McVeigh "told the authorities that he received bank robbery money [they] would face life in prison."

request, Plaintiff shows the Court as follows:

1. Pursuant to *Federal Rule of Civil Procedure 56*, Plaintiff moved for partial summary judgment specifically seeking an electronic *Memorandum* from FBI Headquarters to the FBI Oklahoma City Field Office and Omaha Field Office among others discussing an undercover operation involving the *SPLC* at a white supremacist compound in Oklahoma.

2. Plaintiff described that *Memorandum* as follows:

An electronic *Memorandum* from then FBI Director Louie Freeh at FBI Headquarters to the FBI's Oklahoma City Field Office and Omaha Field Office among others which was dated approximately January 4, 1996, and addressed the subject of "DOMESTIC SECURITY/TERRORISM." (Emphasis in original). This document concerned FBI Case No. 174A-OC-56120 and FBI Case No. 91A-OM-41859 which were, respectively, the Oklahoma City bombing investigation known as "OKBOMB" and the "*Mid-West Bank Robbery Investigation* known as "BOMBROB." (*Second Trentadue Dec.*, ¶ 9).

This electronic communication or *Memorandum* also discussed a sting or undercover operation involving the *SPLC* at a White Supremacist Compound in Oklahoma. Specifically, this *Memorandum* discussed how the *SPLC* had an informant at the compound who was aware that McVeigh and others intended to blow up the Murrah Federal Building in Oklahoma City, Oklahoma. In fact, according to this *Memorandum* as early as April 5, 1995, (approximately 2 weeks before the Oklahoma City bombing) Tim McVeigh contacted the compound attempting to recruit others to help in the attack on the Murrah Federal Building. (*Second Trentadue Dec.*, ¶ 10).

(Plaintiff's Combined Motion for Partial Summary Judgment and Memorandum in Support, p. 6).<sup>2</sup>

3. In response to that *Motion*, FBI Defendants contend that the document did not exist. That is not true, however. A heavily redacted copy of the *SPLC-Bombing Memorandum* which FBI Defendants claim does not exist is attached hereto as Exhibit A.

4. Commencing at the bottom of page 3, Exhibit A discusses the *SPLC's* informant at a white supremacist compound in Oklahoma and McVeigh's attempts to recruit assistance from those at the compound for his attack upon the Murrah building. One would not expect this to be the only record on that informant's activities at Elohim City. And it is not.

5. Attached hereto as Exhibit B is another electronic communique' from FBI Director Louie Freeh dealing with the very subjects of Plaintiff's *FOIA Request*. More importantly, when Exhibits A and B are read together, it is clear that the *SPLC's* informant at Elohim City was present when McVeigh called in early April of 1995 to obtain help in the bombing plan. More interesting still, is the fact that Guthrie and the others were paying

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<sup>2</sup>Plaintiff described the *SPLC-Bombing Memorandum* with rightful shot accuracy, which deprives FBI Defendants of any claim that they could not identify the document during the "search" but even had Plaintiff described that document with far less accuracy, it should nevertheless have been picked up in any legitimate search of FBI file 174A-OC-5612O and 91A-OM-41859 into which it was placed. This is so because FBI Defendants had a duty to construe Plaintiff's *FOIA Requests* liberally. *Nation Magazine v. United States Custom Service*, 71 F.3d 885, 890 (D.C. Cir. 1995).

McVeigh money derived from bank robberies to carry out his attack. Despite being squarely with Plaintiff's *FOIA Request* and mentioning literally every name in that *Request*, it was not produced by FBI Defendants. Instead, FBI Defendants contend that it does not exist.

6. It is clear from FBI Defendants' denial of the existence of the *SPLC-Bombing Memorandum* and the *BOMBROB-Funding Memorandum* that there are records responsive to Plaintiff's *FOIA Request* which FBI Defendants are either intentionally concealing or did not conduct an adequate search to locate. Consequently, in order to adequately respond to FBI Defendants' *Cross-Motion for Summary Judgment*, Plaintiff will need to undertake discovery relative to the FBI Defendants involvement with the *SPLC* in a sting operation at the white supremacist compound in question and the existence of documents and/or records reporting upon or documenting that involvement that would be responsive to Plaintiff's *FOIA Request*.

#### **RESPONSE TO FBI DEFENDANTS' STATEMENT OF UNDISPUTED FACTS**

FBI Defendants set forth 13 paragraphs of facts in their "Statement of Undisputed Facts" of which paragraphs 6, 7, 8, 9 and 13 are very much in dispute. These are the paragraphs in which FBI Defendants contend that despite a thorough search, no documents responsive to Plaintiff's *FOIA Requests* exist and/or were found. These facts are not supported by any evidence, however. Consequently, they are now subject to a *Motion to*

*Strike* by Plaintiff. In addition, FBI Defendants contention of a thorough search and lack of documentation responsive to Plaintiff's *FOIA Requests* is severely undercut by the *SPLC-Bombing Memorandum* and *BOMBROB-Funding Memorandum* both of which FBI Defendants contend did not exist.

**REBUTTAL TO FBI DEFENDANTS' RESPONSE TO PLAINTIFF'S  
STATEMENT OF UNDISPUTED FACTS**

FBI Defendants contend that paragraphs 1, 6, 7, 16 and 17 of Plaintiff's Statement of Undisputed Facts are disputed. FBI Defendants, however, do not offer any evidence to dispute those facts. Consequently, that portion of FBI Defendants' *Memorandum* is also subject to a *Motion to Strike* by Plaintiff.

**FBI DEFENDANTS HAVING INTENTIONALLY MISLED THE COURT ABOUT  
THE NON-EXISTENCE OF BOTH THE *SPLC-BOMBING MEMORANDUM* AND  
*BOMBROB-FUNDING MEMORANDUM* RELATED TO THEIR INVOLVEMENT  
IN THE OKLAHOMA CITY BOMBING PRECLUDES THE GRANT OF  
SUMMARY JUDGMENT IN THEIR FAVOR**

The *SPLC-Bombing Memorandum* and *BOMBROB-Funding Memorandum* concerning the *SPLC's* involvement with a white supremacist organization and the Oklahoma City bombing which FBI Defendants say do not exist clearly do exist. The Court will note that when it compares Exhibit A with Plaintiff's description of this document both in his *Motion* and *FOIA Request*, that description was completely accurate down to the FBI files

into which the bombing *Memorandum* was directed. The same is true of Plaintiff's *FOIA Request* with respect to the *BOMBROB-Funding Memorandum*. Given the detailed description of these documents, it is not happenstance that the FBI Defendants were unable to locate them. The reason these *Memoranda* were not located is because they discuss the *SPLC* and FBI's involvement with the white supremacist at Elohim City where Tim McVeigh and the others involved in the Oklahoma City bombing associated and/or trained and used money obtained from bank robberies to carry out that attack. More importantly, these *Memoranda* reveal that through an *SPLC* informant FBI Defendants may have had advanced notice of McVeigh's plan to bomb the Murrah Federal Building in Oklahoma City, Oklahoma on April 19, 1995.<sup>3</sup> That is why these *Memoranda* were not "found" by FBI Defendants alleged "search" of their records.

It is FBI Defendants' burden to establish that they conducted an adequate search and failed to find the requested records. *Katzman v. Freeh*, 926 F.Supp. 316, 320 (E.D.N.Y. 1996). In fact, FBI Defendants must show beyond a material doubt that they conducted a search reasonably calculated to uncover all relevant documents. *See Jimenez v. FBI*, 910 F.Supp. 5, 7 (D.D.C. 1996). Simply put, under *FOIA* FBI Defendants must show that they

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<sup>3</sup>According to these *Memoranda*, two days prior to the bombing the *SPLC* informant was in the white supremacist compound, and apparently met with one of the "two indicted *OKBOMB* Defendants."

have made a good faith effort to search for the requested records using methods that can reasonably be expected to produce the information requested. *Master v. FBI*, 926 F.Supp. 193, 196 (D.D.C. 1996).

In the instant case, FBI Defendants have made no showing of good faith with respect to an adequate search.<sup>4</sup> Nor can they given the two *Memoranda* which they failed to produce and surely, in an investigation of that magnitude there would have been more than one *Memorandum* concerning the *SPLC*'s involvement with the FBI in a covert operation against a white supremacist religious organization in Eastern Oklahoma.<sup>5</sup> An operation which, prior to *911* and the *Patriot Act*, would have been illegal.

Moreover, FBI Defendants failure to find these *Memoranda* proves their bad faith justifying an *Order* from this Court denying their *Motion for Summary Judgment* and further ordering them to conduct another search for the documents, and to report the results of that search to the Court under oath. *See Southam News v. United States*, 674 F.Supp. 881, 890-91

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<sup>4</sup>They have presented the Court with no evidence of a search or even that the records do not exist. While it is true that FBI Defendants base the non-existence of these two documents upon a letter purportedly from David Hardy of FBI Headquarters. That letter is not evidence. *See Demars v. O'Flynn*, 287 F.Supp.2d 230, 242-44 (W.D.N.Y. 2003)(holding that five letters submitted in response to a *Motion for Summary Judgment*, which were not *Affidavits* and which did not qualify as evidentiary proof in admissible form, could not be considered). Given the fact that these bombing *Memoranda* exist, it is not surprising that Hardy or anyone else within the FBI is reluctant to state under oath that the documents do not exist.

<sup>5</sup>In fact, *SPLC-Bombing Memorandum* states on page 4 "the *OKBOMB* command post is attempting to verify the version of events as set forth by REDACTED and to develop further information." (Exhibit A, p. 4).

(D.D.C. 1987)(holding that FBI should be ordered to conduct another *FOIA* search for documents it claimed did not exist but were produced in response to an unrelated *FOIA Request* because this fact “strongly suggest that responsive documents remain to be located”). *Accord, Katzman*, 926 F.Supp. at 320 (FBI’s bad faith in *FOIA* suit is shown by fact that it did not produce documents known to exist).

**PLAINTIFF SHOULD BE ENTITLED TO DISCOVERY ON THE EXISTENCE  
OF THE DOCUMENTS AND/OR RECORDS IN QUESTION AND THE  
ADEQUACY OF THE COURT ORDERED SEARCH**

Continuance of a *Motion for Summary Judgment* for purposes of discovery should be granted almost as a matter of course unless the non-moving party has not diligently pursued discovery. *Wichita Falls Office Associates v. Banc One Corp.*, 978 F.2d 915, 918 (5<sup>th</sup> Cir. 1992). This is especially true when the evidence necessary to oppose a *Motion for Summary Judgment* is solely in the possession of the moving party. *Lunderstadt v. Colafella*, 885 F.2d 66, 71 (3<sup>rd</sup> Cir. 1989). Moreover, discovery is appropriate in a *FOIA* case when there is reason to believe that the agency either is withholding records or did not conduct an adequate search for the materials. *See Information Acquisition Corp. v. Department of Justice*, 444 F.Supp. 458 (D.D.C. 1978).

The proper discovery procedure appears to be, however, for such discovery to be stayed until the agency conducts the requisite search and fails to find responsive documents.

*See Murphy v. Federal Bureau of Investigation*, 490 F.Supp. 1134 (D.D.C. 1980). The focus of the discovery is upon whether complete disclosure has been made (that is - - whether a thorough search for documents has taken place) and/or whether withheld items are exempt from disclosure). *Giza v. Secretary of Health, Education and Welfare*, 628 F.2d 748, 751 (1<sup>st</sup> Cir. 1980). *See e.g. Niren v. INS*, 103 F.R.D. 10 (D.C.Or. 1984)(Plaintiff suing under *FOIA* was entitled to depose reviewing officer for agency in order to determine adequacy of search conducted by agency and to determine the factual basis for its claim of exemption from disclosure); *Reisberg v. U.S. Department of Justice*, 543 F.2d 308 (D.C. Cir. 1976)(Interrogatories are proper discovery tools in a *FOIA* case). As previously shown, discovery is justified in this instance based upon FBI Defendants bad faith in failing to produce either the *SPLC-Bombing Memorandum* or the *BOMBROB-Funding Memorandum*. These documents clearly exist, which means that there are undoubtedly other documents responsive to Plaintiff's *FOIA Request* concerning the sting operation and/or Kenneth Michael Trentadue.

**FBI DEFENDANTS CANNOT REFUSE TO DO A SEARCH FOR DOCUMENTS  
OR RECORDS CONCERNING MORRIS DEES AND THE WHITE  
SUPREMACIST OPERATION**

FBI Defendants refuse to conduct any search for documents related to Morris Dees' involvement with the white supremacist organization claiming that it would be an invasion

of privacy and therefore exempt from *FOIA* under 28 U.S.C. §§ 552(b)(6) and (b)(7)(C)). “Official information that sheds light on agencies performance of its statutory duties falls squarely within [*FOIA*’s] statutory purpose”. *United States Department of Justice v. Reporter’s Commission*, 489 U.S. 749, 773 (1989). Moreover, as a corporation or business organization, the *SPLC* has no privacy interests protectable or recognized under *FOIA*. See *Ivanhoe Citrus Association v. Handley*, 612 F.Supp. 1560, 1567 (D.C. 1985)(Corporations or business associations have no protectable privacy interests under *FOIA*). And as to Dees, whose name Plaintiff believes has been redacted from the *SPLC-Bombing Memorandum*, FBI Defendants have a duty to conduct the search for these records. Moreover, there is no automatic entitlement to the privacy exemptions claimed by FBI Defendants.

Under both exemptions, the Court employs a balancing test when it comes to disclosure. That is - - the public’s interest in knowing the information is weight against the interest of the individuals in keeping the matter a secret. In this case, the substantial public interest in disclosure of the FBI Defendants’ prior knowledge of and possible complicity in the greatest act of domestic terrorism in the history of the United States of America, as well as FBI Defendants’ subsequent failure to do anything to prevent that tragedy would clearly override any privacy interests of those who directly or indirectly participated in that tragedy and have their names blacked out on Exhibits A and B. See *Lissner v. United States Custom*

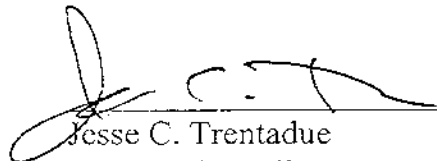
*Service*, 241 F.3d 1220 (9<sup>th</sup> Cir. 2001); *Miami Herald Publishing Co. v. United States Small Business Administration*, 670 F.2d 610 (5<sup>th</sup> Cir. 1982). Furthermore, the privacy interest involved must relate to personnel, medical or similar information. *Id. Miami Herald*, 670 F.2d at 615. The documents and/or records which Plaintiff requests of Dees does not fall into this category. Besides Plaintiff is entitled to have any non-privacy materials segregated and produced from these documents and/or records.

### CONCLUSION

FBI Defendants and the *SPLC* were involved in the clandestine, covert, illegal sting operation against a white supremacist religious compound in Eastern Oklahoma from which they in all likelihood had advance notice of the plot to bomb the Murrah Building in Oklahoma City, Oklahoma. Despite this forewarning, FBI Defendants did nothing to prevent that attack which resulted in the largest act of domestic terrorism in the history of the United States of America. FBI Defendants have now engaged in a conspiracy to conceal their involvement in that sting operation from the American public. It is for this reason that FBI Defendants have failed to produce the documents and/or records Plaintiff has requested under *FOIA*. Plaintiff, therefore, respectfully submits that FBI Defendants' *Motion for Summary Judgment* should be continued; that they should be ordered to conduct another search for the documents and/or records including materials related to Morris Dees and

report back to the Court under oath the results of that search; and that following such report, if necessary, Plaintiff be allowed to conduct discovery into the adequacy of the search, the validity of any exemptions claimed including the existence of the sting operation and documentation of that operation that would otherwise be responsive to Plaintiff's *FOIA Requests*. Plaintiff would also request that FBI Defendants be immediately ordered to produce unredacted copies of both the *SPLC-Bombing Memorandum* and the *BOMBROB-Funding Memorandum*.


DATED this 30<sup>th</sup> day of November, 2004.

  
\_\_\_\_\_  
Jesse C. Trentadue  
*Pro Se Plaintiff*

**CERTIFICATE OF HAND-DELIVERY**

I HEREBY CERTIFY that on the 30<sup>th</sup> day of November, 2004, I caused a true and correct copy of the foregoing **PLAINTIFF'S COMBINED MEMORANDUM IN OPPOSITION TO FBI DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND PLAINTIFF'S RULE 56(f) MOTION FOR CONTINUANCE PENDING DISCOVERY** to be served via, hand-delivery, upon the following:

Paul M. Warner  
United States Attorney  
Carlie Christensen  
Assistant United States Attorney  
185 South State Street, Suite 400  
Salt Lake City, UT 84111-1538

  
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FM DIRECTOR FBI (174A-OC-56120)

TO FBI BIRMINGHAM/ROUTINE/

FBI CHARLOTTE/ROUTINE/

FBI CINCINNATI/ROUTINE/

FBI CP OKLAHOMA/ROUTINE/

FBI OKLAHOMA CITY/ROUTINE/

FBI OMAHA/ROUTINE/

BT

UNCLAS E F T O

CITE: //0533//

SUBJECT: OKBOMB; EID; MAJOR CASE 117; OO: OKLAHOMA CITY.

REFERENCE CINCINNATI TELETYPE DATED 1/2/96, CAPTIONED

"MILITIA INFORMATION; DOMESTIC SECURITY/TERRORISM (DS/T) -

BOMBROB; BR(A); OO: OMAHA".(S).

PREVIOUS BUREAU COMMUNICATIONS STATED THAT SEVERAL COMMON

ORIGINAL NOT FORWARDED  
TO HQ ON 1-25-96

91A-OM-41359-409

SEARCHED <input checked="" type="checkbox"/>	INDEXED <input checked="" type="checkbox"/>
SERIALIZED <input checked="" type="checkbox"/>	FILED <input checked="" type="checkbox"/>
JAN 4 1996	
FBI-OMAHA	

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copy to 174A-OC-56120

EXHIBIT A

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CHARACTERISTICS UTILIZED BY THE ROBBERS IN THE BOMBROB INVESTIGATION INCLUDED THE USE OF SPANISH TERMINOLOGY AND THE RENTING OF GETAWAY VEHICLES IN THE NAMES OF PROMINENT FBI OFFICIALS. ALSO POINTED OUT WAS THE POSSIBILITY THAT ONE OF THE ROBBERS MAY HAVE HAD PRIOR MILITARY LAW ENFORCEMENT OR EXPLOSIVES TRAINING.

IN REFERENCED TELETYPE, A CINCINNATI [REDACTED] b7D  
[REDACTED] TO THE ARYAN NATIONS (AN), CHURCH OF JESUS b7C  
CHRIST CHRISTIAN, HAYDEN LAKE, ID (100A-SU-9595), STATED THAT  
[REDACTED] WAS A [REDACTED] WHO IN  
ADDITION TO [REDACTED], ALSO POSSESSED  
KNOWLEDGE OF [REDACTED] IS KNOWN TO PROVIDE  
SUCH TRAINING TO AN MEMBERS DURING ANNUAL AN CONGRESS SESSIONS  
HELD IN HAYDEN LAKE.

AD [REDACTED] RECALLED THAT, APPROXIMATELY THREE YEARS AGO WHILE HE WAS  
IN THE HOME OF ONE [REDACTED] RECEIVED b7D  
A TELEPHONE CALL FROM [REDACTED] WHO INFORMED THAT HE WAS, AT THAT b7C  
TIME, IN THE STATE OF VERMONT AND HAD JUST COMPLETED COMPILING A  
LIST OF [REDACTED] [REDACTED] CONTINUED THAT THIS  
INFORMATION WAS CONFIRMED BY AN [REDACTED]  
APPROXIMATELY 13 MONTHS AGO. [REDACTED] IS KNOWN TO THE FBI AS AN

ATTORNEY WHO REPRESENTS RADICALLY CONSERVATIVE INDIVIDUALS/  
MOVEMENTS AND IS THE [REDACTED] WHO REPRESENTS  
THE C.A.U.S.E. FOUNDATION, WHICH HAS AN AFFILIATION.

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IN EARLY 1995, [REDACTED] AT THEIR  
[REDACTED] PROPERTY AND SAW SEVERAL PLASTIC FOLDERS  
CONTAINING AUDIO TAPES LABELED "LEARNING SPANISH". [REDACTED] TOLD  
THAT HE WAS LEARNING SPANISH AND THAT IT WAS IMPORTANT TO KNOW  
OTHER LANGUAGES.

WHILE THERE IS NO EVIDENCE TO DIRECTLY LINK [REDACTED] TO  
THE BOMBROB INCIDENTS, IT WOULD APPEAR POSSIBLE THAT [REDACTED] COULD  
HAVE KNOWLEDGE AND/OR CONSPIRATORIAL INPUT INTO SUCH CRIMINAL  
ACTIVITY.

INFORMATION HAS ALSO BEEN RECEIVED THROUGH THE SOUTHERN  
POVERTY LAW CENTER (SPLC) THAT ONE [REDACTED] AKA  
[REDACTED] TELEPHONE CALL FROM  
[REDACTED] ON OR ABOUT 4/17/95, TWO DAYS PRIOR TO THE  
OKBOMB ATTACK, WHEN [REDACTED] OF THE SPLC, WAS IN  
THE WHITE SUPREMACIST COMPOUND AT [REDACTED], OK. [REDACTED]  
ALLEGEDLY HAS HAD A LENGTHY RELATIONSHIP WITH [REDACTED]  
ONE OF TWO INDICTED OKBOMB DEFENDANTS. [REDACTED] OF THE SPLC

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PAGE FOUR DE RUCNFB 0051 UNCLAS E F T O

ADVISED THAT [REDACTED] IS CURRENTLY RESIDING WITH [REDACTED] IN [REDACTED] NC, AND PLANS TO LEAVE THE U.S. VIA MEXICO, IN THE NEAR FUTURE. [REDACTED] FURTHER ADVISED THAT HE/SHE HAS LEARNED THAT [REDACTED] FOR AN UNKNOWN REASON.

\* PRIOR OKBOMB INVESTIGATION DETERMINED THAT [REDACTED] HAD PLACED A TELEPHONE CALL TO [REDACTED] ON 4/5/95, A DAY THAT HE WAS BELIEVED TO HAVE BEEN ATTEMPTING TO RECRUIT A SECOND CONSPIRATOR TO ASSIST IN THE OKBOMB ATTACK. THE OKBOMB COMMAND POST IS ATTEMPTING TO VERIFY THE VERSION OF EVENTS AS SET FORTH BY [REDACTED] AND TO DEVELOP FURTHER INFORMATION.

THE ABOVE IS PROVIDED FOR INFORMATIONAL PURPOSES.

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<sup>2</sup>Plaintiff described the *SPLC-Bombing Memorandum* with rightful shot accuracy, which deprives FBI Defendants of any claim that they could not identify the document during the "search" but even had Plaintiff described that document with far less accuracy, it should nevertheless have been picked up in any legitimate search of FBI file 174A-OC-56120 and 91A-OM-41859 into which it was placed. This is so because FBI Defendants had a duty to construe Plaintiff's *FOIA Requests* liberally. *Nation Magazine v. United States Custom Service*, 71 F.3d 885, 890 (D.C. Cir. 1995).

McVeigh money derived from bank robberies to carry out his attack. Despite being squarely with Plaintiff's *FOIA Request* and mentioning literally every name in that *Request*, it was not produced by FBI Defendants. Instead, FBI Defendants contend that it does not exist.

6. It is clear from FBI Defendants' denial of the existence of the *SPLC-Bombing Memorandum* and the *BOMBROB-Funding Memorandum* that there are records responsive to Plaintiff's *FOIA Request* which FBI Defendants are either intentionally concealing or did not conduct an adequate search to locate. Consequently, in order to adequately respond to FBI Defendants' *Cross-Motion for Summary Judgment*, Plaintiff will need to undertake discovery relative to the FBI Defendants involvement with the *SPLC* in a sting operation at the white supremacist compound in question and the existence of documents and/or records reporting upon or documenting that involvement that would be responsive to Plaintiff's *FOIA Request*.

#### **RESPONSE TO FBI DEFENDANTS' STATEMENT OF UNDISPUTED FACTS**

FBI Defendants set forth 13 paragraphs of facts in their "Statement of Undisputed Facts" of which paragraphs 6, 7, 8, 9 and 13 are very much in dispute. These are the paragraphs in which FBI Defendants contend that despite a thorough search, no documents responsive to Plaintiff's *FOIA Requests* exist and/or were found. These facts are not supported by any evidence, however. Consequently, they are now subject to a *Motion to*

*Strike* by Plaintiff. In addition, FBI Defendants contention of a thorough search and lack of documentation responsive to Plaintiff's *FOIA Requests* is severely undercut by the *SPLC-Bombing Memorandum* and *BOMBROB-Funding Memorandum* both of which FBI Defendants contend did not exist.

**REBUTTAL TO FBI DEFENDANTS' RESPONSE TO PLAINTIFF'S  
STATEMENT OF UNDISPUTED FACTS**

FBI Defendants contend that paragraphs 1, 6, 7, 16 and 17 of Plaintiff's Statement of Undisputed Facts are disputed. FBI Defendants, however, do not offer any evidence to dispute those facts. Consequently, that portion of FBI Defendants' *Memorandum* is also subject to a *Motion to Strike* by Plaintiff.

**FBI DEFENDANTS HAVING INTENTIONALLY MISLED THE COURT ABOUT  
THE NON-EXISTENCE OF BOTH THE *SPLC-BOMBING MEMORANDUM* AND  
*BOMBROB-FUNDING MEMORANDUM* RELATED TO THEIR INVOLVEMENT  
IN THE OKLAHOMA CITY BOMBING PRECLUDES THE GRANT OF  
SUMMARY JUDGMENT IN THEIR FAVOR**

The *SPLC-Bombing Memorandum* and *BOMBROB-Funding Memorandum* concerning the *SPLC's* involvement with a white supremacist organization and the Oklahoma City bombing which FBI Defendants say do not exist clearly do exist. The Court will note that when it compares Exhibit A with Plaintiff's description of this document both in his *Motion* and *FOIA Request*, that description was completely accurate down to the FBI files

into which the bombing *Memorandum* was directed. The same is true of Plaintiff's *FOIA Request* with respect to the *BOMBROB-Funding Memorandum*. Given the detailed description of these documents, it is not happenstance that the FBI Defendants were unable to locate them. The reason these *Memoranda* were not located is because they discuss the *SPLC* and FBI's involvement with the white supremacist at Elohim City where Tim McVeigh and the others involved in the Oklahoma City bombing associated and/or trained and used money obtained from bank robberies to carry out that attack. More importantly, these *Memoranda* reveal that through an *SPLC* informant FBI Defendants may have had advanced notice of McVeigh's plan to bomb the Murrah Federal Building in Oklahoma City, Oklahoma on April 19, 1995.<sup>3</sup> That is why these *Memoranda* were not "found" by FBI Defendants alleged "search" of their records.

It is FBI Defendants' burden to establish that they conducted an adequate search and failed to find the requested records. *Katzman v. Freeh*, 926 F.Supp. 316, 320 (E.D.N.Y. 1996). In fact, FBI Defendants must show beyond a material doubt that they conducted a search reasonably calculated to uncover all relevant documents. *See Jimenez v. FBI*, 910 F.Supp. 5, 7 (D.D.C. 1996). Simply put, under *FOIA* FBI Defendants must show that they

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<sup>3</sup>According to these *Memoranda*, two days prior to the bombing the *SPLC* informant was in the white supremacist compound, and apparently met with one of the "two indicted *OKBOMB* Defendants."

have made a good faith effort to search for the requested records using methods that can reasonably be expected to produce the information requested. *Master v. FBI*, 926 F.Supp. 193, 196 (D.D.C. 1996).

In the instant case, FBI Defendants have made no showing of good faith with respect to an adequate search.<sup>4</sup> Nor can they given the two *Memoranda* which they failed to produce and surely, in an investigation of that magnitude there would have been more than one *Memorandum* concerning the *SPLC*'s involvement with the FBI in a covert operation against a white supremacist religious organization in Eastern Oklahoma.<sup>5</sup> An operation which, prior to *911* and the *Patriot Act*, would have been illegal.

Moreover, FBI Defendants failure to find these *Memoranda* proves their bad faith justifying an *Order* from this Court denying their *Motion for Summary Judgment* and further ordering them to conduct another search for the documents, and to report the results of that search to the Court under oath. *See Southam News v. United States*, 674 F.Supp. 881, 890-91

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<sup>4</sup>They have presented the Court with no evidence of a search or even that the records do not exist. While it is true that FBI Defendants base the non-existence of these two documents upon a letter purportedly from David Hardy of FBI Headquarters. That letter is not evidence. *See Demars v. O'Flynn*, 287 F.Supp.2d 230, 242-44 (W.D.N.Y. 2003)(holding that five letters submitted in response to a *Motion for Summary Judgment*, which were not *Affidavits* and which did not qualify as evidentiary proof in admissible form, could not be considered). Given the fact that these bombing *Memoranda* exist, it is not surprising that Hardy or anyone else within the FBI is reluctant to state under oath that the documents do not exist.

<sup>5</sup>In fact, *SPLC-Bombing Memorandum* states on page 4 "the *OKBOMB* command post is attempting to verify the version of events as set forth by [REDACTED] and to develop further information." (Exhibit A, p. 4).

(D.D.C. 1987)(holding that FBI should be ordered to conduct another *FOIA* search for documents it claimed did not exist but were produced in response to an unrelated *FOIA Request* because this fact “strongly suggest that responsive documents remain to be located”). *Accord, Katzman*, 926 F.Supp. at 320 (FBI’s bad faith in *FOIA* suit is shown by fact that it did not produce documents known to exist).

**PLAINTIFF SHOULD BE ENTITLED TO DISCOVERY ON THE EXISTENCE  
OF THE DOCUMENTS AND/OR RECORDS IN QUESTION AND THE  
ADEQUACY OF THE COURT ORDERED SEARCH**

Continuance of a *Motion for Summary Judgment* for purposes of discovery should be granted almost as a matter of course unless the non-moving party has not diligently pursued discovery. *Wichita Falls Office Associates v. Banc One Corp.*, 978 F.2d 915, 918 (5<sup>th</sup> Cir. 1992). This is especially true when the evidence necessary to oppose a *Motion for Summary Judgment* is solely in the possession of the moving party. *Lunderstadt v. Colafella*, 885 F.2d 66, 71 (3<sup>rd</sup> Cir. 1989). Moreover, discovery is appropriate in a *FOIA* case when there is reason to believe that the agency either is withholding records or did not conduct an adequate search for the materials. *See Information Acquisition Corp. v. Department of Justice*, 444 F.Supp. 458 (D.D.C. 1978).

The proper discovery procedure appears to be, however, for such discovery to be stayed until the agency conducts the requisite search and fails to find responsive documents.

*See Murphy v. Federal Bureau of Investigation*, 490 F.Supp. 1134 (D.D.C. 1980). The focus of the discovery is upon whether complete disclosure has been made (that is - - whether a thorough search for documents has taken place) and/or whether withheld items are exempt from disclosure). *Giza v. Secretary of Health, Education and Welfare*, 628 F.2d 748, 751 (1<sup>st</sup> Cir. 1980). *See e.g. Niren v. INS*, 103 F.R.D. 10 (D.C.Or. 1984)(Plaintiff suing under *FOIA* was entitled to depose reviewing officer for agency in order to determine adequacy of search conducted by agency and to determine the factual basis for its claim of exemption from disclosure); *Reisberg v. U.S. Department of Justice*, 543 F.2d 308 (D.C. Cir. 1976)(Interrogatories are proper discovery tools in a *FOIA* case). As previously shown, discovery is justified in this instance based upon FBI Defendants bad faith in failing to produce either the *SPLC-Bombing Memorandum* or the *BOMBROB-Funding Memorandum*. These documents clearly exist, which means that there are undoubtedly other documents responsive to Plaintiff's *FOIA Request* concerning the sting operation and/or Kenneth Michael Trentadue.

**FBI DEFENDANTS CANNOT REFUSE TO DO A SEARCH FOR DOCUMENTS  
OR RECORDS CONCERNING MORRIS DEES AND THE WHITE  
SUPREMACIST OPERATION**

FBI Defendants refuse to conduct any search for documents related to Morris Dees' involvement with the white supremacist organization claiming that it would be an invasion

of privacy and therefore exempt from *FOIA* under 28 U.S.C. §§ 552(b)(6) and (b)(7)(C)). “Official information that sheds light on agencies performance of its statutory duties falls squarely within [*FOIA*’s] statutory purpose”. *United States Department of Justice v. Reporter’s Commission*, 489 U.S. 749, 773 (1989). Moreover, as a corporation or business organization, the *SPLC* has no privacy interests protectable or recognized under *FOIA*. See *Ivanhoe Citrus Association v. Handley*, 612 F.Supp. 1560, 1567 (D.C. 1985)(Corporations or business associations have no protectable privacy interests under *FOIA*). And as to Dees, whose name Plaintiff believes has been redacted from the *SPLC-Bombing Memorandum*, FBI Defendants have a duty to conduct the search for these records. Moreover, there is no automatic entitlement to the privacy exemptions claimed by FBI Defendants.

Under both exemptions, the Court employs a balancing test when it comes to disclosure. That is - - the public’s interest in knowing the information is weight against the interest of the individuals in keeping the matter a secret. In this case, the substantial public interest in disclosure of the FBI Defendants’ prior knowledge of and possible complicity in the greatest act of domestic terrorism in the history of the United States of America, as well as FBI Defendants’ subsequent failure to do anything to prevent that tragedy would clearly override any privacy interests of those who directly or indirectly participated in that tragedy and have their names blacked out on Exhibits A and B. See *Lissner v. United States Custom*

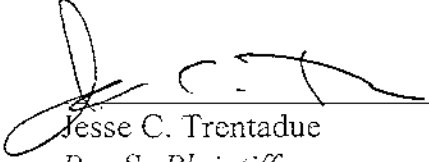
*Service*, 241 F.3d 1220 (9<sup>th</sup> Cir. 2001); *Miami Herald Publishing Co. v. United States Small Business Administration*, 670 F.2d 610 (5<sup>th</sup> Cir. 1982). Furthermore, the privacy interest involved must relate to personnel, medical or similar information. *Id. Miami Herald*, 670 F.2d at 615. The documents and/or records which Plaintiff requests of Dees does not fall into this category. Besides Plaintiff is entitled to have any non-privacy materials segregated and produced from these documents and/or records.

### CONCLUSION

FBI Defendants and the *SPLC* were involved in the clandestine, covert, illegal sting operation against a white supremacist religious compound in Eastern Oklahoma from which they in all likelihood had advance notice of the plot to bomb the Murrah Building in Oklahoma City, Oklahoma. Despite this forewarning, FBI Defendants did nothing to prevent that attack which resulted in the largest act of domestic terrorism in the history of the United States of America. FBI Defendants have now engaged in a conspiracy to conceal their involvement in that sting operation from the American public. It is for this reason that FBI Defendants have failed to produce the documents and/or records Plaintiff has requested under *FOIA*. Plaintiff, therefore, respectfully submits that FBI Defendants' *Motion for Summary Judgment* should be continued; that they should be ordered to conduct another search for the documents and/or records including materials related to Morris Dees and

report back to the Court under oath the results of that search; and that following such report, if necessary, Plaintiff be allowed to conduct discovery into the adequacy of the search, the validity of any exemptions claimed including the existence of the sting operation and documentation of that operation that would otherwise be responsive to Plaintiff's *FOIA Requests*. Plaintiff would also request that FBI Defendants be immediately ordered to produce unredacted copies of both the *SPLC-Bombing Memorandum* and the *BOMBROB-Funding Memorandum*.

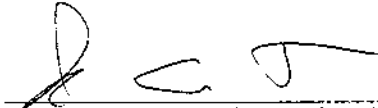
DATED this 30<sup>th</sup> day of November, 2004.

  
\_\_\_\_\_  
Jesse C. Trentadue  
*Pro Se Plaintiff*

CERTIFICATE OF HAND-DELIVERY

I HEREBY CERTIFY that on the 30<sup>th</sup> day of November, 2004, I caused a true and correct copy of the foregoing **PLAINTIFF'S COMBINED MEMORANDUM IN OPPOSITION TO FBI DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND PLAINTIFF'S RULE 56(f) MOTION FOR CONTINUANCE PENDING DISCOVERY** to be served via, hand-delivery, upon the following:

Paul M. Warner  
United States Attorney  
Carlie Christensen  
Assistant United States Attorney  
185 South State Street, Suite 400  
Salt Lake City, UT 84111-1538

  
062071\F01A Appant\FBI-FBI OK\FOMEMO\_OPPPOSITION\_FBI MSJ\_RULE 56(f)  
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FM DIRECTOR FBI (174A-OC-56120)

TO FBI BIRMINGHAM/ROUTINE/

FBI CHARLOTTE/ROUTINE/

FBI CINCINNATI/ROUTINE/

FBI CP OKLAHOMA/ROUTINE/

FBI OKLAHOMA CITY/ROUTINE/

FBI OMAHA/ROUTINE/

BT

UNCLAS E F T O

CITE: //0533//

SUBJECT: CKBOMB; EED; MAJOR CASE 117; OO: OKLAHOMA CITY.

REFERENCE CINCINNATI TELETYPE DATED 1/2/96, CAPTIONED

"MILITIA INFORMATION; DOMESTIC SECURITY/TERRORISM (DS/T) -

BOMBROB; BR(A); OO: OMAHA".(S).

PRIOR BUREAU COMMUNICATIONS STATED THAT SEVERAL COMMON



ORIGINAL COPY FORWARDED  
TO HATCH 1-25-96

b7c

91A-OM-41359-409

SEARCHED <input checked="" type="checkbox"/>	INDEXED <input checked="" type="checkbox"/>
SERIALIZED <input checked="" type="checkbox"/>	FILED <input checked="" type="checkbox"/>
JAN 4 1996	
FBI-OMAHA	

RC/

copy to 174A-OC-56120

EXHIBIT A

PAGE TWO DE RUCNEB 005L UNCLAS E F T O

CHARACTERISTICS UTILIZED BY THE ROBBERS IN THE BOMBROB INVESTIGATION INCLUDED THE USE OF SPANISH TERMINOLOGY AND THE RENTING OF GETAWAY VEHICLES IN THE NAMES OF PROMINENT FBI OFFICIALS. ALSO POINTED OUT WAS THE POSSIBILITY THAT ONE OF THE ROBBERS MAY HAVE HAD PRIOR MILITARY LAW ENFORCEMENT OR EXPLOSIVES TRAINING.

IN REFERENCED TELETYPE, A CINCINNATI ██████████ TO THE ARYAN NATIONS (AN), CHURCH OF JESUS CHRIST CHRISTIAN, HAYDEN LAKE, ID (100A-SU-9595), STATED THAT ██████████ WAS A ██████████ WHO IN ADDITION TO ██████████, ALSO POSSESSED KNOWLEDGE OF ██████████ IS KNOWN TO PROVIDE SUCH TRAINING TO AN MEMBERS DURING ANNUAL AN CONGRESS SESSIONS HELD IN HAYDEN LAKE. b7D b7C

█████████ RECALLED THAT, APPROXIMATELY THREE YEARS AGO WHILE HE WAS IN THE HOME OF ONE ██████████ RECEIVED A TELEPHONE CALL FROM ██████████ WHO INFORMED THAT HE WAS, AT THAT TIME, IN THE STATE OF VERMONT AND HAD JUST COMPLETED COMPILING A LIST OF ██████████ ██████████ CONTINUED THAT THIS INFORMATION WAS CONFIRMED BY AN ██████████ APPROXIMATELY 13 MONTHS AGO. ██████████ IS KNOWN TO THE FBI AS AN b7D b7C

ATTORNEY WHO REPRESENTS RADICALLY CONSERVATIVE INDIVIDUALS/  
MOVEMENTS AND IS THE [REDACTED] WHO REPRESENTS  
THE C.A.U.S.E. FOUNDATION, WHICH HAS AN AFFILIATION.

b7c

IN EARLY 1995, [REDACTED] AT THEIR  
[REDACTED] PROPERTY AND SAW SEVERAL PLASTIC FOLDERS  
CONTAINING AUDIO TAPES LABELED "LEARNING SPANISH". [REDACTED] TOLD  
THAT HE WAS LEARNING SPANISH AND THAT IT WAS IMPORTANT TO KNOW  
OTHER LANGUAGES.

WHILE THERE IS NO EVIDENCE TO DIRECTLY LINK [REDACTED] TO  
THE BOMBROB INCIDENTS, IT WOULD APPEAR POSSIBLE THAT [REDACTED] COULD  
HAVE KNOWLEDGE AND/OR CONSPIRATORIAL INPUT INTO SUCH CRIMINAL  
ACTIVITY.

INFORMATION HAS ALSO BEEN RECEIVED THROUGH THE SOUTHERN  
POVERTY LAW CENTER (SPLC) THAT ONE [REDACTED] AKA  
[REDACTED] TELEPHONE CALL FROM  
[REDACTED] ON OR ABOUT 4/17/95, TWO DAYS PRIOR TO THE  
OKBOMB ATTACK, WHEN [REDACTED] OF THE SPLC, WAS IN  
THE WHITE SUPREMACIST COMPOUND AT [REDACTED], OK. [REDACTED]  
ALLEGEDLY HAS HAD A LENGTHY RELATIONSHIP WITH [REDACTED]  
ONE OF TWO INDICTED OKBOMB DEFENDANTS. [REDACTED] OF THE SPLC

b7c

b7d



PAGE FOUR DE RUCNFB 0051 UNCLAS E F T O

ADVISED THAT [REDACTED] IS CURRENTLY RESIDING WITH [REDACTED] IN [REDACTED] NC, AND PLANS TO LEAVE THE U.S. VIA MEXICO, IN THE NEAR FUTURE. [REDACTED] FURTHER ADVISED THAT HE/SHE HAS LEARNED THAT [REDACTED] FOR AN UNKNOWN REASON.

b7c  
b7D

PRIOR OKBOMB INVESTIGATION DETERMINED THAT [REDACTED] HAD PLACED A TELEPHONE CALL TO [REDACTED] ON 4/5/95, A DAY THAT HE WAS BELIEVED TO HAVE BEEN ATTEMPTING TO RECRUIT A SECOND CONSPIRATOR TO ASSIST IN THE OKBOMB ATTACK. THE OKBOMB COMMAND POST IS ATTEMPTING TO VERIFY THE VERSION OF EVENTS AS SET FORTH BY [REDACTED] AND TO DEVELOP FURTHER INFORMATION.

THE ABOVE IS PROVIDED FOR INFORMATIONAL PURPOSES.

BT

#0051

NNNN

0005 MRI 02757

RR FBIHQ

DE RUCNFB #0141 2370507

ZNY EEEEE

R 232300Z AUG 96

FM DIRECTOR FBI (100A-PH-79375)

TO FBI PHILADELPHIA/ROUTINE/

BT

UNCLAS E F T O

SECTION 3 OF 3

CITE: //6541//

PASS: PHILADELPHIA FOR SSA [REDACTED]

b7c

SUBJECT: "CHANGED"; KEVIN MCCARTHY; SCOTT ANTHONY STEDFORD;  
MICHAEL WILLIAM BRESCIA, AKA FUGITIVE; PETER KEVIN LANGAN;  
RICHARD LEE GUTHRIE (DECEASED); MARK THOMAS; ARYAN NATIONS CHURCH  
OF JESUS CHRIST CHRISTIAN - EAST COAST COMMAND; AKA ARYAN  
★ REVOLUTIONARY ARMY, ARYAN REPUBLICAN ARMY; DOMESTIC  
SECURITY/TERRORISM (DS/T); OO: PHILADELPHIA.

b7c

[REDACTED] ARE CURRENTLY IN CUSTODY. [REDACTED]

[REDACTED] IS CURRENTLY A FUGITIVE. INVESTIGATION HAS DETERMINED  
[REDACTED]

EXHIBIT B

PAGE TWO DE BUCNFB 0141 UNCLAS E F T O

THAT [REDACTED] HAD RESIDED IN ELCHIM CITY, OKLAHOMA FOR MANY YEARS AND HIS WIFE'S FATHER IN LAW WAS SAID TO HAVE BEEN A FORMER HEAD OF SECURITY AT ELCHIM CITY.

INFORMATION HAS BEEN DEVELOPED THAT [REDACTED] WERE AT THE HOME OF [REDACTED] ELCHIM CITY, OKLAHOMA ON 4/5/95 WHEN OKBOMB SUBJECT, TIMOTHY McVEIGH, PLACED A TELEPHONE CALL TO [REDACTED] RESIDENCE. ON 4/16/95, A TELEPHONE CALL WAS PLACED FROM [REDACTED] RESIDENCE TO [REDACTED] RESIDENCE IN PHILADELPHIA DIVISION. BOMBROB SUBJECTS [REDACTED] LEFT [REDACTED] RESIDENCE ON 4/16/95 ENROUTE TO PETERSBURGH, KANSAS WHERE THEY JOINED [REDACTED] AND GUTHRIE. [REDACTED] DID NOT ACCOMPANY [REDACTED] AND [REDACTED] BUT RATHER RETURNED DIRECTLY TO THE PHILADELPHIA DIVISION.

GUTHRIE'S INTERVIEW BY THE FBI PROVIDED SIGNIFICANT INSIGHT OF THE ACTIVITIES OF THE ARA. MUCH OF THE INFORMATION PROVIDED BY GUTHRIE HAS BEEN CORROBORATED BY [REDACTED] AS AN EXAMPLE, [REDACTED] GUTHRIE BOTH ADMITTED TO PAYING [REDACTED] MONEY DERIVED FROM BANK ROBBERIES AND IDENTIFIED [REDACTED] AS AN ACCOMPLICE IN CERTAIN BANK ROBBERIES.

ON 6/6/95, [REDACTED] CONSENTED TO WEARING A BODY RECORDER AND TRANSMITTER WHILE MEETING WITH [REDACTED] WHO VISITED [REDACTED] AT

[REDACTED] FAIRTON, NEW JERSEY. AT THE  
OUTSET OF THEIR MEETING, [REDACTED] THAT HE HAD  
CONSULTED AN ATTORNEY AND WAS ADVISED NOT TO DISCUSS THE CRIMINAL  
CASE. [REDACTED] GUIDANCE AS TO HOW HE SHOULD  
RESPOND TO ANY QUESTION REGARDING BANK ROBBERY MONEY GIVEN TO  
[REDACTED] THAT IF [REDACTED] TOLD THE  
AUTHORITIES THAT HE RECEIVED BANK ROBBERY MONEY [REDACTED] WOULD  
FACE LIFE IN PRISON.

THE VIOLENT ACTS PERPETRATED BY THE ARA, AS WELL AS THE  
RHETORIC, COMPLY WITH THE FOUR REQUIRED CIRCUMSTANCES DESCRIBED  
IN THE ATTORNEY GENERAL'S GUIDELINES FOR THE INITIATION OF A DS/T  
INVESTIGATION. THESE FOUR CIRCUMSTANCES ARE AS FOLLOWS:

1) THE MAGNITUDE OF THE THREATENED HARM - I.E., POLITICAL  
ASSASSINATION, GENOCIDE, BOMBINGS, BANK AND ARMORED CAR  
ROBBERIES;

2) THE LIKELIHOOD THAT IT WILL OCCUR - I.E., VIOLENT ACTS  
ADVOCATED BY MEMBERS OF THE ARA HAVE OCCURRED ON A CONSISTENT  
BASIS OVER THE PAST DECADE. THIS PATTERN, COUPLED WITH THE  
COMMENTS AND VIEWS OF THE GROUP'S LEADERSHIP, TEND TO ASSURE A  
CONTINUANCE OF THESE TYPES OF ACTIONS TO ATTAIN THEIR POLITICAL

GOALS.

3) THE IMMEDIACY OF THE THREAT - I.E., THE ARYAN NATIONS IS AN ORGANIZATION WHOSE MEMBERS HAVE HISTORICALLY BEEN INVOLVED IN CRIMINAL ACTIVITIES AIMED AT THE VIOLENT OVERTHROW OF THE U.S. GOVERNMENT. AS NOTED ABOVE, THESE ACTIONS ARE CONTINUOUS IN NATURE.

4) THE DANGER TO PRIVACY AND FREE EXPRESSION - I.E., MEMBERS OF THE ARA HAVE PREPARED A VIDEO ENCOURAGING OTHER WHITE SUPREMACISTS TO JOIN CELLS FOR THE COMMISSION OF ASSASSINATIONS AND OTHER CRIMINAL ACTS AND HAVE COMMITTED VIOLENT ACTS IN FURTHERANCE OF THEIR DESIRE TO VIOLENTLY OVERTHROW THE U.S. GOVERNMENT. BASED ON THEIR CRIMINAL PATTERNS OF ACTIVITY, IT IS INHERENT UPON THE FBI TO CONTINUE ITS INVESTIGATION INTO THEIR ACTIVITIES, FUNDING AND ASSOCIATIONS.

PHILADELPHIA DIVISION SHOULD SUBMIT A LHM TO RE-INITIATE A FULL B6/T INVESTIGATION OF CAPTIONED SUBJECTS, IN PARTICULAR, [REDACTED] AND HIS ARYAN NATIONS ORGANIZATION IN MACUNGIE, PENNSYLVANIA. THE LHM SHOULD BE SUBMITTED TO FBIHQ, ACTN: DTGU (NS-7A), ROOM 11741. INFORMATION AS PREVIOUSLY SET FORTH INDICATES THAT [REDACTED] WAS ACTIVELY INVOLVED WITH OTHER CRIMINAL SUBJECTS IN THE RECRUITMENT OF NEW ARA MEMBERS AND

PAGE FIVE DE PUCNFB 0141 UNCLAS E F T O

RECEIVED PROCEEDS FROM ARA BANK ROBBERIES TO FURTHER HIS WHITE SUPREMACIST CAUSE. THE DOMESTIC TERRORISM ANALYSIS UNIT (NS-7D) WILL BE PROVIDING FURTHER INFORMATION AND ANALYSIS IN SUPPORT OF THIS INVESTIGATION, UPON PROPER AUTHORIZATION.

ARMED AND DANGEROUS: ARA MEMBERS ADVOCATE THE VIOLENT OVERTHROW OF THE U.S. GOVERNMENT; ARE KNOWN TO BE WELL ARMED; USE EXPLOSIVES; AND IN THE PAST HAVE FIRED WEAPONS AT AGENTS IN AN EFFORT TO AVOID CAPTURE.

BT

#0141

NNNN