

A Militia Watchdog Law Enforcement Advisory

Flashpoint America: Surviving a Traffic Stop Confrontation with an Anti-Government Extremist

by Mark Pitcavage

It is late at night and the rain beats down on the windshield of your patrol car. A Chevy Blazer speeds by, dousing your vehicle with a spray of fine mist. As the wipers clear your view, you notice that something is strange about that Blazer. The rear license plate had a lot of funny writing on it. They were obviously not plates from your state, but they didn't seem to be plates from any other state you'd ever seen before, either.

Who would make up their own plates? It seems a little odd. But you pull out into the road and accelerate to catch up to the Blazer. It's hard to see the plates because of the rain, but they are clearly not legitimate plates. In fact, you can just barely make out the wording on them: "Sovereign Private Property...Immunity Declared at Law...Non-Commercial American." This is a little bit more exotic than a "Save our Lakes" specialty plate. You turn on your lights.

The Blazer ignores them, keeps going. Irritated, you turn on the siren. Finally, the vehicle in front of you pulls over to the side of the road. You get out of the patrol car, curse the rain, and walk up to the Blazer. The back of the vehicle is festooned with bumper stickers. "End Judicial Dictatorship." "FREEDOM wasn't won with a REGISTERED GUN." "Sovereign Forever, New World Order--Never." You've never seen stickers like this before. Judicial dictatorship?

As you walk past the vehicle, you see a message in vinyl letters posted on one of the side windows: "No One Is Bound to Obey an Unconstitutional Law and No Courts Are Bound To Enforce It, 16th Am Jur 2 Ed 256." You reach the driver-side door. The window rolls down part-way and an angry face greets you. It is attached to a middle-aged man, Caucasian, scraggly hair, dressed in work clothes.

"Could you roll down your window, sir?" you ask.

"Are you arresting me?" the driver asks belligerently.

"Sir, could you please roll down your window?"

Instead of complying, the driver hands you a folded up sheet of paper. You pull out your flashlight to take a look at it, trying to protect it from the rain. It seems about as strange as the license plates and the bumper stickers.

"NOTICE TO ARRESTING OFFICER WITH MIRANDA WARNING," it reads. It identifies the driver as a "Civil Rights Investigator." It's hard to read the fine print on the document, but it seems to be saying that you cannot arrest the driver without a warrant unless you immediately take him to a judge to determine if the arrest was lawful. It threatens to sue you "in your INDIVIDUAL capacity" if you improperly arrest him without a warrant. Near the bottom it states that if you ignore these warnings, "it will show bad faith on your part and prima facie evidence of your deliberate indifference to Constitutionally mandated rights."

You shine the flashlight on the driver. He is smiling at you.

What do you do?

So, what DO you do? Come down hard on the driver? Get him out of the car? Call for back-up? Ask him for an explanation? Let him go? It's easier to say what NOT to do. Don't make a snap judgment. Because it may be the last judgment you make.

Police officers are taught that all sorts of nasty surprises can come in motor vehicles. Fugitives, drug runners, illegal aliens, belligerent drunks: these are just a few of the unpleasant possibilities that can occur at a traffic stop. Sometimes there are warning signs, sometimes there aren't. But you've been trained to expect them, you have some idea how to deal with them.

But now there is a new sort of traffic stop confrontation. It occurs when you pull somebody over who happens to be an anti-government extremist. Actually, it isn't all that new, as some veteran officers might recall. As early as the 1970s and 1980s there were right-wing extremists who claimed to be immune from most of our laws and regulations. Many of them identified themselves as belonging to or sympathizing with a group called "The Posse Comitatus." They claimed to have no drivers' licenses or license plates because they refused to have "contracts" with the government. They claimed to have an absolute Constitutional and Biblical right to travel freely and unconditionally. They also claimed that there was no crime unless there was a victim--thus, for instance, speeding could not be a crime, nor could traveling without a license plate.

The Posse itself died out in the late 1980s, but the underlying philosophy--an anarchist philosophy designed to find ways to get out of obeying laws and regulations through novel and pseudo-legalistic reinterpretations of statutes and codes--lived on. What's more, it got a big boost in the 1990s. Tragic events at Ruby Ridge, Idaho, in 1992 and Waco, Texas, in 1993, dismayed or horrified most Americans, but they enraged and infuriated the extremist fringe, which viewed those incidents not as accidents or examples of incompetence or even criminal negligence, but rather deliberate acts in a conspiracy to deprive Americans of their liberty, a shadowy, globalist conspiracy to institute a "New World Order." Laws such as the Brady Law and the Assault Weapons Manufacture Ban only seemed to confirm the existence of this conspiracy. By 1994 all sorts of new groups had begun to emerge, many calling themselves "militias" or "common law courts." Anti-government extremism reached a new high in the 1990s, as the terrorism in Oklahoma City in 1995 so clearly demonstrates.

Most--the vast majority--of right-wing, anti-government extremists are no Timothy McVeigh. And thankfully so. They have no more intention of blowing up a federal building than they do of flying to the moon. But there are other McVeighs out there. And there are others who may never plan to blow up a building, but under the right (or wrong) circumstances can be lethally dangerous. And there are many more who are simply so intransigent and so opposed to any form of authority that any confrontation with them is potentially dangerous. Traffic stops can be particularly so. Imagine yourself, for a moment, in the body of one of these anti-government activists. You've just been pulled over for speeding at the end of a long, grinding day. But you haven't done anything *wrong*, you haven't hurt anyone. And now here comes walking up to your car a highway patrol officer. You've put up with them taking taxes out of your paycheck. You acquiesced when the judge ordered wage garnishes for child support. You said okay when the city inspectors told you not to build your den without their permits. How much more should you take from them? How much more *can* you take? Maybe it's about time you stood up for yourself, stood up for your rights. Doesn't the Constitution apply to you, too? Isn't it about time they respected *you* for a change?

You can see how easily a confrontational attitude can build in one of these extremists. The officer performing the traffic stop ceases to be a human being and becomes much more of a symbol: the symbol of all the perceived oppression and tyranny that the person in the car has had to put up with all of his life. The officer now represents virtually all of "Government." To make matters worse, the person in the vehicle is quite likely to be armed and may well be far better armed than the officer who has pulled them over. Thus if the driver decides to be confrontational, he can be very dangerous indeed.

How dangerous? The police officer may just be in for a hard time and a few curse words. In some cases, his or her life may actually be in danger. Traffic stop confrontations can be violent and they can be deadly. They are also relatively frequent. In fact, a 1997 study released by the Southern Poverty Law Center which looked at criminal incidents involving extremists from 1994-1996 revealed that five percent of all such incidents involved spontaneous confrontations with police, usually through traffic stops.

A few examples taken from the many available traffic stop confrontations with anti-government extremists (including "sovereign citizens," militiamen, white supremacists, and tax protesters) illustrate the potential

dangers:

- June 1994: White supremacist Robert Joos is charged with resisting arrest and carrying a concealed weapon following a traffic stop confrontation with Missouri State Highway Patrol officers.
- July 1994: Steven Garrett Colbern is pulled over in a traffic stop in Upland, California, but resists arrest and has to be subdued by five officers. His car is found to contain an assault rifle, a silencer, and a part necessary to convert the rifle to full automatic fire (he is later briefly thought to be the John Doe #2 sought after in the Oklahoma City bombing investigation).
- October 1994: A routine traffic stop of three Michigan militia activists near Fowlerville, Michigan, uncovers loaded three semi-automatic rifles, four other guns, armor-piercing ammunition, and night vision goggles. The militiamen are arrested but never show up in court for their trial (later, one of the fugitives allegedly murders another one).
- Early 1995: Tim Hampton is charged with assaulting a police officer near Dallas, Texas, over an incident that occurred at a traffic stop.
- May 1995: James Boran is pulled over because of outstanding traffic warrants in Massachusetts. Boran refuses to exit his van and instead drives away. After his path is blocked, he continues his escape on foot, barricading himself in his apartment. After he finally surrenders, police find bombmaking materials and militia manuals.
- June 1995: Michael Hill, a militia and common law court activist in Ohio, is shot and killed by a Frazeyburg, OH, police officer after pulling a gun on the officer during a traffic stop.
- October 1995: Donald Lee Smith, of Cherokee County, Georgia, is pulled over for a traffic stop, resists arrest and is found to be in possession of a concealed assault weapon.
- November 1995: "Sovereign citizen" Reinaldo A. DeJesus of White Creek, New York, is arrested for numerous traffic and vehicle charges, and two charges of resisting arrest, following a traffic stop for a burned-out headlight.
- January 1996: Larry Martz, a militia and common law court activist in Ohio, attacks a Highway Patrol trooper during a traffic stop near Cambridge, OH. Martz had 23 weapons in his truck.
- February, 1996: Washington militia leader Bruce Alden Banister is pulled over for expired license tabs. The confrontation which follows ends with him eventually convicted of third-degree assault of a police officer and resisting arrest.
- August 1996: Kim Lee Bonsteel of Franklin, North Carolina, is convicted on 18 charges stemming from a 1994 incident in which he led law enforcement officers on a chase through three counties after he refused to produce his driver's license or get out of his truck at a traffic stop. The chase destroyed several patrol cars, injured three officers, and caused a sheriff's deputy to die of a heart attack.
- January 1997: A routine traffic stop involving skinhead and militia leader Johnny Bangerter of Utah turns into a chase and brief standoff at a trailer park.
- February 1997: Cheyne and Chevie Kehoe engage Ohio law enforcement officers in two well-publicized gun battles following a traffic stop in Wilmington, Ohio.
- March 1997: Aryan Nations member Morris Gulett rams a police cruiser during a chase following an attempt to pull him over for going the wrong way down a one-way street. Gulett claimed he drove away because he did not have a drivers' license and he "was just in one of those moods." One week earlier, another Ohio Aryan Nations member was arrested following a traffic stop during which police found that he had a loaded handgun stuffed in a beer carton.
- August 1997: In New Hampshire, Carl Drega is stopped near a supermarket in Colebrook, New Hampshire, because of the rust holes in his pickup. Drega opens fire on the state trooper, killing him, then kills his partner as well. Drega then drives into town and kills two more people before fleeing into Vermont, where he has a final gun battle with police there. He dies, but not before injuring three more officers.
- September 1997: Craig and Doug Brodrick, two brothers who had recently moved to Boise, are stopped for failing to signal. They begin a gun battle which results in their own deaths as well as the death of a Boise police officer and the wounding of another.

These incidents are just a sampling of some of the confrontations that traffic stops involving extremists can produce. Far more common than events such as shootings or assaults are those in which extremists are merely obstreperous, arguing with and otherwise defying the officer who pulls them over. The example of Mark Kuncik of Ansonia, Connecticut, is representative of hundreds if not thousands of similar traffic stops across the nation. Pulled over in December 1997 by local police because he had a phony license plate which said "British West Indies," he turned out also to have a suspended driver's license and no car insurance. But Kuncik claimed to be immune from all motor vehicle laws and free from any requirement to carry insurance or registration. He said that any judge that convicted him would be violating his constitutional rights and would be tried for treason. He was arrested.

Sadly, encounters with anti-government extremists can also produce consequences that manifest themselves

only long after the actual confrontation. Law enforcement officers are frequently the target of bogus liens filed on their property, harassing lawsuits, phony arrest warrants or other "common law court" documents, threats and sometimes even violence. Perhaps the ultimate example of delayed consequences from a traffic stop occurred when an extremist named Timothy Thomas Coombs shot and seriously wounded Missouri State Highway Patrol Trooper Bobbie Harper on September 16, 1994. Harper, shot while in his own home, had arrested Robert Joos several months earlier (see the above list of confrontations). Coombs is still a fugitive.

But as frustrating or dangerous as delayed effects might be, they are merely consequences of the initial confrontation that officers must successfully manage. And the number of such confrontations with extremists seems to be increasing. There are no statistics available for this sort of incident, but there seems to be general agreement among authorities that the problem is a serious one. Stephen R. King, commander of the criminal intelligence section of the Indiana State Police suggested in a report written in late 1997 that "the most likely event to occur in Indiana involving the Patriot movement will more than likely be in the form of a confrontation or standoff. This could occur as the result of a traffic stop, during the service of official legal documents or as the result of attempts to take a person into custody." King also noted that police throughout Indiana had seen a growing trend among extremists not to carry licenses or registration, but rather to create homemade permits of various kinds. Indiana was not the first state to notice the danger of traffic stops involving extremists. As early as 1995 the superintendent of the Missouri State Highway Patrol, Colonel Fred Mills, pointed out an "evolving trend toward extremism, not only in Missouri, but across the nation." As a result, he said, law enforcement officers in Missouri are taught to treat each traffic stop "as if it could develop into a critical incident."

How can an officer tell if he or she is about to have to deal with an anti-government extremist? Sometimes there are no signs at all. But often there are clues that an observant officer can use to help him or her gauge the seriousness of the situation. Ignoring or failing to comprehend these clues can be very dangerous. On October 4, 1993, George Motley, a police sergeant from Opelika, Alabama, approached a Mustang in a strip mall parking lot. A woman had informed Motley that a boy in the vehicle had signaled to her for help. The car Motley approached had a peculiar homemade license plate on it that read "UCC1-207." When Motley asked the driver--a man named George Sibley--for his drivers license, Sibley replied that he had "no contracts with the state." After a few seconds more of confrontation, Sibley pulled a handgun out and began shooting at Motley, wounding him. Motley ran back towards his cruiser, to be met in the parking lot by Sibley's common law wife, Linda Lyon, who mortally wounded Motley with her own firearm. Sibley and Lyon are now on death row. Would Motley be alive today if he knew the import of the license plate or the strange phrase about "contracts"? Perhaps not; Sibley and Lyon--fugitives from the law in Florida--were highly armed, aggressive and in a paranoid frame of mind. But perhaps knowledge of some of the warning signs would have served Motley well.

Some of the warning signs are obvious; others, less so. Here are some indications that an officer may be dealing with an anti-government extremist:

- Peculiar license plates. These include, but by no means are limited to plates claiming to be from the British West Indies, Republic of Texas, Washitaw Nation, Kingdom of Heaven, Dominion of Malchezidek, Republic of Nicaragua or similar non-existent entity. They also include numerous variations on the themes of "sovereign citizen," "sovereign american," "common law," "UCC1-207" (or other UCC themes; these refer to passages in the Uniform Commercial Code), "Republic of [any state]," "militia," and biblical passages. Some plates display volume and page numbers for a document filed in a county recorder's office somewhere. Others quote some phrase in a statute or legal writing. The quality of such plates range from homemade cardboard plates to stamped metal plates that look very legitimate. And of course some will use no license plate at all.
- Objections to requests for registration or license on the basis that they are not driving a commercial vehicle. Many extremists claim that the laws requiring such documents apply only to vehicles used for commercial purposes.
- Peculiar bumper stickers. There are bumper stickers and then there are bumper stickers. Some companies market stickers to anti-government extremists and these are readily identifiable. Examples from one company based in St. Marys, Kansas, include: "And the Lord said (Luke 11:46,52) 'WOE to YOU LAWYERS';" "Free the Slaves, Abolish IRS and the Federal Reserve;" "Our Danger Isn't Fallout — It's Sellout;" "Know Your Enemies: They Are Your Leaders!"; "Real Americans Don't Wear U.N. Blue;" "Joe McCarthy Was Right;" and so on.

- Other strange car decorations, including homemade placards and signs in windows or along tailgates. Cars might display "militia identification numbers" on them.
- Strange statements from the driver or passenger, particularly in response to requests for license, registration, proof of insurance or other form of identification. Any references to these documents as "contracts" should be a warning sign; so too should any statement to the effect that they are not required to have them. If they self-identify themselves as "sovereign citizens," "non-resident aliens," "sovereigns," "common law citizens," "state citizens," "freemen," "constitutionalists," or claim some other pseudo-legal status, they are providing police with valuable information about their nature. Any suggestion that the Constitution or the Bible gives them an absolute right to travel unregulated, or if they present the officer with a Bible as a drivers' license, can be considered a warning sign. Belligerent requests for the officer to produce an arrest warrant can also be a sign.
- The subject hands the officer political literature or strangely threatening documents for him to read or sign. Anything that reads "Notice to Arresting Officer" or "Form CRIF 2PA95" or which purports to explain the law to the officer should be taken as a warning sign.
- The subject attempts to audiotape the conversation.
- The subject produces some sort of identification which seems to identify him or her as some sort of strange-sounding law enforcement officer, such as a "Special u.S. Marshal," a "Constitution Ranger," or agent with the "Civil Rights Task Force."

All of the above are examples of some of the possible warning signs. Certainly there can be others as well. The individuals described here tend to believe one or more of the following: 1) the government, federal and state and perhaps local as well, is illegitimate; 2) they are members of another system of government, which could be a "common law" system, a "township," the "Kingdom of Heaven," or any of a number of other varieties; 3) they have an absolute right to completely unfettered travel; 4) they can elude or escape the consequences of the law by creating bogus documents such as identification cards, vehicle-related documents or flyers to give to police officers; and 5) they are morally and/or legally justified in taking extreme action to protect the rights that they perceive are in jeopardy. Given these circumstances, one can imagine other possible statements, documents or actions that such mindsets could produce.

Identifying individuals with this anti-government philosophy is, however, only the first step. Once an officer determines that he or she is involved in some sort of minor or major confrontation with an anti-government extremist, he or she must correctly assess the situation and make decisions that will help to resolve it successfully. Because the nature and type of such confrontations can vary tremendously, the following suggestions are tentatively offered. Some of them are adapted from suggestions made by Assistant Police Chief Roger Bragdon of the Spokane, Washington, Police Department. Chief Bragdon has had years of experience dealing with anti-government extremists.

- Caution should reign. Extremists are often volatile and are often very well-armed. Sometimes they may even have friends in separate cars following behind them. An officer should not hesitate to call for backup if he or she thinks that they may be in a situation involving an extremist. And just as important, the officer should wait for that backup to arrive before putting him or herself at risk.
- Officers should be alert for the presence of concealed weapons at all times. Weapons may be concealed on the subject's person or in a convenient hiding place. A vehicle may have multiple weapons and hundreds or thousands of rounds of ammunition. If a vehicle has passengers, the officer should be aware that they too may be well armed.
- Officers should be careful to try not to heighten tension or suspicion. They should explain their actions to the subject so as not to cause alarm. They should be very careful before attempting any physical action involving the subject. This is an important consideration because the person in the car may think that they are in a situation far more serious and dangerous than the officer outside the vehicle perceives it to be. An unwary officer could then be surprised by an unexpected

- response from an extremist.
- Officers should not try to argue political philosophy or legal interpretations with the subject. If handed materials, simply accept them and thank the subject.
 - Officers should try to defuse tension if they perceive the situation has become hotter than it should be. In particular, they should try to humanize themselves so that to the subject they become more than simply the symbol of an oppressive government. There are numerous ways to do so, including the time-honored tactic of telling the subject, "You may be right, I don't know, but I'm just doing my job, you know? I get in trouble if I don't give you this ticket." Playing dumb can also sometimes help. Spending some time listening to a subject pour out his or her political philosophy may result in the subject using up some nervous energy. The result may be a lessening of tension.
 - It is acceptable to try to postpone the confrontation to the future. If the subject claims that he or she should not be given a ticket for not having insurance or registration, the officer can suggest that is a legal argument that should be made when the ticket is mailed in, or should be made to a judge. That future confrontation may never occur.
 - Sometimes the officer must make a decision as to whether or not the incident is worth pursuing. An officer should not simply decide to let a "sovereign citizen" go just because it is not worth the hassle. That simply emboldens them and increases their activity. However, there may be times--for instance, if an officer is alone with a very angry extremist and no backup handy--when prudence dictates that retreating to fight another day is the best option. An extremist arrested on minor charges does not weigh very heavily in the scales against the life of a law enforcement officer.

Traffic stops are, for anti-government extremists, very tense events. Not only does their ideology lead them to believe that most such stops are unconstitutional and invalid, but they are also often knowingly breaking laws that they understand will get them in trouble. These laws can range from simply not having insurance or registration all the way up to carrying illegal weapons or explosives in the vehicle. Law enforcement officers must understand that the level of anxiety for an extremist in a traffic stop may be much, much higher than that for some other person. This fact, combined with the possibility of anti-government rage and close proximity to weapons, can spell great danger for any police officer not aware of the possibility of extreme intransigence or sudden violence. For that reason, law enforcement officers must be ready to defuse tension to the extent that it is possible and protect themselves and their fellow officers to the extent that they can.

Remember, forewarned is forearmed.