

BILLY J. WILLIAMS
United States Attorney
District of Oregon
CHARLES F. GORDER, JR. OSB #912874
Assistant United States Attorney
1000 SW Third, Suite 600
Portland, OR 97204-2902
Charles.Gorder@usdoj.gov
Telephone: (503) 727-1000
Facsimile: (503) 727-1117

DANIEL G. BOGDEN
United States Attorney
STEVEN W. MYHRE
NICHOLAS D. DICKINSON
Assistant United States Attorneys
NADIA J. AHMED
ERIN M. CREEGAN
Special Assistant United States Attorneys
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, Nevada 89101
Telephone: (702) 388-6336
Facsimile: (702) 388-6698

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA,

3:16-MJ-00024

v.

**GOVERNMENT'S MEMORANDUM
IN SUPPORT OF ITS MOTION
FOR PRETRIAL DETENTION**

PETER T. SANTILLI JR.,

Defendant.

The United States, by and through undersigned counsel, respectfully submits this Memorandum in Support of its Motion for Pretrial Detention pursuant to the Bail Reform Act, Title 18, United States Code, Section 3142. As explained herein,

the government seeks the continued pretrial detention of defendant Peter T. Santilli, Jr. (“Santilli”) both as a risk of non-appearance and as a danger to the safety of others and the community.

We acknowledge that United States District Judge Anna J. Brown has agreed to release Santilli in connection with his indictment in this district in *United States v. Bundy, et al.*, 3:16-CR-00051-BR (D. Or.). The Oregon Indictment charges a single count of conspiracy to impede officers of the United States, in violation of Title 18, United States Code, Section 372, in connection with the recent armed takeover of the Malheur National Wildlife Refuge. When she made her ruling, however, Judge Brown specifically stated that she was not taking into account the facts surrounding the armed assault against federal agents which is the subject of the Superseding Indictment in the District of Nevada. Because the facts in the pending Nevada case independently justify Santilli’s detention as a danger to the community and a flight risk, for the Court’s consideration in this hearing the government submits the following.

Santilli was a key player in the build-up, organization and execution of an unprecedented, massive armed assault against federal law enforcement officers near Bunkerville, Nevada, on April 12, 2014. As set out in the Superseding Criminal Indictment, in which he is named as a principle organizer and leader of a criminal enterprise, Santilli is charged with knowingly joining a criminal conspiracy to threaten and use force and violence against law enforcement officers in order to

extort about 400 head of cattle from their care and custody. Among other things, his prominent role in the conspiracy included:

- (1) recruiting gunmen to come to Bundy Ranch to show force against law enforcement officers, culminating in the assault on April 12;
- (2) threatening violence to law enforcement officers for doing their jobs;
- (3) leading an assault on a BLM convoy engaged in impoundment operations on April 9;
- (4) conducting reconnaissance of hotels where BLM officers and employees were staying during impoundment operations;
- (5) threatening the BLM SAC on April 11 and delivering an ultimatum to leave the Impoundment Site;
- (6) inciting Followers and gunmen during Bundy's Rally on the morning of April 12, moving to the Impoundment Site upon Bundy's command at the Rally, and participating in assault on the Impoundment Site on April 12 and the threats of force and violence against law enforcement officers.

Santilli was part of the organizing nucleus of the conspiracy. The April 12 assault involved over 400 Followers backed up by at least 60 gunmen, many brandishing assault rifles in front of the officers or taking sniper positions on the bridges. Santilli issued numerous threats of violence against law enforcement officers engaged in impoundment operations and actively recruited the gunmen to come to Nevada to confront the law enforcement officers, issuing numerous "calls-to-arms," encouraging, inciting and aiding gunmen to join Bundy's cause to release his

cattle through a violent confrontation. The gunmen heard Santilli's calls and they came – they came in droves.



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1B279 "0086A7" @ 00:05. Video taken sometime between 12:43 and 12:45 showing the east skirt of the I-15 SB overpass

Santilli's numerous threats of violence against law enforcement officers and the action of his gunmen on April 12 betray his intent and willingness to kill cops, an intent the officers in the wash that day felt acutely, many of them believing they were going to die, many still suffering from the trauma of that day. Santilli was directly responsible for guns coming to Nevada that day, endangering the public safety of the community; Santilli directly threatened law enforcement officers with violence, causing them to fear death or injury; Santilli was directly responsible for causing a confrontation between his gunmen and law enforcement officers, assaulting them and causing a near-catastrophic result.

And he's not done. Bundy Ranch is still there; the cattle are still there; federal laws are still broken and still unenforced. Santilli continues his threats against law enforcement officers and has pledged to do the same thing again if there is any law enforcement action against Bundy or his co-conspirators. He continued to threaten the SAC of the Impoundment operation long after the assault and continued to advocate for the use of force, using Bundy Ranch as a so-called model of the First Amendment "backed up by a credible Second Amendment."

Santilli is lawless and violent. He does not recognize federal courts – claiming they are illegitimate – does not recognize federal law, refuses to obey federal court orders, has already used force and violence against federal law enforcement officers while they were enforcing federal court orders, nearly causing catastrophic loss of life or injury to others and has pledged to do it again in the future to keep federal law enforcement officers from enforcing the law against him. His threats are true, real, and palpable. If he is released, he will continue to threaten law enforcement officers and will continue to call others to take up arms against them.

Santilli is currently charged with crimes of violence including using and brandishing firearms in connection with crimes of violence under Title 18, United States Code, Section 924(c). As such, the Bail Reform Act presumes that there are no conditions or combination of conditions that will ensure the safety of the community. Here, no evidence has been adduced during the investigation of the instant charges that rebuts that presumption. In fact, all the evidence shows that

Santilli has not changed his mind about Bundy or Bundy Ranch and suggests that he will continue to act lawlessly, will not abide by court orders, and will use violence to ensure that federal laws are not enforced as to him or his co-conspirators.

I. FACTS

Santilli was charged in a sixteen-count Superseding Criminal Indictment returned by a grand jury on March 2, 2016, in the District of Nevada. Among other things, the Superseding Indictment charges Santilli with conspiring to assault federal officers, threaten federal law enforcement officers, obstruct justice, extort federal officers, and use and brandish a firearm in relation to a crime of violence, and the substantive offenses that comprise the objects of the conspiracy, all in violation of Title 18, United States Code, Sections 371, 111(a)(1) and (b), 115, 924(c), 1503, and 1951.

Based on the evidence adduced from its investigation to date, the government proffers the following in support of its motion for pretrial detention:

A. Background.

At the time of these events, Santilli (50) was a resident of Hesperia, California. A former Marine, having served honorably as an aviation ordnance technician from 1983 to 1987, there is evidence to show that Santilli worked as a security guard and as a real estate agent during his civilian career. According to his self-reported biography, however, Santilli claims that he is a disabled veteran and former executive with Coca-Cola who, according to him, became a “whistleblower” after discovering an “inside wage skimming scheme” at Coke,

supposedly initiating a class action suit against the company for “millions of dollars.” None of those claims, however, is corroborated by any evidence adduced by the investigation.

Further uncorroborated is his claim that he is a “Certified Crime Scene Investigator” who developed “revolutionary evidence detection techniques with the use of LASERS.” He advertises that he “taught forensic experts at the FBI Academy, U.S. Secret Service, Department of Justice, almost every State D.O.J. in the Nation, as well as County/Municipal/City police crime labs,” and claims also to have worked as a “consumer advocate, who helped homeowners avoid foreclosure.”

At times relevant to the Superseding Indictment, Santilli claimed that he was a full-time “radio talk show host” and the owner of “The Guerilla Media Network.” The supposed “Network,” however, was nothing more than a website (www.Guerillamedianetwork.com) that is linked to a self-funded YouTube channel (www.youtube.com/user/PeterSantilliTV). The “talk show” to which he referred, called “The Pete Santilli Show,” falls into the genre of “BlogTalkRadio” a term that refers generally to web-based platforms that feature talk-format programs where a “host” will interact with listeners who call into the program. Programs such as these are typically “podcast,” meaning they are distributed over the Internet by “live streaming,” where, using digital devices with Internet access, listeners see and hear the program as it occurs. Typically, podcasts are stored digitally and may be downloaded on demand from the Internet to digital devices.

From the inception of the Guerilla Media Network in 2009 to date, Santilli has broadcasted and posted over 1,000 shows on his YouTube channel. According to its website, The Pete Santilli Show has nearly 30,000 subscribers and his numerous broadcasts have been viewed over 6 million times. At various times, Santilli has claimed to be part of WHDT World News and SRN News Network, two other blogs that do not list him as a contributor. On his LinkedIn profile, Santilli refers to himself as a talk show host and member of Santilli & Associates, LLC, and as having two personal websites and a blog. Per a CLEAR report generated in May 2015 the Santilli & Associates, LLC, was listed as a Corporate Non-Profit that was suspended in March 2011.

There is no evidence that Santilli independently reports on current events. Although his blog re-posts content scraped from other news media outlets – like CNN, CSPAN, and Fox – most of the “show’s” content simply features Santilli and his opinions about how the world works. In this vein, he routinely “interviews” other like-minded individuals and will use his broadcast to deride anyone whose opinion differs from his own, often larding his broadcasts with epithets like “f**** you, you m****f****ing libtards” when commenting on the current administration, or “f**** you, you f**** goons” when referring to law enforcement officers.

A review of his shows reveals that his opinions, conspiracy theories, and ideology are best described as extreme and anti-federal government. He is a vocal advocate for the position that the federal government and its agencies are tools for the propagation of Agenda 21, a number of his shows being devoted to that topic

and a recurrent theme in many others. According to Santilli, Agenda 21 is a reference to United Nations Agenda 21 which, according to Santilli, is a ruse for “depopulating” large segments of the western United States. Santilli contends that the BLM and other public land management agencies are systematically removing citizens from all use of the public lands in order to further the objectives of Agenda 21 and one-world government. Santilli used his Agenda 21 theory, among others, to recruit Followers and gunmen to Bundy Ranch.

Santilli’s co-defendant, Cliven Bundy (“Bundy”) 69, is a long-time resident of Bunkerville, Nevada, living on 160 acres of land in a very rural and sparsely-populated area of the state. Bundy Ranch, as he refers to the property, is located near the Virgin River a few miles from where Interstate 15 crosses from Nevada into Arizona, approximately 90 miles northeast of Las Vegas, Nevada. Bundy Ranch is surrounded by hundreds of thousands of acres of federal public lands commonly referred to as the Gold Butte area or the Bunkerville Allotment. Bundy uses that entire range of land to graze his cattle unlawfully.

While Bundy claims he is a cattle rancher, his ranching operation – to the extent it can be called that – is unconventional if not bizarre. Rather than manage and control his cattle, he lets them run wild on the public lands with little, if any, human interaction until such time when he traps them and hauls them off to be sold or slaughtered for his own consumption. He does not vaccinate or treat his cattle for disease; does not employ cowboys to control and herd them; does not manage or control breeding; has no knowledge of where all the cattle are located at

any given time; rarely brands them before he captures them; and has to bait them into traps in order to gather them.

Nor does he bring his cattle off the public lands in the off-season to feed them when the already sparse food supply in the desert is even scarcer. Raised in the wild, Bundy's cattle are left to fend for themselves year-round, fighting off predators and scrounging for the meager amounts of food and water available in the difficult and arid terrain that comprises the public lands in that area of the country. Bereft of human interaction, his cattle that manage to survive are wild, mean and ornery. At the time of the events giving rise to the charges, Bundy's cattle numbered over 1,000 head, straying as far as 50 miles from his ranch and into the Lake Mead National Recreation Area ("LMNRA"), getting stuck in mud, wandering onto golf courses, straying onto the freeway – foraging aimlessly and wildly, roaming in small groups over hundreds of thousands of acres of federal lands that exist for the use of the general public for many other types of commercial and recreational uses such as camping, hunting, and hiking.

Bundy claims he has strong anti-federal government views, proclaiming that the federal government cannot own land under the U.S. Constitution. These are not principled views – and certainly they have no merit legally – but nonetheless serve conveniently as a way for Bundy to somehow try to convince others that he has some reason for acting lawlessly, other than the obvious one: it serves his own ends and benefits him financially. Untethering himself from the law, Bundy claims he can do with his cattle as he pleases, including not incurring the expenses to manage

or control them and not paying for the forage they consume at the expense of federal taxpayers.

Federal law requires any rancher to pay fees and obtain grazing permits to run cattle on public lands. The evidence suggests that before 1993, Bundy paid fees and kept current the permit his father before him had acquired for grazing cattle on the Bunkerville Allotment. In 1993, however, when BLM restricted both the number of head he could graze and the seasons during which he could graze them, Bundy was faced with the prospect of having to control his herd and bring them off the land during the off-season. It was then that Bundy claimed that he supposedly “fired the BLM” and refused, from then until to the present, to pay any grazing fees or submit to permits.

It appears that Bundy made some attempt to fight the 1993 restrictions administratively but to no avail. But despite losing, he continued in his scofflaw ways, ignoring BLM regulations and restrictions pertaining to his use of the public lands, allowing his cattle to run wild and refusing to pay for the forage he leached off the taxpayers.

Ultimately, the BLM sued him in 1998 for trespass, the case being filed in the United States District Court for the District of Nevada before then-United States District Judge Johnny Rawlinson. Bundy lost the case and Judge Rawlinson issued an order requiring Bundy to remove his cattle permanently from the Bunkerville Allotment (hereinafter “the 1998 Order”). Making the same failed claims he

continues to make to this day – the federal government cannot own the land – Bundy appealed the 1998 Order to the Ninth Circuit but lost there also.

Undeterred, Bundy simply ignored the 1998 Order, running his cattle as he always had, violating the 1998 Order just as he had all the other rules and regulations governing public lands. In 1999, Judge Rawlinson issued another order, re-affirming the 1998 Order and fining Bundy for each day he refused to remove his cattle. He ignored that Order just as he had the previous one.

Thereafter, other attempts were made to remove or have Bundy remove his cattle, all to no avail. The BLM went back to Court in 2012, filing a new lawsuit against Bundy to remove his cattle from the LMNRA and also filing a motion to renew the 1998 Order pertaining to the Bunkerville Allotment.

United States District Judge Lloyd George presided over the 2012 action. As he had before, Bundy claimed that the federal government could not own the land. However, in keeping with well-established legal precedent, Judge George – like every other previous court – rejected Bundy’s claims in a July 2013 Order and required Bundy to permanently remove his cattle from the LMNRA within 45 days.

The motion in the 1998 action went before United States District Judge Larry Hicks. Like Judge George, Judge Hicks rejected Bundy’s claims in an October 2013 Order, re-affirming the 1998 Order and requiring Bundy to remove his cattle from the Bunkerville Allotment within 45 days. The Orders from Judge George and Judge Hicks each authorized the BLM to remove and impound the cattle if Bundy refused to do so, Judge Hicks expressly ordering Bundy not to

physically interfere with any seizure or impoundment operation conducted by the BLM.

As before, Bundy refused to remove his cattle. Thus, the 2013 Orders in hand, the BLM planned for and commenced impoundment operations beginning around April 5, 2014. From the outset, Bundy interfered. The Superseding Indictment details Bundy's numerous threats to "do whatever it takes" to prevent the BLM from impounding his cattle and the escalating violence and threats of violence he used to impede and disrupt the impoundment, including blocking convoys, assaulting law enforcement officers and terrorizing civilian employees.

Most nefariously – and perhaps most relevant to the detention decision here – Bundy recruited gunmen to come to Nevada to confront the federal officers, issuing calls-to-arms over the Internet to anyone who would listen to come to Bundy Ranch to confront the officers who were executing the federal court orders to impound the cattle.

Santilli was his recruiter and foot soldier. He traveled to Nevada with the intent to use force and violence against federal law enforcement officers and used his considerable skills as an Internet blogger – and his existing audience – to issue numerous calls-to-arms and to threaten law enforcement officers with force and violence. There is no evidence that he will not issue the calls again.

B. The April 12, 2014, Armed Assault

By April 12 hundreds of people, including gunmen, had answered Santilli's and Bundy's calls-to-arms against the BLM. As the gunmen arrived, Bundy and his

co-conspirators organized them into so-called “militia camps,” deploying them from there into armed security checkpoints and patrols.

On April 12, Bundy rallied his gunmen and Followers and commanded them to take his cattle back, unleashing over 400 Followers, including at least 60 gunmen, to converge on and assault the BLM’s impoundment site, demanding the release of the impounded cattle corralled there. The Superseding Indictment sets out the nature of the assault that day. While the government does not intend to repeat those allegations here, it incorporates them by reference and further proffers as follows.

1. The April 12 Assault was an Extremely Violent Act.

As the Court knows, it is a violation of federal law to use a firearm to assault, interfere with or intimidate a federal law enforcement officer. And contrary to the fiction incanted by Bundy and Santilli to stir up support for Bundy, there is no First or Second Amendment right, or other right recognized in the law anywhere, that gives anyone the right to use or carry, let alone brandish, raise or point, a firearm in order to assault, intimidate, interfere with or prevent a federal law enforcement officer from performing his or her duties – whether one thinks the officer is acting constitutionally or not. While that should be obvious to any law abiding citizen, Bundy and Santilli espouse to the contrary.

On April 12, Bundy had mustered more than 60 firearms to assault and intimidate federal law enforcement officers while they were performing their duties. The evidence shows that officers confronted an angry array of more than 270

Followers directly in front of them, their formation being backed up by gunmen brandishing or carrying rifles and firearms in the wash, or perched on high ground in over-watch positions, or in concealed sniper positions aiming their assault rifles from bridges. The officers guarding the gate that day, almost to a person, thought either they, or unarmed Followers in front of them, or both, were going to be killed or wounded. Many of these officers, some of them combat veterans, remain profoundly affected emotionally by this event to this day. Witnesses have described the level of violence as so intense that something as innocent as the backfire of vehicle, or someone lighting a firecracker, would have set off a firefight between the gunmen and the law enforcement officers.

The following post from co-defendant Todd Engel's Facebook page depicts the array of Followers in the skirmish line before they assault the officers at the gate. As Engel points out in his posting, "what you don't see is there was another 150 of us with guns behind those cowboys." What Engel did not know is that by viewing the videos carefully, investigators have been able to locate many of the gunmen in various positions in the wash while still others are concealed.

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██████████ shared Laissez Faire Capitalism's photo. April 13, 2014 · 🌐

Todd Engel looks like you were geared up and made the news!



Laissez Faire Capitalism
April 12, 2014 · 🌐 Like Page

"Both sides were demanding the other disarm first. Both the ranchers and law enforcement refused; ultimately the federal agents began to walk backwards behind retreating vehicles and leave the area."

<http://cdn.breitbart.com/.../Breaking-Images-from-Interstate-...>

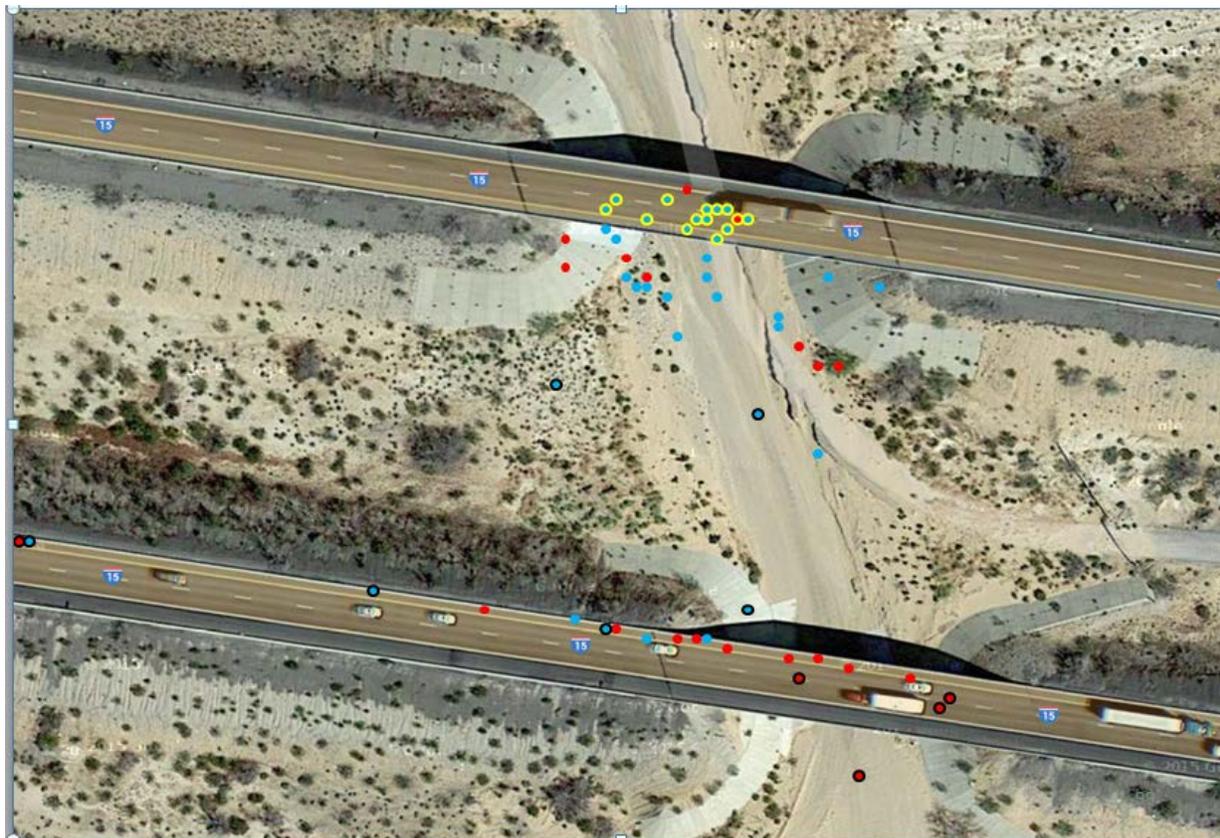
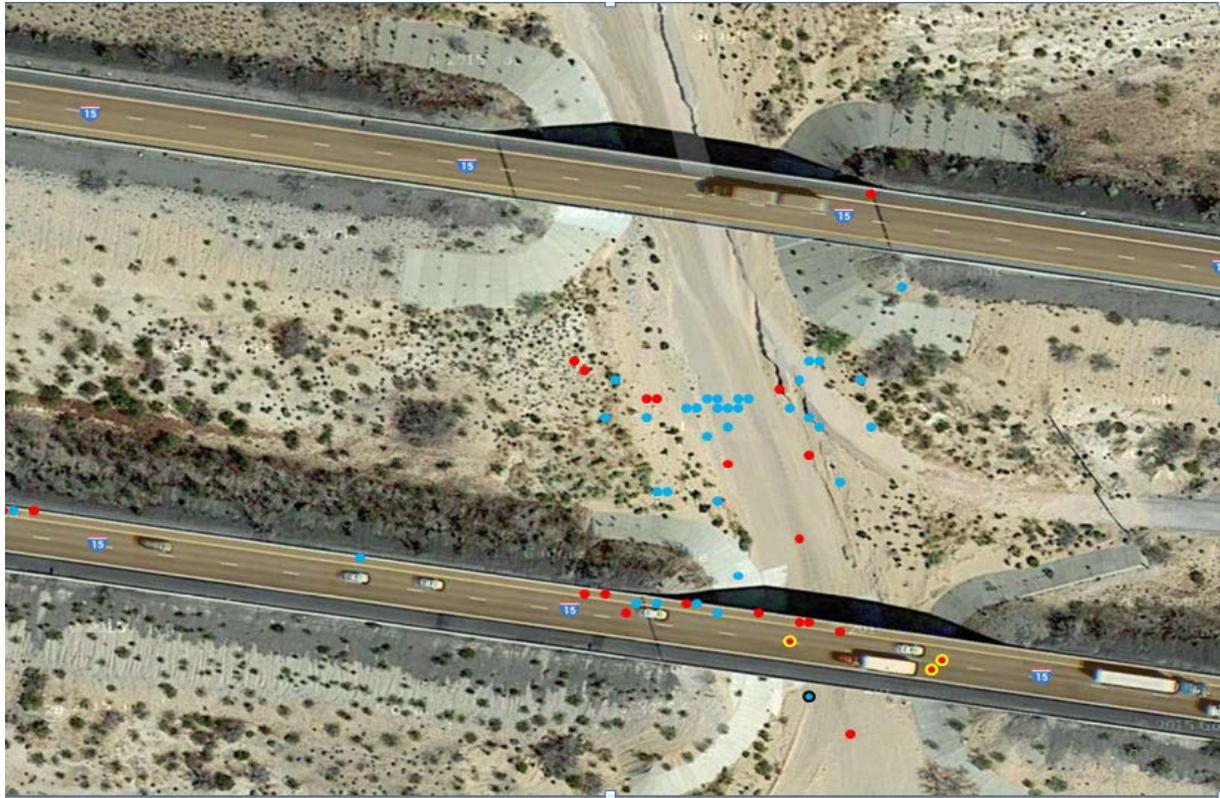
👍 7 2 Comments

➦ Share

██████████ **Boiling point almost breached....**
Watching history unfold.
April 13, 2014 at 8:48pm

 **Todd Engel** What you don't see is there was another 150 of us with guns behind those cowboys
April 14, 2014 at 6:59am · 👍 1

The following diagram shows the movement just of the gunmen (depicted by dots with the unarmed removed from the photo) from the skirmish line to the gate where the SAC and the officers were guarding the Impoundment Site.



The Superseding Indictment charges, and the investigation shows, that Santilli was responsible for recruiting the gunmen. He did so by issuing numerous calls to arms, inciting and soliciting others to bring weapons to Bundy Ranch, to show force, to make the BLM back down, to surrender, and other similar exhortations. The justification, according to Bundy and Santilli and their followers: BLM was acting unconstitutionally in impounding his cattle. In other words, BLM was enforcing the law and Bundy didn't like it – so he and Santilli organized an armed assault.

2. Bundy, His Co-conspirators and Followers Have Pledged to do it Again.

The evidence shows that this was an unprecedented act. The gunmen traveled great distances in a short period of time, the gunmen shown above being only a few examples among many, answering the call to arms, coming from more than ten states to get to Bundy Ranch to confront the BLM, flooding into the Ranch between April 10 and the morning of April 12. The evidence shows that when the gunmen arrived, the conspirators organized them into camps, armed patrols, and security check points.

The evidence shows that Bundy rallied and directed his gunmen and other Followers to get his cattle out of the impoundment site on the morning of April 12. Bundy's son, Ammon, led the assault on one of the entrances to the site. Indicative of his intent that day was his statement to another person as he drove his truck to

the impoundment site: “These federal agencies have a lot of power and they are not just going to give that power up. The people just have to take it, I guess.”

In the immediate aftermath of the assault and extortion, after having delivered the extortionate demands to the SAC and forcing the officers into leaving by threatening violence, Ammon Bundy was asked whether BLM was gone for good. Ammon responded: “They better be or the people will do it again.”

In an interview later in the evening on April 12, Ammon Bundy stated:

We the people expressed our power and as a result the Sheriff took control of his county. The Sheriff must protect the agency of man. The people have the power -- it's designed that way -- you have the people and then you have the Sheriff. Sovereign citizens on our own land.

Many of these same gunmen who conspired with Bundy and his son to assault the impoundment remain at large and, through Facebook posting and other social media outlets, have pledged to support Bundy again if BLM takes any action against him. There is no evidence to suggest that Bundy or any of his co-defendants could not quickly muster his gunmen again.

C. Post-Assault: April 13 and Thereafter.

Immediately after the assault, Bundy openly celebrated his role in driving the BLM out of the area. In an interview posted to the Pete Santilli Show's YouTube channel on or about April 16, 2014, Cliven Bundy was interviewed by an individual named Peter Rense. When asked whether the BLM still had officers in the area, Bundy stated, “We the people and the militia definitely rid this place of any of that kind of influence.” See <https://www.youtube.com/watch?v=dI->

[3qYTMGgU](#) (last visited February 11, 2016). In the same interview, Bundy expressed dismay that the BLM was allowed to leave with their weapons on April 12: “we haven’t won the war, we’ve just won one chapter of it.” *Id.* Bundy’s characterization of the assault as part of a larger “war” makes clear that his efforts to thwart and interfere with BLM law enforcement officers would carry on.

To that end, Bundy relied on armed individuals who continued to travel to Bundy Ranch in the months after the assault. These individuals, camping in and around what the Bundys designated as “militia camps,” engaged in reconnaissance missions, manned check points on public roads, and conducted armed patrols of the area around Bundy Ranch to ensure BLM officers were not present and would not return. Bundy and his conspirators established a firing range on public land which his lead bodyguard used to train other gunmen to protect Bundy and his ill-gotten gains.

Bundy’s gunmen also took up over-watch positions along State Route 170, the main artery into the town of Bunkerville, and attempted to threaten their way into public facilities in the neighboring town of Mesquite, creating an environment of fear for these communities.

Organized patrols of the public lands continued all through the summer into the fall of 2014. Additionally, evidence shows that telephone lines with roster information were set up, donation pages on the Internet continued to be utilized to solicit funds, and gunmen traveled back and forth from other states to do duty at the Ranch. The purpose of these missions was to ensure Cliven Bundy was not

arrested and that BLM did not return to the public lands either to impound the cattle or for any other purpose.

D. Santilli's Role in the Conspiracy.

Santilli served in the role of Bundy's shill, propagandist, recruiter, inciter of others, and foot soldier – a role he served until his arrest and one he will likely resume if he is released. The evidence shows that Santilli represented himself as a “talk radio host” who was in Bunkerville to report on the impoundment. In truth and in fact, however, Santilli was there solely for the purpose of calling militia, i.e., gunmen, out to Bunkerville in order to – as he described it – “force a standoff with the BLM.” As shown below, he did no “reporting” as that term is defined or understood – rather, as Bundy's front man, he “beat the drums” over the Internet, by broadcasting propaganda in blogs that were followed by like-minded individuals, tailoring his message to incite and motivate them to use force and violence. His specific participation in the conspiracy is chronicled as follows:

- April 8: Used his blog to threaten violence to law enforcement officers and broadcast a call-to-arms to militia, specifically calling for people with guns to go to Nevada to “kick out the feds.”
- April 9: Led an ambush of a BLM convoy as it was leaving the field after conducting impoundment operations.
- April 9: Made numerous threats of force and violence against law enforcement officers and issued at least three calls-to-arms to gunmen, calling for an armed confrontation with law enforcement officers.
- April 10 and 11: Conducted reconnaissance of hotels where BLM employees were staying while they were conducting impoundment operations.

- April 11: Threatened the SAC of the Impoundment with force and violence and issued an ultimatum to him, telling him there was going to be a confrontation and to leave before it occurred or else face arrest or injury.
- April 12: Incited others in the crowd at the Rally that preceded the assault, calling for the arrest of the Sheriff for being “unconstitutional.”
- April 12: Moved from the Rally Site to the Impoundment Site for the purpose of forcing the BLM to release the impounded cattle; threatened law enforcement officers with force and violence.

The evidence shows that Santilli first learned about Bundy around April 6, 2014, in a Facebook exchange with Blaine Cooper, another co-conspirator who served as part of Bundy’s “personal security detail” during the subsequent assault.¹

Referencing the BLM impoundment, Cooper messaged Santilli:

What do you think about getting a movement down to Nevada against the FEDS? (posting a link to a press story on the Dave Bundy arrest) Time we stopped all this huffing and puffing and bullshit over the microphones and computers and go down and do what we got to do.

Santilli responded:

[A]nd in the meantime we’re having him [Bundy] on my show to cover the story & drum up support. Let’s go to Nevada . . . Let’s fucking go you ready? Get a team of militia members. I just called the BLM. Calling Sheriff Mack [founder of the Constitutional Sheriffs and Peace Officers Association) to meet me out there. Stuart Rhoads [head of the Oathkeepers] and John Whitehead – Rutherford Institute.

¹ Santilli’s co-conspirator, Cooper, holds extreme anti-federal government views similar to Santilli, having been once investigated in 2013 for using Facebook to make threats to kill federal agents: “Having a badge seems to be a free ride to be above the law but soon don’t worry I am going to shoot a shit load of federal agents and cops in the war for freedom so get ready . . . we have our militia in place.”

On April 8, Bundy appeared by telephone on Santilli's show for about 40 minutes. During the show, he placed BLM in a false light, telling his listeners that BLM had surrounded the family with snipers. That Santilli's purpose for the interview was to "drum up support" for Bundy is shown by the following call-to-arms to people whom he referred to as "militia" – a euphemism for gunmen:

Santilli: I want to call upon every single militia member that can get out to Clark County to show support. I say militia because we need to show equal and opposite force – defensive force – to support his family and everything this country was founded on

Bundy: We really do need help. . . I haven't called the militia but hey, it's probably come to that. . . There is an army out here and the state officials aren't saying no. We are going to have to take our land back and our rights back. Maybe that's where we are at this point. Someone is going to have to back down . . . but they are up against a man who says: "I'll do whatever it takes."

Following this exchange, Santilli told Bundy that he would speak with him "offline" about "matters [he] did not want to disclose." Santilli then closed the show with the following rant, encouraging his listeners to show force against the BLM:

Santilli:

The federal government must get out of the State of Nevada. We want it done peacefully, but if they don't want it to be peaceful it is by their choice. I'm calling on all Americans in the vicinity of Clark County, Nevada. If you're in Nevada and can legally carry, get weapons out there. We are going to stand and fight in Clark County, Nevada. They will leave or else.

According to Santilli's website, this show received over 8,800 views.

Later that same evening, around 9 p.m., Santilli sent a message via his twitter account under #BundyRanch, stating: "All Patriots—Militia, Oathkeepers,

Veterans, Retired Law Enforcement. Get to Clarke (sic) County, NV ASAP! Time to kick the feds outta NV.”

By April 9, Santilli had travelled from California to Bunkerville, Nevada, for the purpose of using force to interfere with the BLM impoundment, taking several overt steps on April 9 to actively involve himself in the conspiracy.

1. Santilli Meets With SAC Love at Post 1 – Tells Love Militia Is Coming – Implies Guns May Be Used Against Law Enforcement.

Around 8:25 a.m., Santilli and co-defendant Mel Bundy (Cliven’s second oldest son) arrived at the entrance to the Impoundment Site (“Post 1”), ostensibly to obtain media credentials. Aware that Santilli had called for guns the previous evening, Love went to Post 1 with members of his staff to meet with him, with one of Love’s staff recording the meeting with a body-cam.

The recording shows that after initial greetings, Santilli introduced himself to Love as a “radio talk show host,” explaining that his listeners had been calling him about the BLM operation. His purpose in being there, so Santilli told Love, was two-fold: to report events on his radio show and “to make sure I [act as a liaison] between whose coming out here and you guys (emphasis added).”

After telling Santilli that BLM respected the exercise of First Amendment rights, Love explained that there is a line between protesting and interfering with operations. To that end, so Love explained, the BLM needed space to conduct operations safely, instructing Santilli that: “if we ask people to move back 40 feet, there is a reason we are asking them to move back.”

After stating that the intent “of those coming out here” was peaceful, Santilli told Love that as a “liaison,” he would inform Love if things “started to get out of control,” telling him that he would serve as a “line of communication.” Upon saying this, Santilli was confronted with his statement from the previous day about bringing weapons to Nevada. Lying, Santilli responded: “I never said that.”

Santilli then changed the tenor of the conversation, becoming more specific as to who “was coming out” there and issuing a veiled warning. “Militia is going to be coming out here,” he said. “What are you guys going to do if 10,000 people show up? Are you prepared for this?” Unprompted and unsolicited, Santilli then raised the issue of guns, stating how, from his viewpoint, they could be used: “**We** want zero violence. . . I don’t believe in firing a single bullet **unless in absolute self-defense and it’s legal and constitutional** (emphasis added).”

2. Post-Meeting: Santilli Threatens Force and Violence – Issues Two Calls-to-Arms – Tells Listeners to Come to Bundy Ranch for Stand-off – Tells Listeners that Stand-off Is Needed to Repossess the Cattle.

Around 9:30 a.m. and following his meeting with Love, Santilli posted a message on the Timeline of his Facebook page providing potential Followers with directions to the Bundy Ranch: “#BundyRanch 15 fwy North to Exit 112. Go right to CAMP@Riverside. Further to Exit 120-Food/Lodging.” Thereafter, he appeared on another blog show, where he was interviewed remotely by an individual named Gary Franchi.

In the lead up to the interview, Franchi told his listeners that “hundreds of agents, low flying aircraft, and hired cowboys were rounding up Bundy’s cattle.” He added that Bundy had been raising cattle all his life “on Clark County Nevada land,” and the preservation of the desert tortoise was the prime impetus behind the removal of the cattle. Claiming that BLM’s actions “are being compared to Ruby Ridge and Waco,” he turned to Santilli and asked whether the comparison was accurate.

Santilli, “reporting” via Skype, then made a number of outrageously false statements designed to put BLM in a false light, interweaving his theory that the BLM impoundment was a thinly disguised Agenda 21 project, stating among other things:

- BLM has imposed “an undeclared state of martial law”
- If you violate the “undeclared state of martial law, you go to prison”
- BLM has hundreds of people with guns and they look like corporate mercenaries
- The worst thing that can happen is for “these goons” to outnumber the people
- BLM has employed sniper perches around Bundy’s property
- BLM has militarized the area
- People will go to prison if you step off the pavement of the road
- The court has issued two separate orders but the orders were obtained by a trick used by corporations involved in fracking
- This is an Agenda 21 operation using BLM as their law enforcement arm
- The Sheriff is unconstitutional and refuses to do anything about the BLM thugs

Santilli then threatened use of force and violence against the officers engaged in the impoundment, advocating for more people to come to Bundy Ranch to force a “stand-off” with the BLM:

[T]he worst thing is for the BLM to outnumber the people . . . if the BLM knows that they are outgunned, they will have to stand down . . . we want the BLM to get out of the State of Nevada. . . if we had tens of thousands of people out here they would convene at the front gates and demand that they stand down . . . the stand-off will occur when thousands go to repossess the wrongfully taken cattle . . . the BLM will stand down if we have the numbers.

The interview was posted to Franchi's YouTube Channel under the title "BUNDY RANCH STANDOFF—THE NEXT WACO: FEDS PREPARE FOR WACO STYLE RAID OF BUNDY RANCH." According to information reflected on the channel, it received over 250,000 views.

Following those threats, Santilli appeared by Skype on another blog talk show, this one hosted by an individual named Adam Kokesh: "Adam and The Man." Introducing Santilli, Kokesh started the interview by falsely telling listeners that BLM "has circled the [Bundy] property with snipers and helicopters . . . all in a "dispute over land use where the family has been ranching for generations." Turning to Santilli's image on a screen, Kokesh asked him to describe what was happening on the ground, prompting Santilli to continue where Kokesh left off, telling listeners:

- BLM sent SWAT teams out to Bundy Ranch
- BLM was stealing Bundy's cattle
- The community was under a state of undeclared martial law
- The Sheriff refused to exercise his constitutional authority to kick the BLM out
- Twenty agents put boots on the neck of Bundy's son and sent him to prison for stepping on the dirt
- Court orders were the result of a complaint filed by an environmental group trying to protect the desert tortoise

Santilli then made what he described as a “call,” advocating for others to come to Bundy Ranch to repossess the cattle:

they (Bundy supporters) are prepared to lay down their lives in defense . . . we need ten thousand people to come here . . . I only have one fear [and] that [is that] people that don’t respond to this call

The interview was posted on Kokesh’s YouTube channel under the title:

“PETE SANTILLI FROM THE BUNDY RANCH IN NEVADA WITH PROTESTORS.” According to the website, the program received over 17,000 views.

3. Santilli Leads Ambush of BLM Convoy – BLM Officer Assaulted – Captures Images of Ambush and Posts to Blog.

Shortly after 1:00 p.m. on April 9, Santilli successfully led between 30 and 40 Bundy Followers in a violent ambush of a BLM convoy as it made its way out of the desert and back to the Impound Site. The convoy was traveling on a narrow dirt road in the desert when it approached a sharp turn to enter onto a paved highway leading back to the Site.

A video recording posted on Facebook by one of Bundy’s Followers and recordings from various law enforcement dash-cams show that Santilli drove his car to block the lead vehicle in the convoy as it approached the highway from the narrow dirt road. Surrounded on all sides by sagebrush and unable to move, the convoy remained in place until Santilli, prompted by the Ranger occupying the lead vehicle, backed out of the way, allowing the convoy to re-start and slowly enter the highway.



The stall created by Santilli gave a crowd of about 30 to 40, the time necessary to converge on the remainder of the convoy, the agitated Followers shaking their fists and hurling foul epithets at BLM officers and employees as the convoy passed slowly through the gauntlet of angry Followers and onto the

highway. When the last vehicle – a large dump truck – approached the highway, the crowd moved in front of the truck, slowing it almost to a stop. At that point, Ammon Bundy – coming from the direction of the Bundy Ranch – drove an ATV into the front of the truck, ramming it and blocking it from entering the highway.

The dump truck now stalled, the crowd converged on it and began to riot, banging on the windows, trying to pry the door open, crawling into the bed, terrifying the civilian employees inside the cab. As BLM officers responded, the crowd moved toward the officers, the officers commanding the crowd to move back. The crowd did not respond but continued to press against the officers and the truck, hurling epithets and threatening violence. At least one Bundy supporter picked up a rock as if to throw it when a BLM officer grabbed his arm, forcing him to drop it.

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When officers attempted to move the ATV, Ammon lunged toward them, kicking one of the K-9 dogs accompanying the officers, causing them to deploy their tasers on Ammon, hurling him back into the crowd, the Followers quickly assisting in pulling the probes out of him. Ammon was undeterred. When another officer attempted to climb onto the ATV to back it out of the way, Ammon lunged again, grabbing the officer's arm, prompting another tasing and enabling the officers to remove the ATV and get the truck rolling out of harm's way.



Once the truck was safely on its way, the BLM officers disengaged from the crowd and returned to the Impound Site, not arresting anyone.

For most of the riot he helped to initiate, Santilli stood among the crowd recording the officers as they attempted to control the crowd and unblock the convoy. Acting as if he were standing in a Wal-Mart instead of the middle of a riot, Santilli, knowing that he was recording his own voice, repeatedly asked (no one in particular) if he could “speak with a supervisor” while the officers were busy, trying to extricate the truck (and the civilians inside) from the rioting crowd. After the

officers left the scene, Santilli video “interviewed” Followers in the crowd who recounted the events from their self-serving perspective.

4. Santilli Posts His Video to Social Media – Casts the BLM Officers in a False Light – Uses False Light to Incite Others by a Call-to-Arms – Threatens Force and Violence.

Following the ambush, Santilli posted his videos of the riot to his YouTube channel under the tagline: BUNDY STANDOFF! BUNDY RANCH PROTESTORS TASERED BY FEDERAL AGENTS AND ATTACKED BY K9'S. Casting BLM in a false light, Santilli's post omitted any images or commentary relating to the fact that Santilli led the crowd to the convoy, that a rioter attempted to throw a rock at BLM officers, that Ammon Bundy drove an ATV into the lead vehicle to stop the convoy or that Ammon Bundy grabbed an officer's arm when he was tased.

Instead, the video featured Santilli's voice asking to speak with a supervisor while showing images of the BLM officers as they tried to push back the crowd from the captive truck, their tasers raised and pointed at the crowd for that purpose. The video also included many self-serving statements of Followers who decried the officers' supposed excessive use of force and abuse of power. The video quickly went viral. According to Santilli's website, the video was viewed over 1,650,000 times.

Santilli's video was also re-posted by other like-minded bloggers. During an appearance on Adam Kokesh's blog show, Santilli admitted that he interfered with the convoy, claiming that he was attempting to conduct an “investigation” into whether BLM was killing cattle.

During this interview, Santilli falsely stated that officers had AR-15's pointed at him. Referencing his self-edited video as "evidence" of BLM abuses and claiming BLM was a "rogue agency acting unconstitutionally," Santilli made another threat of violence and issued another call-to-arms, inciting members of militia/gunmen to come to Bunkerville to get the BLM to leave:

we need to disperse [the BLM] with tens of thousands. . . we want BLM to always retreat because we will always outnumber them. . . we can win with numbers . . . I've got people coming from Michigan . . . militia members who are fully armed are here . . . get out here . . . this is going to be exciting. . . ultimately get the feds to leave.

The Kokesh interview received over 51,000 views.

5. April 10: Santilli Demands Release of Bundy's Cattle – Threatens He Is Going to Arrest the County Sheriff – Santilli Claims He Is a Citizen Law Enforcement Officer – Issues Another Call-to-Arms.

On April 10, BLM was conducting impoundment operations in Overton, Nevada, about 25 miles from Bundy Ranch, when Santilli went to the area with an individual he identified as "Lt. Col. Roy Potter." Encountering a BLM Ranger who was performing outer-ring security for the operation, Santilli demanded that the BLM release the impounded cattle and claimed that he was going to arrest Clark County Sheriff Doug Gillispie for failing to do his constitutional duty to expel BLM from the area. Following this encounter, Santilli called the Southern Nevada District Office of the BLM. Speaking with a representative of that office, Santilli threatened that "they [the BLM] were on notice" and "they had an hour to remove their equipment."

Later, Santilli returned to Post 1 of the Impoundment Site where he asked to meet again with the SAC. Although at times he feigned writing in a notebook as if taking a statement, Santilli never stated the object of the meeting. But whatever its purpose from Santilli's perspective, Love used it as an opportunity to warn him against interfering with the impoundment operation in the future. Referring to the April 9 ambush, Love told Santilli that if he interfered again with impoundment operations, he would face criminal charges for impeding a federal officer.

Santilli feigned surprise at this, and, while admitting that "he crossed the line a bit," he claimed that he stopped the convoy while "acting in a law enforcement capacity, calling for an investigation," that he "had a reasonable suspicion that a crime was being committed [by the BLM]" and he "stopped the convoy to call for an investigation." Serving his own ends, Santilli explained to Love that when he "is out in the field, [he is in] a media capacity" but in the case of April 9, he was a "citizen, acting in a law enforcement capacity." As the meeting broke up, Santilli said to Love: "This needs to end well. There are a lot of people out there."

Following this meeting with Love, Santilli appeared on Gary Franchi's blog talk show under the tagline: "BREAKING: MILITIA ARRIVES AT BUNDY RANCH," During this appearance, Santilli told Franchi's listeners (falsely) that BLM officers had pointed firearms at him on April 9, stating – as he had with Love – that he (Santilli) was acting in a law enforcement capacity when he stopped the convoy. He also told listeners that BLM had "strike teams" and contracted with

“corporate mercenaries” like Blackwater to work as their “goons” to violate the civil and constitutional rights of the people.

Making more threats of violence and calling on more gunmen to come to Bundy Ranch, Santilli issued another call-to-arms, stating among other things:

There is not enough militia here . . . We have 1000’s of very organized constitutional militia . . . they are trickling in . . . We have about 50 members here now . . . where we will fail is for us not to match the BLM force . . . BLM has contract mercenaries out here. . . WE need a show of force . . . BLM needs to vacate immediately . . . if we do not get out here and show force then we’ll surrender our rights and they will have free range. . . “

According to Franchi’s website, this video received over 530,000 views.

6. April 11: Santilli Conducts Surveillance of Hotels – Threatens the SAC with Arrest and Violence – Issues Ultimatum to SAC Love.

Shortly after midnight on April 11, a BLM Ranger observed Santilli driving through the parking lot at the hotel where BLM officers and employees were staying, shining a light on BLM vehicles as if to count them and record their license plate numbers. The Ranger observed Santilli return to the hotel at 5:30 a.m., video recording the BLM vehicles in the parking lot. At one point, Santilli left his car and went into the hotel where he asked the receptionist how many BLM employees were staying at the hotel and how long they intended to stay.

At 7:21 a.m., Santilli returned to Post 1 where he met with SAC Love and delivered an ultimatum, Santilli secretly recording the encounter and later posting it to his channel.

Santilli began the meeting by asking the SAC for the location of the impounded cattle. When Love refused to tell him, Santilli responded, “here’s the direction we’re going,” and proceeded to threaten the SAC with the coming assault, telling him, among other things, as follows:

We are going to have a face-to-face confrontation . . . tell D.C. Justice this is non-negotiable. . . we are going to come here and that is non-negotiable. . . if you make the decision to go face-to-face and someone gets hurt, we are going to hold you [Love] responsible. . . tell D.C. that the justification for this comes from a corrupt court system. . . I’m relaying a message . . . if anyone is acting unconstitutionally they will be arrested . . . You can turn your back. . . I came here to allow you to prevent a scenario where someone gets hurt . . . do you know how dangerous it is to run around with a gun and badge with what you just told me . . . that you actually believe you have the constitution behind you – I’m very concerned.

7. April 12: Participation in the Assault and Extortion.

Video images captured at the Staging Area shows Santilli near the stage at the time Bundy presented his ultimatum to Sheriff Gillespie, live streaming the events to his audience (around 9:40 a.m.). The investigation obtained a recording of the live stream which captures sounds and images of Santilli aiding Bundy in inciting the crowd to action:

- When Gillespie told the Rally that BLM halted the impoundment and would be “removing their assets,” Santilli cheered and yelled: “Oh God! Ladies and Gentlemen this is history!”
- When the Sheriff completed his remarks, Santilli yelled from the crowd: “Where’s the cattle! Where’s the cattle! Set them free!”
- When Cliven addressed the Sheriff and gave him one hour to accomplish his demands/ultimatum, Santilli shouted in the crowd: “Do your job Sheriff! Be constitutional!! We don’t need the federal

government. We can protect ourselves. Be constitutional! Yes sir! Yes Sir! Be constitutional Sheriff. Follow the constitution. One hour! One hour!”

After the Sheriff left the stage and the crowd waited for the appointed hour to lapse, Santilli continued to stream as he moved through the crowd. On the captured recording, Santilli can be heard continuing to incite, telling his listeners and well as those gathered at the Rally:

You are watching history . . . This is how the people run the joint . . . We the People run this land . . . God gave us this land and we're going to friggin' keep it . . . the federal government doesn't need AR's. They should be filling potholes. . . we must stand up and take this land back . . . we want them to get their cattle back . . . you (referencing the federal government) return those cattle back right now . . . we want the cattle back . . . those are our demands and that is nonfriggin negotiable.

At 10:55 a.m., shortly before Cliven Bundy gave the command to get his cattle, Santilli placed a 9-1-1 call, claiming that he had an emergency and needed to speak with the Sheriff. During the call, Santilli continued to propagate Bundy's message and demands:

I need the Sheriff, Sheriff Gillespie to report back to the podium where he was to return within one hour. We have not heard from him. I'm on Riverside road. He knows where we are at. By the sign that says "We the People." My name is Pete Santilli and this is a national security emergency. 760-686-6403 The Sheriff has been given a demand to deliver arms here. He must either get here or send a representative with a report. Mr. Cliven Bundy has requested that the Sheriff respond. Can we get the Sheriff here so we can communicate with him? We need the Sheriff here. I need to speak with the Sheriff. We have a lot of people here demanding to see the Sheriff.

A video taken on the Impoundment Site during the assault captures Santilli's image while he was standing on the utility road between the NB-15 and SB-15 lanes, across from Post 1, at 11:42 a.m., the same time as other Followers were arriving at the Site. A NHP dashcam recording captured an image of him walking toward the NB-15 Bridge at 11:55 a.m., about the time the Horse People entered the wash. Another image from the same dashcam shows him again on the utility road between the NB-15 and SB-15 at 12:14 p.m., about the time SAC Love went to Post 2. Finally, another image from a video places Santilli in the wash around 2:30 p.m. after Bundy's Followers released the cattle. In this image, Santilli appeared to be recording his conversation with Bundy Followers. In all of these images, Santilli is seen carrying a pole with his iPad mounted on top, appearing to be recording sounds and images.

E. Santilli's Post-Assault Conduct

In the days and weeks following the assault, Santilli made numerous admissions demonstrating that he shared the same intent and purpose as the other Bundy Followers who assaulted at the wash:

On April 12, in a video posted shortly after the assault on Adam Kokesh's blog, entitled "BUNDY RANCH: RESOLUTION OR STRATEGIC DE-ESCALATION?" Santilli stated, among other things:

[W]e were prepared to die in this effort....there were fingers on triggers on both sides . . . Bundy told the Sheriff you are accountable to the people . . .you have one hour to deliver all the AR-15s to the people. . . never heard from the Sheriff again . . . Bundy said get the cattle. . . we the people shutdown the north and south bound 15 freeway. . .we were

joined by thousands on the freeway. . . we told them to stand down . . . after the tense gun to gun standoff the BLM announced that they were standing down . . . if one person pulled the trigger it would have been a disaster and a lot of people would have died. . .we totally outnumbered them. . .crowd safety issue and they had to stand down. . .would have been loss of life. . .we are going to enjoy the success and use as a model for what the American public can do. . . very tense moment backed up by credible threat by the Second Amendment. . . something happened with Waco. . . FBI and DHS may be coming back to retaliate.

This video has received over 6,000 views.

In another video posted April 14 by Adam Kokesh, entitled “LIVE FROM BUNDY RANCH, MILITIA VS FEDS STANDOFF EXPLAINED WITH PETE SANTILLI,” Santilli stated, among other things:

We shut down the 15 freeway . . . local law enforcement was there for traffic and crowd control only . . . I advised the BLM we were coming . . . the horses met with tyranny face-to-face . . . there were men, women and children on the front lines . . . we were literally gun-to-gun with the militia pre-positioned to protect the protestors . . . women had volunteered to go in the front to the gate . . . my man was on the top of the SB bridge and took photos of agents dressed for war and prepared to go to war against the American people . . . those federal government goons prepared to go to war . . . muzzles were pointed and safeties were off . . . the federal government had weapons pointed at us . . . they were in a position to get slaughtered . . . we were one trigger pull from a Bundy Ranch massacre . . . both sides were guilty in that confrontation . . . to the credit of the militia, they were there to protect the protestors . . . this is a model about how important it is to have a militia behind a constitutional lawful group of citizens.

This video has received over 15,000 views.

In a video posted April 15, 2014, entitled “PETE SANTILLI EPISODE 682 – REVIEW BUNDY’S REBELLION,” Santilli interviewed Ryan Payne about the role of militia at Bundy Ranch. During the interview, Payne stated:

I appreciate your commendation sir. . . many people out here responded to the call that we made and the Bundy's made to get as many people here as possible to . . .I commend you as well. . .the character you displayed is noteworthy as well. . .you placed yourself in the line of fire right with us. . . .

Later in the same show, Santilli called for more support of Bundy:

I asked the Bundy family where I should focus my efforts . . . they told me we need to help other ranchers—state sovereignty . . .We will continue the fight day and night. . .we are not stopping. . . we are going to take the momentum and success that “We the People” had. . . we will serve in the following role . . .we want you to tune in and respond to the call just as you did in Bundy Ranch. . . I have been looking for a leader and this man, this family embodies everything I believe in . . . we were one of the first media on the scene. . .(referencing April 9) the people came to me saying they are killing the cattle. . .I saw it in their eyes to stop them. . .that's why we stopped them. . . when you saw that you responded to the call and came out and I thank you. . . let's not stop there.

In a video posted April 16, 2014, entitled “Jeff Rense Interview With Cliven Bundy and Pete Santilli,” Santilli admits his interference with law enforcement actions and claims it is time to disarm federal authorities. This video has received over 1,000 views.

In a video posted on April 24, 2014, entitled: “Hey Look! It's Pete Santilli at the Bundy Ranch,” Santilli and Payne appear together and discuss a future case where militia assistance will be requested. In the video, Santilli stated that all federal government agencies are unconstitutional.

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1. Santilli Continues to Threaten Force and Violence – Refers to Bundy Ranch as a “Credible Threat of Second Amendment.”

In a video posted October 29, 2014, entitled “Pete Santilli Show - Episode #827 - Cliven Bundy Supporters Openly Warn Feds to Stand Down,” Santilli calls for militia support at Bundy Ranch to prevent any law enforcement action against Bundy:

The federal government is retaliating against the Bundy Ranch. . .the federal government is unconstitutionally seizing land. . .we will need militia members from all over the country. . .we know what happened the last time. . .we the people kicked the federal government out. . .We are going to need every gun that’s available in the United States to stand on that sacred ground and defend it as if our lives depended on it . . . stand and fight and be prepared.”

In a video posted December 1, 2015, entitled “Pete Santilli Show - Episode #1115 – the Secrets of our Enslavement,” Santilli states:

Bundy Ranch should have never been an armed rebellion. I personally . . . made an appearance in front of a federal government to stop a convoy coming out of the field with the BLM that had place locked down in a virtual state of martial law. They had a court order, quote unquote. We went to that convoy that was coming out of the hills on April 9, 2014. We wanted to stop them and call the Sherriff’s Department to come and investigate whether or not they were killing cattle, destroying infrastructure, and violating the law outside of a court order. . . . I picked up the phone and I called law enforcement. I called 911. Nobody came. . . . All of you f***s are deferring to the federal government which has become tyrannical, despotic, and has literally put the lives of the American public in jeopardy for the purposes of grabbing land.”

On November 24, 2015, in a YouTube video titled “The Pete Santilli Show #1110, Ranchers Threatened - Shut Up or Go to Prison Early,” Santilli speaks with

someone he refers to as “Lieutenant Colonel Roy Potter” as a call in guest on the show. Santilli states to Potter:

You were a witness, and stood with me, (at the standoff in Bunkerville, NV), in front of Daniel P. Love, what was our message to him? Stand down. When peaceful people come to you, women, children, family members un-armed, come to the gate, and by the way, it is non-negotiable. We’re gonna ask for the cattle back, for you to leave, and free up the land and it is non-negotiable”. The US constitution is non-negotiable. It will be backed up. The peaceful people will be backed up by a credible threat of 2nd Amendment.

In a video entitled “Bundy Ranch: Resolution or Strategic De-escalation?” published by user “The Next News Network” on 04/12/2014, Santilli, referencing Bundy Ranch said (at approximately 1:40):

we were backed up with the credible threat of second amendment. We were prepared to die in this effort, and I’m telling you, we have footage that you’re going to be seeing here in the coming days that is so remarkable. There were fingers on the trigger on both sides. The BLM at us, and us at the BLM.

F. Post-4/12 Crimes – Current Threat.

Santilli continues to commit crimes using his blog and is a current threat to law enforcement officers. For example, Santilli is obsessed with the SAC of the Impoundment Operation and continues to threaten him on his blog site. As late as November of this year, Santilli called the SAC during a blog show and left a voice message threatening violence “like Bundy Ranch” in the event he were to act unconstitutionally in the future. In a November 2014 voicemail message, Santilli, referencing BLM land management actions, said that he would meet with Love in the “dirt” and “we the people will secure the dirt and literally send you packing

again . . . it will be backed up by a credible Second Amendment . . . in the same exact fashion we did to you the last time . . . I wanted to put you on notice . . . we are prepared to die if you ever touch any one of the Bundys that's a bad, bad scenario . . . stand down . . . if you have a family you just need to say I need to do what's right for my family." He has also referred to the SAC on his blog show as "Public Enemy Number 1."

Earlier in 2015, Santilli attempted to incite others to arrest Senator John McCain in what he dubbed: Operation Detain McCain. In that effort, he devoted numerous programs advocating for militia to support the effort to arrest Senator McCain for acting unconstitutionally. Santilli traveled to Phoenix, Arizona, rallied with others, including several people who are targets in the Bundy investigation, and called the police in an effort to arrest Senator McCain.

More recently, Santilli had called for the federal government to drop its prosecution of the Hammonds in the District of Oregon. Two members of the Hammond family were resentenced to five-year mandatory minimum sentences for arson on BLM managed lands and reported to prison in January 2016. Emboldened by Bundy Ranch, Ammon Bundy, Ryan Payne, and Santilli demanded that the local sheriff stop the federal government from taking the Hammonds or else they would replace the sheriff and assume his duties.

When the Hammonds reported to BOP, Ammon Bundy and other Bundy Ranch conspirators took over the Malheur Wildlife Refuge. Santilli attempted to assume the role of recruiter during the armed takeover of the MNWR, using his

blog show to call for the militia to respond to Oregon – using yet again his call for a “a credible threat of the Second Amendment:”

And those peaceful people (referring to the Bundy Ranch Followers) were backed up by a very credible threat of second amendment because we had weapons of war pointed at us. Okay? Do I advocate that same exact scenario as what happened at Bundy Ranch? Absolutely. I do in every single instance.

YouTube video titled "NOTICE: Burns Oregon Will Be Historic" streamed live by The Pete Santilli Show on December 31, 2015 at 23:45.

Santilli has made numerous veiled threats against the AUSA who prosecuted the Hammonds, vilifying him on his shows: “AUSA ____ is an f’n treasonous bastard working for an enemy which is the United States. This is not a conspiracy theory. That Agenda 21 land grab is happening in your county and you need to stop it. And it’s happening through [the AUSA.]” Santilli warned the AUSA: “If you were unconstitutional we are going to squeeze your balls. We will make every step null and void. The U.S. Constitution is non-negotiable. Just like I told (The SAC of the Impoundment).”

On December 6, 2015, a target of the Bundy Ranch investigation was arrested on unrelated firearms charges in the Western District of Washington. Santilli, and numerous other Bundy ranch targets, believed the arrest was related to Bundy Ranch. On his December 9, 2015 show, Santilli ranted that he was going to use guns to defend himself; that the United States Marshals are unconstitutional, and that the “Feds are a bunch of pussies and I will take care of your families for you.” Santilli stated, “Come try and take my guns, I dare you!”

Santilli then warned federal agents that he would shoot anyone who came through his door at 4:00 in the morning. Santilli also warned that “if you are with the Feds and you are coming after us, you are causing an armed rebellion that has been set off. We will defend ourselves and it will be a bloody massacre. The FBI does not have enough people to go up against tens of millions constitutional firearm owners.”

On March 3, 2016, twelve of Santilli’s co-defendants were arrested in connection with the Superseding Indictment.

II. ARGUMENT

The Bail Reform Act provides that a judicial officer shall detain a defendant pending trial where “no conditions or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(e). Detention is appropriate where a defendant poses either a danger to the community or a risk of non-appearance and it is not necessary to prove both. *See United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985). The Government must establish by clear and convincing evidence that the defendant presents a danger to the community and by a preponderance of the evidence that the defendant is a risk of non-appearance. *Id.*

In determining whether pretrial detention is appropriate, Section 3142 provides four factors for the Court to consider: (1) the nature and circumstances of the offense charged, including whether the offense charged is a crime of violence; (2) the weight of the evidence against the defendant; (3) the history and characteristics of the defendant; and (4) the nature and seriousness of the danger posed by the

defendant's release. *United States v. Townsend*, 897 F.2d 989, 994 (9th Cir. 1990); 18 U.S.C. § 3142(g).

Where, as here, there is probable cause to believe that the defendant has committed an offense under Title 18, United States Code, Section 924(c), the court shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community. 18 U.S.C. § 3142(e)(3)(B).

At the detention hearing, the Court may properly rely upon a proffer by counsel in determining a defendant's danger to the community or risk of flight. *See United States v. Winsor*, 785 F.2d 755, 756 (9th Cir. 1986) (“[T]he government may proceed in a detention hearing by proffer or hearsay.”)

A. The Offenses Charged are Based on the Defendant's On-Going Defiance of Federal Court Orders and Include Crimes of Violence.

Crimes of violence for purposes of the Bail Reform Act include any offense that has as “an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another,” and is a felony that “by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.” See 18 U.S.C. § 3156(a)(4)(A). Here, eight of the Counts contained in the Superseding Indictment against Santilli are crimes of violence: assault on a federal officer with a firearm and deadly weapon; threats against a law enforcement officer; extortion

by force and violence; Section 924(c) counts as to each; and conspiracy to commit same.

Santilli's charges are grounded not only in violence and his lawless acts, but also in his continued refusal to abide by federal court orders and other laws.

Santilli's rhetoric and his conduct relating to these charges make clear that he has not changed his mind about the BLM or the federal government. As demonstrated above, Santilli continues to threaten force and violence against law enforcement officers. The assault and extortion of April 12 shows that his threats are real and that he is fully capable of carrying them out.

Santilli is in full accord with Bundy's declared personal war against the BLM and the federal government and there has been no evidence adduced during this massive investigation to suggest that Santilli has changed his mind about any of that. The evidence recounted above shows that Santilli continues to threaten use of a "credible Second Amendment" which, as demonstrated by the assault, means guns.

His threats of force and violence and past use of force have, to date, prevented law enforcement officers from carrying out the court orders to remove Bundy's cattle from the public lands and kept them from patrolling and enforcing the laws and regulations pertaining to the large swath of public lands known as the Bunkerville Allotment.

If Santilli is released he will resume his war against the BLM and use threats and call to arms to advance Bundy's goal of preventing any law enforcement

presence on the Bunkerville Allotment and prevent any law enforcement action against Bundy and his co-conspirators.

Thus, there are no conditions or combination of conditions that any federal court could impose to protect the community from his lawless activity, whether that community is comprised of the citizens using the public lands or federal law enforcement officers and civilian employees attempting to manage the resources and enforce the laws. All are subject to SANTILLI's threats of violence.

B. Substantial Evidence Exists Establishing the Defendant's Guilt.

In the immediate aftermath of the April 12 assault, federal law enforcement officers were forced to abandon the impoundment site, precluding them from conducting an immediate investigation. Out of safety concerns and the need to deescalate the violence and restore order, the remaining local law enforcement officers – who themselves were outnumbered by Bundy's Followers – allowed the gunmen and the conspirators simply to leave the site without making any arrests, conducting any interviews, taking any statements, or obtaining any identification of the gunmen and other assaulters.

Absent contemporaneous arrests and identifications, the investigation became purely historical in nature. The presence of many gunmen in and near the area of Bundy Ranch, the armed checkpoints and patrols, the presence of assault weapons in the militia camps, including (by some accounts) a .50 caliber machinegun, further increased the difficulty of conducting a physical investigation of Bundy Ranch or the impoundment site.

All of that said and despite those obstacles, the investigation began the day after the assault and continues to this day, identifying the assaulters, where they came from, how they got to Nevada, their connections to Bundy and others and their role in the assault and the aftermath.

To date, the government has conducted hundreds of witness interviews; executed dozens of search warrants; reviewed, organized and analyzed hundreds of thousands of pages of documents (mostly from social media); reviewed, organized and analyzed thousands of pages of telephone records; and organized, reviewed and analyzed hundreds of hours of audio and video recordings.

As shown above, Santilli's words and images are captured on video and audio recordings recruiting gunmen, inciting and encouraging them to travel to Nevada to commit crimes. The evidence overwhelmingly establishes that Santilli was part of the organizing nucleus of the conspiracy and, without him, Bundy could not have mustered the guns necessary for him extort the cattle from the BLM.

Santilli's criminal intent is demonstrated in many ways, but it can be summed up as early as April 6, when Santilli told Blaine Cooper that he intended to "drum up support" for Bundy and shortly thereafter interviewed Bundy on his blog where he made his first appeal for people to bring guns to Bundy Ranch to confront the BLM. Thereafter, Santilli operated non-stop as Bundy's shill and chief propagandist, using his knowledge of blogging to encourage, counsel and incite others to travel to Nevada with guns to confront the BLM with violence.

That Santilli knew one of the objects of the conspiracy was to interfere and impede federal law enforcement officers by force and violence is demonstrated by: traveling to Bundy Ranch on April 9 and meeting with SAC Love to tell him that he was a liaison for the militia; leading the April 9 ambush of the convoy; using his Internet persona to make appeals to others to come to Bundy Ranch for the purpose of using force to confront law enforcement officers with force; delivering an ultimatum to SAC Love on April 11, telling Love that he would be arrested if he did not surrender; and encouraging and inciting others at the Staging Area on April 12 to get Bundy's cattle.

C. The Defendant's History and Characteristics Demonstrate the Danger and Risk of Non-Appearance He Poses.

Santilli's threats and his conduct relating to these charges make clear that he has not changed his mind about the BLM or the federal government. As demonstrated above, Santilli believes that use of force is justified when he determines that law enforcement officers are acting "rogue" or "unconstitutionally." He believes that the BLM is engaged in a land grab pursuant to a supposed "Agenda 21" protocol.

He has a significant following of similarly likeminded individuals who listen to him and follow his exhortations to violence. Indicative of the mindset of Santilli's co-conspirators is the video posted by Todd Engle -- one of the gunmen on the bridge -- shortly before his arrest on March 3, 2016 in connection with the conspiracy and

other charges in the Superseding Indictment. In the video, posted on a so-called Patriot network website, Engel stated:

Hey everybody, Todd Engel here. Um, this morning's been a bad morning for everybody, they have uh arrested Jerry Delemus another gentleman, that I don't know, and they've arrested Eric Parker this morning, and another gentlemen.

The feds, are making a purge today. Um, this is the night of the long knives in which they're trying to cut the head off the resistance. Um, all of you that know me, you know that I was involved in the Bundy Ranch, but in a way that, I was there to, try to assure that there wasn't violence. Same with the Malheur refuge, I went there to try to talk those folks out of there. And let them know that none of us agreed with it. But the feds now are arresting everybody that was involved at the Bundy ranch, and uh obviously I have some extreme concerns. I need a lot of prayers today, and in the coming days ahead if I can get through um today. They are, they pulled Eric Parker over in a vehicle stop, and took him down, we don't know any more than that. They uh went to Jerry Delemus house back east and twenty agents went into his house, and in full tactical gear, and took him down. Um, we do not know who else they're going after today, but everybody that has been involved in this keep on your toes. Um, I've talked to a lot of people today and they're getting ready to fight if they come for them. So, there may be gun battles ensuing today between patriots and the feds. So everybody stay on your toes. And we really need a lot of prayers here. Um, if they get away with this, they have in essence cut the head off the resistance. They wanna see no more resistance from us, um in their tyrannical efforts to annihilate ranchers and miners and farmers, uh, this is another moment in which we're at the turning point for the resistance, just like we were during the Oklahoma City bombing, where uh that was perpetrated to chill the militia and chill the resistance.

So obviously I'm extremely concerned today and uh for the next few days, and next few weeks. So we need a lot of prayers people, these are uh bad days this has been a really really really bad day for everybody. These tyrants are now arresting people for standing up against them. So pray for me ok, pray for all of us that are in jeopardy.

Um, I'm out traveling today I'll try to keep in contact with everybody via Facebook and uh some alert systems that we've set up on our

phones. But uh keep up to speed on what we're doing and just like I said just pray, were all very concerned today, so , thank you.

Shortly after posting this video, Engel was arrested in connection with the Superseding Indictment. At the time of his arrest, he was carrying with him a 9mm Baretta and an M-4 assault rifle.

Engel has admitted to law enforcement officers that he was inspired to go to Bundy Ranch, in part, after watching Santilli's video of the April 9 ambush of the convoy. These are the type of people who follow Santilli and went to Bundy Ranch with guns.

Many of the gunmen like Engel are still at large. Some of them have yet to be identified by law enforcement. Santilli is capable of mustering these gunmen again when law enforcement actions are taken against them and other perpetrators of the assault and extortion. He is capable of mustering their support again in the event impoundment or forfeiture actions against the cattle are resumed or initiated.

Further, there simply is no indication in any of the evidence that an Order for less restrictive conditions from this Court will get Santilli to do what three previous Courts could not: follow federal law. He doesn't recognize federal law and has said so repeatedly. He doesn't follow federal law or federal court orders and has demonstrated that repeatedly. He was fully aware that Bundy's cattle were being seized pursuant to a federal court order. He considers such orders to be corrupt and has said so – because of his beliefs there is no assurance that Santilli will in the

least adhere to pretrial restrictions contained in yet another court order, which restrictions will no doubt include that he comply with and follow all federal laws.

D. Defendant Poses a Significant Danger to the Community.

The Defendant's conduct in April, 2014, risked hundreds of people's lives – he incited and directed approximately four hundred people to travel to the BLM impoundment site to face off with federal law enforcement officers. But for the courageous restraint of these officers, this violent assault would likely have met with violent and deadly ends.

E. Only Pretrial Detention Will Reasonably Assure the Safety of Others and the Community and the Defendant's Future Appearance.

A presumption applies that the Defendant shall be detained and the Defendant cannot overcome that presumption. The charges, the evidence, the defendant's history and the danger posed establish that there are no conditions or combination of conditions that can address these risks. As already discussed, any terms of release would have to include Santilli's adherence to all laws. He has demonstrated and stated that he will not follow federal court orders.

Even the most stringent of conditions are insufficient to assure the safety of the community or the appearance of the Defendant given that ultimately, they must rely on the Defendant's good faith compliance. *See United States v. Hir*, 517 F.3d 1081, 1092 (9th Cir. 2008) (Noting that although the defendant and pretrial services proposed "strict" conditions, "they contain[ed] one critical flaw. In order to be effective, they depend on [the defendant's] good faith compliance."); *see also Tortora*,

922 F.2d 880, 886 (1st Cir. 1990) (concluding that an extensive set of release conditions contained “an Achilles’ heel . . . virtually all of them hinge[d] on the defendant's good faith compliance”). In *Tortora*, an alleged member of a prominent mafia family stood trial for crimes under the racketing and organized crime statute. The First Circuit considered the elaborate conditions proposed that would restrict any communications with the defendant’s cohorts. Ultimately, the court rejected those conditions, recognizing that “the conditions as a whole are flawed in that their success depends largely on the defendant’s good faith-or lack of it. They can be too easily circumvented or manipulated.” *Tortora*, 922 F.2d at 886.

Such considerations are doubly present here, given that the Defendant’s crimes in this case are rooted in his recruiting of persons to defy federal court orders and that his commitment to flouting federal authority has been maintained in word and deed through the present.

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III. CONCLUSION

For the reasons stated herein, the Defendant is a danger to the community and a poses a risk of non-appearance and that no conditions or combination of conditions will reasonably assure the safety of others or his appearance at future proceedings. Accordingly, the government respectfully requests that the Court order the Defendant detained pending trial.

DATED this 4th day of March 2016.

Respectfully Submitted,

BILLY J. WILLIAMS
United States Attorney
District of Oregon

s/Charles F. Gorder, Jr.
CHARLES F. GORDER, JR.
Assistant United States Attorney

DANIEL G. BOGDEN
United States Attorney
District of Nevada

s/Steven W. Myhre
STEVEN W. MYHRE
NICHOLAS D. DICKINSON
Assistant United States Attorneys
NADIA J. AHMED
ERIN M. CREEGAN
Special Assistant U.S. Attorneys