

that Movant's Second Amendment movement and rallies and his voter registration success was a threat to their overall goals. They then ran numerous attempts to entice Movant to commit crimes. These undercover agents repeatedly told their FBI handlers Movant was not willing to possess illegal weapons, or commit acts of violence for over 2 years and through at least 3 operatives. AUSA Bottini continued to insert less & less credible/ethical undercover operatives who were willing to do anything to threaten, scare, induce Movant to commit illegalities. Operatives who would lie, steal, and violate laws. AUSA Joseph Bottini's prosecutorial philosophy that the "ends justify any means" is seen throughout the Polar Pen Sting Operation against Movant, just as it was against Senator Ted Stevens, Victor Kohring, Peter Kott, and Bruce Weyhrauch. The multiple and escalating attempts at Movant are as follows:

-- ATTEMPT 1, Simple Offer --

Movant believes the first Polar Pen undercover effort was when he was approached by a man named Criss Minino who bragged of the sophisticated weaponry he possessed, including explosives. Mr. Minino voiced his support for Movant's campaign and made modest donations. Mr. Minino later offered to supply Movant with high explosives "to kick some shit off," at which point Movant distanced himself from MR. Minino. After trial, Mr. Minino was found to have been an informant, though the "Polar Pen" prosecutors refused to make formal disclosure or supply additional discovery regarding Mr. Minino.

-- ATTEMPT 2, Monetary Incentive --

After Minino, a man named Aaron Bennett came on the scene. Bennett represented himself as the leader of a large Militia with lots of money and the ability to raise a lot more, which he did. Bennett hosted multiple fundraisers and donated thousands of dollars to support Movant's rallies and campaigning. Bennett also started giving Movant expensive gifts on a regular basis including: rifle scopes, smoke canisters, outdoor clothing and equipment, winter survival gear, body armor, 37mm flare launchers and smoke fuses for practice grenades. Most of the time Movant would turn around and

sell these gifts and just keep the money.

Bennett convinced Movant that the best way to increase donations was to start a Militia. Seeing that Bennett had what appeared to be an almost unlimited ability to raise money, Movant tried to organize a Militia of his own.

Movant now reasonably believes that ATF, Fairbanks Police, and other state and federal actors used surplus shops/gun shops in Alaska as undercover listening posts to gather information on conservative or constitutional rights groups. For example, "Far North Tactical" was run by Aaron Bennett, who the government refused to disclose as an informant but merely stated that they "could neither confirm nor deny" his involvement.

Aaron Bennett was perfectly positioned to infiltrate militia, sovereign citizen movements, Tea Party conservative, 2nd Amendment/Constitutional Rights movements, and probably still is. This explains the government attorneys refusal to confirm or deny whether or not he is their informant. Bennett approached Movant making offers to provide illegal weapons and "gave" Movant, without cost, body armor, smokefuses, dummy grenade shells, Hornet Nest cannisters, 37mm flare guns, as well as donations to Movant's political causes.

Bennett was aggressive in urging Movant to abandon his passive non-violent political 2nd Amendment approaches to change and instead use offensive violent type tactics or force. Aaron Bennett told Movant to "Lead of Bleed," that if he wasn't going to attack the government, Bennett would kill Movant and blame it on the federal government to incite Movant's supporters to "rise up." Movant began to distance himself from Bennett and warned others to do so as well.

While Movant was able to draw thousands of people to political rallies, organizing them into a viable Militia turned out to be impossible and it certainly was not a gold mine of donations as promised. By June 2010, the actual Militia part was defunct and nothing more than a failed experiment. The FBI noted this:

(Sentencing Memorandum, page 24)

From: Espelandr Derek D.
Sent: Monday, June 14, 2010 8:10 PM
To: Locascio Lisa A.; Kleinr Sandra L.; Milner Bruce W.;
Johnsonr Sam L.
Subject: Re: SC-Fairbanks
... SC has gone from a cadre of 24 down to 2 (Him and his #2r Les Derby).

Over time, Bennett became very pushy and insisted that violent acts against government officials were needed. When Movant wouldn't go along with this thinking, Bennett started making subtle threats to harm Movant. Movant subsequently avoided Bennett and advised others to do the same. After trial, Bennett was found to have been an informant, though the "Polar Pen" prosecutors refused to make formal disclosure or supply additional discovery, despite the fact he was allowed to testify at trial.

(Sentencing Memorandum, page 17 referencing FBI's covert recordings) ...in another portion that was not included in government Ex. 14, at p. 152-153 (the Government Ex. 14 jumped from p. 120-155) Mr. Cox stated:

But then I'm not - he's [Aaron Bennett] constantly pushing me, "you've got to just fight and start the killing," you know, "and figure it out later," you know, and I'm being very temperate and, "no, hold back, let's not be premature," you know, "that's just retaliation, that's just vindictive," you know, "oh, Nelly, whoa, Nelly, pump your brakes," you know?

MR. OLSON: Put the reins on.

MR. COX: And he [Aaron Bennett] gets sick of me [Cox] saying pump your brakes too much and now I think where he's at is he's trying to destroy me because I'm a cork in a bottleneck. (Feb. 12 2011 pp 152-153)

Morning of February 19th

Audio File No. 021911-CHS-COX-VERNON-BARNEY 08.58.16 (19.02.11)
1:22:33°

KEN: What about Lonnie you told me a couple of days ago when you said that Aaron (FBI) was.

LONNIE: He's going to kill all of us, ya. We're all fucking dead, we're all fucking dead.

KAREN: That was his exact words.

KEN: And that was ah?

LONNIE: And you got to see a taste of it down there too.

J.R. (FBI): Oh ya.

LONNIE: Last weekend.

KEN: But that was real recent like the last time you (inaudible)?

KAREN: It was before that. It was the weekend before that. Because when Lonnie and Aaron (FBI) went to the summit.

(Ken gets ready to leave. He offers a prayer of protection)

1:54:36°

KEN: Yahweh, I just pray for the complete protection we need right now. Help us remain in honor before you. Because of your promises, if we do not engage in iniquity and lawlessness, that you would feed us. And to just not engage in the evil, that of the evil people that comes against us. And to work evil on us, and to wait on you and that you would take care of it. And we just pray...

1:51:14°

SCHAEFFER: A lot of those folks like Bill (FBI) and Norm, I mean like Bill (FBI) and Aaron (FBI) I think are better to just let lie.

2:36:43°

SCHAEFFER: I think that we just need to have a policy of, of avoiding Aaron (FBI) and his pack, because that is just, that is just a bunch of hedonistic, scrappy, um, directionless brawlers. [These tapes were not played for the jury.]

-- ATTEMPT 3, Threaten Children/Knife to Throat --

After Minino and Bennett, a man named Bill Fulton was inserted into the sting by the FBI and Polar Pen Task Force. Unlike Minino who simply offered the opportunity to commit a crime, or Bennett who used monetary incentives and subtle forms of coercion, Fulton capitalized upon a threat to Movant's family, then resorted to using actual physical violence to try to induce the commission of a crime.

On Feb. 25th 2010 Movant was charged with 1 misdemeanor count of reckless endangerment after an argument that involved his wife and mother-in-law. The following June, the Alaska Office of Child Services showed up at Movant's home and informed Movant that there was a complaint of child neglect. While it is routine for OCS to make a house call after an incident of domestic violence, such child welfare checks take place within hours, or at the most, days, of an incident. Additionally, "reckless endangerment" is specifically a nonviolent offense.

The complaint OCS acted on was a separate complaint made by police that alleged "an unsafe environment" based off of Facebook photos. This allegation was found to be "unsubstantiated" after an investigation by OCS, but not before Bill Fulton incorporated it into his attempted sting.

While Movant and his Wife, through their attorney, were trying to make arrangements for OCS to conduct their inspection without giving up custody of their baby during the pendency of the investigation, Fulton, who Movant had met only once or twice before, drove 350 miles from Anchorage to Fairbanks and requested a meeting with Movant. Movant agreed, but when he arrived with his baby son and his elderly friend, Mr. Zerbe, he was met not only by Fulton but also by Bennett and several other thugs.

The "Polar Pen" prosecutors did not turn over recordings of this meeting but on other recordings Fulton himself describes what happened.

(From Sentencing Memorandum, pp 22-23)

As Fulton told Vernon on February 2, 2011:

MR. FULTON: The only reason I didn't break it off with Schaeffer's group was because of Schaeffer after that thing with Les.

MR. OLSON: Yeah.

MR. VERNON: Yeah.

MR. OLSON: So, it must have been pretty bad -- pretty tense with Les, huh?

MR. FULTON: Oh, I was seriously going to kill him.

MR. OLSON: Is that right?

MR. FULTON: I was going to fucking end his existence on this planet. Yeah, I was not fucking around at all. What happened was -- that was last summer when Schaeffer didn't know which way it was going to go with the cops, whether or not they were going to come try to take his kid. And essentially he said Schaeffer (inaudible) hotel and they were sitting there and they were talking and they said look, this is what's going to happen. And when Les said this is what's going to happen after they'd left I started making (inaudible). I had fucking trucks coming to pick up our appliances and fucking (inaudible), because they said it's go, it's going to happen. So, we had a meeting over at Aaron's shop the next day. We're all standing around and there's people coming in, you know. I mean, I was in, like, 5, 6 grand at the time, and I'm, like, okay if it's going to happen, you know, let's do it.

MR. OLSON: We're ready, yeah.

MR. FULTON: Yeah. And, uh, so we're standing there and Schaeffer's supposed to be there but he had something else to do, so he's like an hour late, so I was drinking some beers, not that I normally drink during the day -- I'm just saying. And the meeting finally starts, and we're talking and he -- look, Les, what is the plan here? We have people in motion. We have things -- events --

MR. OLSON: Happening.

MR. FULTON: -- unfolding. This is your guy's show. What's your plan? And he's, like, well, we don't have a plan. I

just fucking lost it. I literally grabbed a knife, started coming over the counter, and I was, like, I'll fucking slit your throat open (inaudible) you fucking piece of shit. What do you mean you don't have a fucking plan? I was, like, that's all you guys do is fucking plan. What the fuck is your plan? Well, we thought you guys would have one. (emphasis added) 2.4.11 pp 43-45).

[This tape was not played for the jury.]

(From Sentencing Memorandum, pp. 21-22, Trial Testimony of Michael Anderson, May 15/12 Day 6, pp. 36-37)

A: Bill Fulton wants to know, What's the plan? How are we going to do this? And then all of a sudden Les Zerbe pipes up and he says, "There's no plan. We don't have a plan to do this." And Bill Fulton, at that point -- and my memory's a little vague and I -- I don't remember if he actually pulled out a knife or -- or not. I would say my memory's like 50 percent on that. I want to say he did, but I can't say it firmly. What I distinctly remember is him kind of lunging toward Les Zerbe and saying, "No plan? What do you mean, you have no plan? You're supposed to have a plan, you fucking piece of shit. I'm going to slit your throat. I'm going to kill you, Les." And he kept going on and on and on. And Les Zerbe and Schaeffer were very calm and finally things calmed down a little bit after several minutes of this nonsense. And, you know, Schaeffer says, you know, "We just don't have a plan. We don't have logistics for this. We can't do it." "What do you mean we don't have logistics, Schaeffer? I spent \$30,000 bringing men and equipment up here. You want me to send them all back?" And Bill Fulton, you know, Bill Fulton was continuing with this. Schaeffer finally just says, you know, "Bill, look, I've -- I've never been in a fight in my life. I've never even punched someone in the nose and I don't want to start now." And then Fulton says, "What do you want me to do, Schaeffer? You want me to call it off?" And Schaeffer says, "Yeah, call it off." And so from that point on, it cooled down. It looked like Schaeffer had convinced Fulton to call it off.

After these events Movant became fearful for his life. Movant avoided both Fulton and Bennett at all costs and was very cautious not to say or do anything that would upset either of them.

(From Sentencing Memorandum, page 20)

Mr. Cox also expressed his fear of being killed to people who did not testify at the trial including his father Gary Cox ("He thought his life was threatened by these informants. One day he and Marti came to our home and sat down to tell me he thought they would kill him and make it look like a murder/suicide.")

-- Movant Looks For Help --

Movant sought help from several law enforcement agencies and officials. Movant called Rex Leath of the State Troopers, who offered no help and declined to question Movant about the dangerous

people he referred to. Movant and his wife went to the home of acquaintance and State Trooper Ron Wall who also declined to question Movant and offered no help. The "Polar Pen" prosecutors have furnished no discovery in relation to these interactions with nonfederal agencies; however, Movant notes that under U.S. v. Tillman, 2010 U.S. Dist. LEXIS 78814 July 9, 2010 (DC Nev); U.S. v. Blanco, 392 F.3d 382, 388 (9th Cir. 2004), they are obligated to.

Having received no help from local police (who were previously the object of Movant's anti-corruption initiative), Movant and his wife sought help from the Military Police on Ft. Wainwright, where Movant had been employed. What they told Movant and his wife was chilling.

(From Testimony of Gibson, Military Police, Tr. 15-253, 15-254, 15-255)

A: And his exact words were that with some of the issues that -- been going on with Schaeffer Cox, that the OCS issue actually may fix -- may resolve the -- the problem that they had... And so the U.S. Marshal said based off of that statement, that when OCS would go to Schaeffer Cox's house to get his son, law enforcement would be present. He also stated that they believed, based off of his statement, that Schaeffer Cox would probably use force to prevent them from taking his child, and that if he did so, then he would most likely be shot and killed in this scenario. That was basically --

Q: Okay.

A: I gave him the disk and the federal marshal --

Q: What did you mean by with -- he said that it would fix the problem?

A: I don't know what the problem was. ...

Q: What was it that you thought he was referring to when he said fix the pro -- you may not know the problem, but what was he referring to when he said fix the problem?

A: Whatever the problem was with Schaeffer Cox, if he was killed with OCS attempting to take his son, then obviously anything that had to do with him wouldn't matter anymore.

Q: At some point after that -- How did you respond to that? What did you do?

A: After the U.S. Marshal left, my supervisor was present. And so I consulted with him about it. He didn't want to get involved. He said he wasn't going to get involved. So I -- I worked a 12-hour shift. I work in an office, I have a computer, stuff like that. So I got on the Internet, I started to do some research about Schaeffer Cox. And I started to pull up information, you know, read -- read about him, how he'd run for public office, stuff like that. I didn't see any reason -- I couldn't tell that he was under

any kind of criminal investigation or that there were any -- necessarily investigations going on at that time. So I looked him up on Facebook to see if he had a Facebook account and he did. So I sent him a message. I told him I would like to meet with him. And he got back with me pretty quickly and told me that he would be willing to meet with me. And so we did.

Q: Why did you feel that you had to do that?

A: My goal was to resolve an issue. ...

Hearing this frightened Movant and his wife so much that they moved out of their house for their safety.

(From Sentencing Memorandum page 20)

...his friend Richard Neff ("On more than one occasion, before he was counted as a fugitive, Schaeffer, Marti and Seth took refuge in our home because Schaeffer feared the government was going to launch some intrusion to harm his family.") Myra Ness told the probation officer that Mr. Cox repeatedly said that the government was "out to get him."

Fortunately, OCS agreed to simply follow their policies and an ordinary inspection was conducted and the case closed. This somewhat relieved Movant's fears; however, Movant continued to ask for help dealing with the remaining threats posed by Fulton and Bennett (both under Polar Pen's direction).

Movant told everyone who would listen about the situation and became more and more paranoid about the Agents the Military Police had warned him about, who were now rumored to be "Team 6." Movant eventually went so far as to give a television interview on a local station in an effort to expose what was happening.

Movant shared his concerns with his friend whom he deeply respects, Mr. Steve Cooper, who has been the sole AUSA in Fairbanks for 30 years.

(From Trial Transcript, pp. 19-9 and 19-10) AUSA Cooper recalled:

A: In the -- what I think was probably the last time I had lunch with Mr. Cox, not sure, but I think it was in the middle of 2010 at some time, so I am not more accurate on dates. But at that time Mr. Cox conveyed his belief that there were people in his group that were of a different mindset or set of opinions than those that were consistent with the rest of the group.

-- ATTEMPT 4, A Death-Threat Ultimatum --

After Minino, Bennett, and Fulton, a man named Gerald Olson came on the scene. Olson stoked the fears that the previous informants had created.

J.R. (FBI): What, what, what happens? Say, say, say I, I, I want to, I want to be able to know in my mind what's going to happen. You know, worst case scenario now. I want to go through this. Say, say, say they, they come for you tonight. And, and beat doors down. How, how are we gonna, how are we going to know to get out there and defend you? You know, cause a, they, if they shut down the Liberty Bell somehow, and if we don't have that now, then what, what do we do in that situation, you know, worst case scenario? [This tape was not played for the jury.]

Olson, after being instructed by Fulton to do so, renewed Fulton's death-threat ultimatum:

(From Sentencing Memorandum, page 23)

Fulton: Okay, so when you guys get back, what you need to do is have a talk with Schaeffer. And remind Schaeffer about what happened last time when I almost killed Les.

Olson: Yeah, he remembers that.

Fulton: Well, I'm sure he does, but I want you to re-remember him.

(2/5/12 transcript p. 130)(this portion of this meeting was not played for the jury)

After successfully keeping out the aforementioned evidence, the "Polar Pen" prosecutors made these knowingly false statements to the jury:

And Bill Fulton's going to be down there, right? "But Bill Fulton I'm afraid is trying to kill me. Aaron Bennett is going to be down there, the Aaron Bennett I'm afraid is trying to kill me."

I submit to you, folks, you've got five hours of audio, okay. You try to find a statement anywhere about "Bill Fulton's trying to kill me, Aaron Bennett's trying to kill me." You're not going to find it. You can look through all the documents you want. You can go through all 900 of them. You're not going to find it. ...

But the deal is, you're not going to find any evidence except what this guy [Cox] said on the stand last week, that Bill Fulton and Aaron Bennett were out to kill him. "And that's why I've got these big concerns, and that's why I told the court this and that's why I told the court that." There is nothing in there -- in this case. He didn't tell this to AUSA Cooper, he didn't tell anybody that these two guys were coming after him and that's why he did what he did. That's part of the "blame the government" thing. Right, it's the government's fault that we're all here. It's the investigator's fault that we're all here. It's Bill Fulton's fault we're all here and Gerald Olson, et cetera. You're not going to hear that. You're going to hear it, but it's not going to be substantiated. ...

And you heard the man testify to you, after four weeks of trial, and he comes up with this story about the Fulton conspiracy.

It's going to take another step after this. We'll get to that, too. Because, frankly, folks, he lied to you. ...
(Trial Transcript pp. 22-69, 22-70, and 22-76)

For two years leading up to this point, Movant had flatly rejected the proposals of violence with which the informants relentlessly bonbarded him. Even when faced with the threats of a knife wielding Bill Fulton and/or threats to his children, Movant still held that violence was not the answer.

(Sentencing Memorandum, pp 16-17)

Cox also emphasized that the plan would never actually work.
MR. COX: Even if we followed the two for one scenario out what I see -- and this is from what I've seen with even our guys and stuff like that -- everybody that, you know, the idea of Patriotism and the idea of what we're doing -- they love the idea but what -- what I see will happen if they grab you and we go for a two for one it's going to be --
MR. OLSON: Us three. Well, we have Vernon.
MR. COX: And you guys won't want to be involved with it until they fail to see enough sufficient force even on them to justify, you know, they'll just stand and it will be the three of us.
MR. OLSON: Well, we'd have Vernon, we'd have four. Lonnie. Because I think Lonnie'd be right with --
MR. COX: Yeah, there'd be four of us and it will be real quick and it will be over and they will -- and all this -- and all it's been doing will just be gone away and they'll say, "Well, I guess that was that. And you know, he was a wacko just like, you know, the media painted him out to be." And I think that'll be the end of it. I don't think that -- our war will just be over like that. (Govt. Ex. 14-2.12.11 pp 100-101).

On February 12, 2011 after a long discussion about the 2-4-1 "plan" Cox said:

MR. COX: So we're all on the same page, um, uh -- the plan, as far as 241 is to bluff it, pray, and work towards it not being a bluff, and then at the moment my plan is to hide, to avoid, if I get busted -- if I get captured, I'm not going to do a Rambo, I'm going to do a Gandhi. So, I'm not going to carry an ID, I'm not going to anything. (emphasis added)

The recording of the February 19 meeting reveals that Mr. Cox ultimately rejected the 2-4-1 plan. This particular segment was not included in government exhibit 24 of the February 19 meeting but does appear in the transcripts at 140:

MR. BARNEY: Yeah, we're all in this together. But I know right now, the atmosphere, I don't feel it's right to -- if we -- if we take up arms, it's going to be -- I -- I wonder if anything would really even come out of it other than we'll be dead and our wives and children will be left to themselves. I don't think that any -- that people around us won't see us as martyrs.

MS. VERNON: Mm-mm.

SPEAKER #: No.

MR. COX: It'll be a fruitless gesture. (emphasis added)
[These tapes were not played for the jury.]

-- Movant Flees Country To Escape Informants --

On February 4th 2011 a beautiful baby girl was born to Schaeffer and Marti (Movant and his wife). She was their second child and first girl. Less than 24 hours later, Movant received Fulton's renewed death threat:

Fulton: ... remind Schaeffer about what happened last time when I almost killed Les. [Sentencing Memorandum, p. 23. This tape was not played for the jury.]

Two years of coercive intimidation from informants had driven Movant and his wife to their breaking point. The birth of a child coupled with the latest threat from Fulton put them over the edge and they decided to move out of the country.

[Sentencing Memorandum, p. 26]

Cox also made it clear he planned to leave Alaska to avoid a confrontation with the government.

MR. COX: I lost my house, my business, my whole fortune because that's okay, you know. And I could, if I was looking for a fight and I was feeling vengeful -- which what's wrong with feeling vengeful, man? We've been wronged -- I could go out and I could sock it to them, and that would satisfy my animalistic reaction to their, their wrong doing -- righteous wrath though it may be.

MR. OLSON: Mm-hmm.

MR. COX: But it would -- it would be a detriment to the war, and so, because I believe you, that me losing everything and just walking away from it, get me your -- back to your friend's container and get smuggled through Canada with nothing but a gym bag and a rifle, and we lose everything and let the scales keep tipping, that's what I -- that's what I think has the brightest future for my -- for my family.

MR. OLSON: Mm-hmm.

MR. COX: Because only when there is no future and there is no hope for my wife and for my children can I then spend myself. Only in costing --

MR. OLSON: Mm-hmm.

MR. COX: -- the enemy.

MR. BARNEY: Mm-hmm.

MR. COX: Because costing the enemy is not my objective.

MR. OLSON: Yeah.

MR. COX: I would forgive them and have all sorts of redemption and go to a picnic with them if they'd leave me alone.

MR. OLSON: Yeah.

MR. COX: You know, I don't have hatred towards them.

[This tape was not played for the jury.]

However, this decision did not alleviate the immediate danger that Fulton presented. Movant had been sternly warned of the consequences he faced if he continued to refuse to plot violent crimes.

Movant was aware of Fulton's violent reputation and had indeed experienced it first hand. The last time Movant said no to Fulton's violent proposals, Fulton flew into a rage and started attacking people with a hunting knife.

Fulton's threat was credible and caused Movant to reasonably believe that he would be killed if he rejected Fulton's proposals.

Movant needed to get out of the country without letting word get to Fulton that Movant was still unwilling to act out violently. The FBI noted this:

(From Sentencing Memorandum, p. 23)

Sutherland, Richard A. Jr.

Klein. Sandra L.; Locascio. Lisa A.

Plan

Friday, March 04, 2011 5:33:00 PM

SC is not willing to meet with CHS-2 [Fulton]. Does not want him to know he is still in Fairbanks. Wants CHS-1 to broker deal. SC willing to meet "trucker" to discuss transport.

Rick Sutherland

It was during this time that Movant regrettably, but perhaps understandably, switched from just saying no to giving qualified denials and other openended or noncommittal answers. Movant wasn't about to agree to commit a crime, but now he couldn't say no either. Olson pushed all the more.

(From Addendum to the Presentence Report

Document 535-1 *Sealed* Page 79 of 96 and 80 of 96

Francis Schaeffer Cox, 3:11-cr-00022-RJB-1)

From: Skrocki, Steven (USAAC)

Sent: Sunday, February 13, 2011 4:13 PM

To: Loeffler, Karen (USAAC)

Subject: Cox-(long email--sorry)

Listened to conversation from last night. In summary, they are kicking around ideas. My advice, do not arrest if him he doesn't show [sic], but issue the warrant and let it sit. ... they discuss not being strong enough to impose their views on the rule of law. They discuss everything from 2 4 1, to fleeing, to the rapture coming and waiting for that. In my view, the FBI source is pushing Cox a bit too hard on not getting arrested, and the source agrees too much in moving their plans forward which would generate a response, whether violent or not. The source adds, "why don't

we make it 5 4 1" (not a good idea, FBI has to fix this) After some discussion of "2 4 1," Cox says, "we're just speculating here and I want to hear where you stand. ... Cox's stated thoughts are "we are not strong enough to execute or follow through" and says they should do everything we can to avoid it. ... the source says, "we can get other militia's to support us"-another example of pushing. Cox says, "we want to bluff them, and play and train". ... And asks, "what do you guys think about this then" and after getting various responses, none saying let's go grab or harm people tomorrow -- he ends it with "bluff it, play and dream"... He says "at the moment his plan tomorrow is to lay low, and if he gets caught to play Ghandi, not Rambo" ... (again, he qualifies almost everything-it's very obvious he wants wiggle room.)

Movant was due in court for a low level misdemeanor that had resulted from an arrest that occurred during an anti-corruption protest the year before. Fulton stated that he and his friends intended to use this charge as an excuse to act out violently.

Audio File No. 021211-CHS-AND-COX 10.06.17 (12.02.11)

1:23:55°

SCHAEFFER: And then you got to worry about loose cannons like Aaron (FBI).

J.R. (FBI): Well, well, Bill (FBI) and Aaron (FBI) are ready to go.

1:24:25°

SCHAEFFER: I think they are too hedonistic.

3:35:00°

J.R. (FBI): (J.R. (FBI) said that Bill (FBI) had talked to him about) getting ready to come up and that he would be ready. He needs a two day notice to, to a, to come to a, to get all his men up to Fairbanks to defend, defend you on, on this, ya know, on this February 14th on your court date. Um, he said they're ready, they're ready to go. He can have his guys rallied and rounded in two days. And, and, um, ya know, "Just let Schaeffer know. Get the word, get the word to him somehow."

2:25:10°

SCHAEFFER: I guess that's kind of the thing. I'm getting out of here. [This tape was not played for the jury.]

-- ATTEMPT 5, Disable Vehicle --

At this, Movant expressed his intent to leave the country for his safety, packed up his wife and children, and drove toward Canada. Olson caught up to Movant the next day and disabled Movant's vehicle.

(From a letter from Attorney Robert John to Attorney Suzanne Elliott)

LAW OFFICE OF ROBERT JOHN
P.O. Box 73570
Fairbanks, Alaska 99707

One thing that surprised me about the government's response to the motion to suppress and to dismiss was that the government made little effort to dispute the facts. There was no affidavit from J.R. Olson or anyone else to dispute what Schaeffer said. Perhaps that is not surprising since the government's own records evidenced the trucker ruse and Schaeffer's exhausted state at the time. In any event, because the government bears the burden of proof (at least as to the warrantless-search-and-seizure issues) and Schaeffer had thoroughly articulated his actual and reasonable expectations of privacy in his affidavit, and there did not appear to be a dispute about the underlying facts, we did not request an evidentiary hearing. As I recall, when we argued the motion to the Court, AUSA Skrocki did not address the issues in the motion, but instead went on and on about what a dangerous man Schaeffer was.

Having now updated the research, I continue to be struck by the fact that the action of J.R. Olson in restraining Schaeffer to Fairbanks are above and beyond anything I found an "invited informer" or other government agent being allowed to do. Olson certainly must have panicked when Schaeffer announced he was leaving on February 19, 2011, but Olson's desire to save himself from punishment cannot justify Olson removing the battery from Schaeffer's vehicle and perpatrating the trucker ruse to keep Schaeffer in Fairbanks till March 10. ...

Now stranded and having been led to believe that Fulton would act out violently given the slightest excuse, Movant accepted Olson's offer to arrange a ride out of Alaska with a "trucker." There was no trucker, it was simply a ruse to keep Movant from finding some other way to leave the country.

The "trucker" was "delayed" for several made up reasons. During this time Olson told Movant that he needed to compile a list of officials. Movant, however, was only interested in getting out of the country. The FBI acknowledged this:

(From Sentencing Memorandum, page 19)

In an e-mail dated March 3, 2011 -- a mere 7 days before the arrest of Mr. Cox, SA Sutherland wrote:

Any idea of Cox's intention with the "list," especially in light of the fact that he is leaving? Is this the target list of LE and judges? Yes, the list of LEO's and targets. No known intention other than more potential deterrents. (emphasis added)

-- ATTEMPT 6, Weapons in Truck --

Olson also tried to get Movant to agree to purchase weapons. While it was talked about, no agreement was reached as meeting the

"trucker" and leaving was still Movant's singular objective. The "Polar Pen" team arranged a "take down" that accommodated this. Olson was to give Movant a ride to meet the "tricker" then offer him a silenced pistol and a hand grenade to purchase.

In audios kept out of trial, Olson is heard calling his FBI handler prior to the "take down" and explaining that the subjects haven't agreed to purchase the weapons and inquiring as to what he should do with them if they are rejected. In the minutes leading up to arrest Movant still had not agreed.

(From Trial Exhibit 38-01, pages 5 and 6)

MR. OLSON: Well, it's a -- these are pretty cool, though. I mean, they're pretty sexy. Wait till you see this. Um, but -- if he doesn't, uh -- if we don't like them, you know, I -- I told him, I said, well, I'll take them. I said, I don't -- I don't know if they're going to go over. He says to make, uh, you know, what -- basically he doesn't want to go back to -- or back to Anchorage with them, so he'll -- he'll kind of take whatever we give him.

MR. COX: Hmmm! [skeptical]

MR. OLSON: ... he does have grenades. And they're 50 bucks apiece. He'll come down on those and they're the, uh -- what are they? The M74s?

MR. COX: I don't know.

Once they arrived at the idling 18 wheeler that Movant believed was his ride, Olson placed the weapons in the vehicle to be inspected. But before they could be accepted or rejected Olson exited the vehicle and crawled underneath it. Moments later the FBI swarmed Olson's pick-up and Movant was arrested.

In sum, the Polar Pen Task Force, repeatedly inserted undercover informer/operatives giving Movant funds, gifts, attending his rallies, trying to induce Movant to make any agreement to violate State or Federal law, enter into any conspiracy to violate any Federal or State laws, or agree to or plan any acts of violence.

These efforts were hugely unsuccessful even after using fear, threats, and duress to try to induce Movant to agree with operatives and join the proffered conspiracy.

When Movant would distance himself from those agent provocateurs, and after he declined various offers, new undercovers were brought in. Bill Fulton was under the direct control of a female FBI Agent

assigned to Polar Pen and working closely with AUSA's including Joseph Bottini, Nick Marsh, and others.

It is inconceivable that while being closely supervised by this female agent undercover operative Bill Fulton would have wandered off range and target to join United States Senatorial Candidate Joe Miller's campaign staff, become his chief of security for the campaign and promptly arrest, handcuff and throw to the ground prominent member(s) of the Alaskan Anchorage press and by so doing destroy Candidate Miller's huge lead resulting in a 10,000 vote loss to Lisa Murkowski. This happened and will be explained a little later.

When Movant rejected all offers to possess or buy illegal firearms or attack state or federal officials, he was first charged in state court by the Alaskan State Police Polar Pen Task Force. When Movant was able to have these outrageous charges dismissed and decided to leave the State, Federal FBI agents then devised a scheme to prevent Movant from leaving and set up the following situation.

Movant was told by J.R. Olson (a person offered over 300,000 dollars and immunity from numerous state and federal offenses) that he had a driver to take him out of state and that they needed to go meet the driver.

Olson was told to bring illegal weapons to that meeting even after telling his FBI handlers that he did not believe Movant would accept the weapons. As soon as Olson was in the truck with Movant, and handed them weapons, he jumped out of the truck and hit the ground as agents arrested Movant on those firearms charges.

Olson stole over 30,000 in gold from Movant and his wife while helping Movant move from his home. Agents did nothing to investigate this theft. Movant made numerous efforts to tell state and federal officials that his life was in danger and that there were people pushing him to violence. This fell on deaf ears, because the same police and U.S. Attorneys and others from whom he sought help were involved in the Polar Pen push to coerce and induce Movant to commit illegal acts. The AUSA's and FBI agents continued to violate Brady, Giglio, Kyles mandates, continued to conceal their misconduct and deny Movant due process of law leading to a manifest miscarriage