

**TESTIMONY ON  
SENATE BILL 771 PR. NO. 827  
SIMULATED LEGAL PROCESS**

**BEFORE THE  
PA HOUSE OF REPRESENTATIVES  
JUDICIARY COMMITTEE**

**HARRISBURG, PENNSYLVANIA**

**DECEMBER 17, 1997**

**BY**

**HOMER C. FLOYD, EXECUTIVE DIRECTOR  
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

**GOOD MORNING.**

**MY NAME IS HOMER C. FLOYD AND I AM THE EXECUTIVE DIRECTOR OF THE PENNSYLVANIA HUMAN RELATIONS COMMISSION (PHRC). THANK YOU FOR THE OPPORTUNITY TO TESTIFY ON BEHALF OF THE COMMISSION IN SUPPORT OF SENATE BILL 771.**

**S.B. 771 AMENDS THE CRIMES CODE TO PROHIBIT "SIMULATED LEGAL PROCESS" DEFINED AS FRAUDULENTLY INITIATING LEGAL PROCEEDINGS OR DOCUMENTS; IMPERSONATING A PUBLIC OFFICER OR LEGAL TRIBUNAL; OR HINDERING A PUBLIC OFFICER. EACH OF THOSE OFFENSES IS SPECIFICALLY DEFINED.**

**THE PENNSYLVANIA HUMAN RELATIONS COMMISSION IS OUR STATE CIVIL RIGHTS ENFORCEMENT AGENCY. OUR MAJOR ROLE IS INVESTIGATING COMPLAINTS OF UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING, PUBLIC ACCOMMODATIONS AND EDUCATION. IN ADDITION, WE ARE**

**CHARGED WITH ADDRESSING RACIAL, RELIGIOUS, AND ETHNIC TENSION AND PROMOTING POSITIVE INTERGROUP RELATIONS. THE PHRC HAS NO DIRECT AUTHORITY REGARDING GROUPS WHICH USE SIMULATED LEGAL PROCESS. WE LOOK AT THESE GROUPS ONLY AS THEY IMPACT ON OUR OTHER AREAS OF CONCERN.**

**LET ME START WITH SOME BACKGROUND INFORMATION. FOR A NUMBER OF YEARS, PHRC HAS TRACKED PROBLEMS IN THREE AREAS: RACIAL, RELIGIOUS AND ETHNIC TENSION INCIDENTS, ETHNIC INTIMIDATION (OR HATE) CRIMES, AND THE ACTIVITIES OF HATE GROUPS. WE SEE A LOT OF OVERLAP IN THESE THREE AREAS.**

**LAST FISCAL YEAR, PHRC MONITORED 289 TENSION SITUATIONS. ABOUT ONE-THIRD OF THESE INCIDENTS INVOLVED ACTIVITIES OF ORGANIZED HATE GROUPS. IN THE PAST TWO YEARS, WE HAVE ADDRESSED ACTIVITIES OF 39 ORGANIZED WHITE SUPREMACIST GROUPS IN 66 PENNSYLVANIA COMMUNITIES.**

**IN MONITORING HATE GROUPS, WE HAVE ALSO SEEN A GREAT DEAL OF INTERACTION BETWEEN THOSE GROUPS, THE MILITIA MOVEMENT AND THE SO-CALLED "COMMON LAW COURTS" MOVEMENT. IT IS THE ACTIVITIES OF THE "COMMON LAW COURTS" MOVEMENT THAT S.B. 771 IS DESIGNED TO ADDRESS.**

**PHRC IS NOT AN EXPERT ON MILITIAS OR "COMMON LAW COURTS". A LOT OF OUR INFORMATION COMES FROM THE STATE POLICE, LOCAL POLICE, THE ANTI-DEFAMATION LEAGUE, AND THE SOUTHERN POVERTY LAW CENTER. I ASSUME THAT OTHER TESTIMONY TODAY WILL PROVIDE MORE SPECIFIC INFORMATION. WHAT I WANT TO DO IS FOCUS ON SOME CHARACTERISTICS OF THESE ORGANIZATIONS, HOW THEY CONNECT WITH HATE GROUPS, THE INTERACTION OF MILITIA PARAMILITARY ACTIVITY, AND SIMULATED LEGAL PROCESS ACTIVITY WITH THE LIVES OF ORDINARY PEOPLE, AND SOME THOUGHTS ABOUT WHY PENNSYLVANIA IS A TARGET LOCATION.**

**BASICALLY, THESE GROUPS HAVE AT LEAST SOME OF THE FOLLOWING CHARACTERISTICS. IN THEIR PHILOSOPHY THEY ARE ANTI-GOVERNMENT. SOME CLAIM THAT NO GOVERNMENT ABOVE THE COUNTY LEVEL IS LEGITIMATE. THEY ARE CONVINCED THAT THEY ARE THE "TRUE AMERICANS" AND EVERYONE ELSE IS EITHER AN ENEMY, A SYMPATHIZER OF THE ENEMY, OR A DUPE OF THE ENEMY. THEY SUPPORT THE SECOND AMENDMENT RIGHT TO BEAR ARMS, AND TEND TO BE WELL-ARMED THEMSELVES. SOME GROUPS EITHER EXPECT OR ARE ACTIVELY PLANNING ARMED CONFRONTATION WITH THEIR ENEMIES. THESE PHILOSOPHIES PARALLEL THE HATE GROUP FOCUS ON "US" VERSUS "THEM," ON "TRUE AMERICANS" VERSUS THE GOVERNMENT, AND IN THE CASE OF MILITIAS, ON EXTENSIVE AND INCREASINGLY SOPHISTICATED WEAPONRY.**

**WHILE SOME OF THESE GROUPS CLAIM TO HAVE NO SUPREMACIST AGENDA, THEY MAY STILL WRAP THEMSELVES IN A SO-CALLED "CHRISTIAN" RHETORIC WITH THEIR OWN**

INTERPRETATIONS OF SCRIPTURE AND DECLARE ANYONE WHO DOES NOT AGREE WITH THEM AS THE ENEMY OR AS SATANIC. WITH THE EXPLANATION OF BEING OPEN TO ALL TRUE AMERICANS, THEY ACCEPT MEMBERS WHO HAVE A RECORD OF HATE GROUP ACTIVITY. LIKE THE HATE GROUPS, THEY PREY ON FEAR: FEAR OF CHANGE, FEAR OF ANYONE DIFFERENT, FEAR OF POWERLESSNESS.

THEY ALSO SHARE MUCH OF THE SAME LITERATURE. THE PRIME EXAMPLE IS THE TURNER DIARIES, WHICH WAS THE TEXT FOR TIMOTHY McVEIGH IN THE PLAN TO BLOW UP THE FEDERAL BUILDING IN OKLAHOMA CITY, AND WHICH ALSO IS FULL OF RACIST AND ANTI-SEMITIC RHETORIC. TERRY NICHOLS WAS INVOLVED IN BOTH THE MILITIA MOVEMENT AND THE "COMMON LAW COURTS" MOVEMENT.

THERE IS A LOT OF INFORMATION EXCHANGE AMONG THESE GROUPS, THROUGH TELEPHONE HOT-LINES, FAX NETWORKS, AND THE INTERNET. THEY TEND TO READ THE SAME LITERATURE AND SUBSCRIBE TO MAGAZINES WITH A

**MILITARY AND WEAPONRY FOCUS, AND ATTEND THE SAME GUN AND SPORTSMAN SHOWS, WHERE THEY BUY EACH OTHER'S PARAPHERNALIA AND LITERATURE, AND EXCHANGE INFORMATION ON SIMULATED LEGAL PROCESS.**

**MOST PEOPLE IN PENNSYLVANIA FIRST HEARD ABOUT SIMULATED LEGAL PROCESS IN THE SUMMER OF 1995 WITH THE EVENTS SURROUNDING THE FREEMEN IN MONTANA. THE FREEMEN, AN ARMED MILITIA GROUP, ALSO SHARED SOME OF THE SUPREMACIST VIEWS OF THE SO-CALLED "CHRISTIAN IDENTITY MOVEMENT." IN LINE WITH THEIR ANTI-GOVERNMENT APPROACH, THEY HAD DECLARED THEIR OWN LAW. NOT ONLY DID THEY REFUSE TO PAY TAXES, THEY HAD ESTABLISHED THEIR OWN COURT, FILED FRAUDULENT LIENS AGAINST THEIR NEIGHBOR'S PROPERTY, ISSUED AND CASHED PHONY CHECKS AND MONEY ORDERS, ISSUED ARREST WARRANTS AND HELD TRIALS OF GOVERNMENT OFFICIALS, AND THREATENED THOSE WHO CHALLENGED THEM,**

**INCLUDING FEDERAL AND STATE OFFICIALS, WITH ARMED VIOLENCE.**

**THE MOVEMENT OF GROUPS TO SET UP THEIR OWN LAWS SEEMED TO STEM FROM THREE MOTIVATIONS, WHICH ARE NOT MUTUALLY EXCLUSIVE. ONE IS THE GENERAL ANTI-GOVERNMENT PHILOSOPHY, WHICH QUESTIONS THE LEGITIMACY OF ANY GOVERNMENT FUNCTION, SUPPOSEDLY ON CONSTITUTIONAL GROUNDS. THE SECOND IS BASED ON FINANCIAL GAIN. THE REFUSAL TO PAY TAXES ON LICENSE FEES, THE SEIZURE OF PROPERTY, AND THE FALSIFICATION OF CHECKS PROMOTED AS A WAY TO MAKE OR SAVE LARGE AMOUNTS OF MONEY. THE THIRD MOTIVE IS VENGEANCE. OFTEN, FILING LIENS ON PROPERTY, OR EVEN CRIMINAL CONVICTIONS IN SO-CALLED "COMMON COURTS" ARE USED TO HARASS AND THREATEN THOSE PERCEIVED AS ENEMIES. FOR THIS REASON, IT IS ALSO CALLED "PAPER TERRORISM."**

**THESE IDEAS SPREAD NATIONWIDE, AND A GROUP IN COLORADO SELLS DO-IT-YOURSELF KITS. BY EARLY 1996,**



**THERE WERE REPORTS IN BERKS, LANCASTER AND CHESTER COUNTIES OF PEOPLE ISSUING THEIR OWN INSPECTION STICKERS AND LICENSE PLATES. FREEMEN CAME TO PUBLIC ATTENTION IN PENNSYLVANIA, CLAIMING THAT COURTS HAVE NO POWER OVER "FREEBORN SOVEREIGN CHRISTIAN CITIZENS."**

**IN LANCASTER COUNTY, THE SO-CALLED "OUR ONE SUPREME COURT" MEETS REGULARLY AND ISSUES LIENS, AND OFFICIAL-LOOKING DOCUMENTS ON A VARIETY OF LEGAL ISSUES, SUCH AS DEBTS AND CUSTODY. IN CHESTER COUNTY THEY HAVE ISSUED FAKE MONEY ORDERS. THEY HAVE THREATENED VIOLENCE AGAINST JUDGES AND LAW ENFORCEMENT OFFICIALS.**

**DOZENS OF FALSE TITLES AND OTHER FAKE LEGAL DOCUMENTS HAVE BEEN FILED IN ERIE COUNTY. CLAIMING NOT TO BE SUBJECT TO THE LAWS OF THE UNITED STATES, FREEMEN AND OTHERS THROUGHOUT THE STATE HAVE**

**CHALLENGED TRAFFIC TICKETS, REPOSSESSIONS AND  
EVICTIONS IN MANY PLACES IN PENNSYLVANIA.**

**OFTEN PEOPLE DO NOT KNOW BOGUS LIENS HAVE BEEN  
FILED AGAINST THEM UNTIL THEY TRY TO SELL THE  
PROPERTY, OR APPLY FOR A LOAN.**

**THIS SUMMER, IN HARRISBURG, TWO DISTRICT JUSTICES  
WERE THREATENED BY GROUPS CALLING THEMSELVES  
"SOVEREIGN CHRISTIAN CITIZENS" WHEN THEY WERE  
HOLDING HEARINGS ON TRAFFIC VIOLATIONS AND  
DISORDERLY CONDUCT CHARGES AGAINST PEOPLE WHO  
WERE USING FAKE LICENSE PLATES. THERE IS SOME  
INDICATION THAT THE PEOPLE INVOLVED ALSO ARE  
ASSOCIATED WITH MILITIA GROUPS AND HOLD WHITE  
SUPREMACISTS VIEWS.**

**SENATE BILL 771 WOULD SPECIFICALLY MAKE  
FRAUDULENT SIMULATED LEGAL PROCESS A CRIMINAL  
OFFENSE. IT IS DESIGNED TO TARGET ONLY FRAUDULENT  
ACTIONS WITHOUT AFFECTING EITHER LEGITIMATE LEGAL**

**ACTIONS OR FREEDOM OF ASSEMBLY OR SPEECH OR GROUP AFFILIATION. SIMILAR STATUTES HAVE BEEN ENACTED IN FLORIDA AND IDAHO; AND LAWS WHICH HAVE A SIMILAR INTENT, BUT ARE NOT AS DETAILED HAVE BEEN ENACTED IN ARIZONA, ILLINOIS, OREGON, TEXAS, AND ALASKA.**

**THE PENNSYLVANIA HUMAN RELATIONS COMMISSION BELIEVES THAT S.B. 771 IS AN IMPORTANT STEP TOWARDS ADDRESSING THE SERIOUS PROBLEM OF PAPER TERRORISM. WE URGE YOUR ADOPTION OF THIS BILL.**

**THANK YOU.**