

MAY 9, 2018

**TESTIMONY OF MIKE NOEL
MEMBER
UTAH HOUSE OF REPRESENTATIVES**

**BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS AND MINING**

**HEARING TO EXAMINE LAW ENFORCEMENT PROGRAMS AT THE BUREAU OF
LAND MANAGEMENT AND U.S. FOREST SERVICE, COORDINATION WITH
OTHER FEDERAL, STATE AND LOCAL LAW ENFORCEMENT,
AND THE EFFECTS ON RURAL COMMUNITIES**

*One community's tragic loss at the hands of BLM law enforcement.
A call for BLM to obey FLPMA and rely first on local law enforcement
before deploying their own.*

I.

Chairman Lee, Ranking Member Wyden, and members of the Subcommittee, thank you for this opportunity to testify today. As a sixteen-year member of Utah's House of Representatives representing a large rural legislative district in southern Utah (Utah's geographically largest legislative district), as a longtime rancher, and as a former BLM employee of twenty-two years, I regret having to describe today a terrible tragedy that befell a family and small-town community due to the heavy-handed tactics of an unaccountable cadre of BLM law enforcement personnel. The tragedy I will relate would have never happened had the BLM followed a simple requirement of the Federal Land Policy Management Act (FLPMA), which is: Instead of needlessly building up and deploying its own police force, the BLM should first rely to the maximum extent feasible on local County Sheriffs and sheriff deputies to enforce federal public land and resource related laws and regulations. I speak specifically of the FLPMA requirement found 43 U.S. Code Section 1733(c)(1):

When the Secretary determines that assistance is necessary in enforcing Federal laws and regulations relating to the public lands or their resources he shall offer a contract to appropriate local officials having law enforcement authority within their respective jurisdictions *with the view of achieving maximum feasible reliance upon local law enforcement officials in enforcing such laws and regulations.* (Emphasis added.)

When Congress debated and enacted FLPMA in the 1970s, many States did not feel good about entrusting a remote and locally unaccountable Federal bureaucracy to wield law enforcement power in Western rural America. They wanted the BLM to rely instead on local County Sheriffs for its law enforcement needs even when it came to enforcing federal land and resource laws and regulations. Why this preference for County Sheriffs? Because County Sheriffs were and are accountable to local citizens. They are trusted and time honored institutions dating back to our founding and beyond and counted among our Nation's many hallmarks of liberty and protection from centralized governmental abuse. In rural America, County Sheriffs serve as the anchors of law and order and Americans' liberty in that law and order. For these reasons and others, the institution of the County Sheriff is entrenched in the Anglo-American jurisprudence and system of government.

BLM law enforcement officers by contrast bring none of these protections to the table. Creatures of remote, disinterested bureaucracies, they answer to no one but those remote authorities centralized in Washington, D.C. They arbitrarily rotate in and out of Utah posts and positions. Their Utah chain of command runs up a silo straight to a central D.C. command structure. They have become in every sense of the word, an untrusted centralized paramilitary force, the likes of which would frighten and alarm the original framers of FLPMA and all who once thought such forces were limited to county law enforcement, State national guards, and traditional branches of the armed forces. And as will be related below, their judgment and professionalism are too often compromised by anti-local prejudices and misunderstandings that too many of them carry simmering beneath the surface, which erupt under emergent law enforcement situations to the harm of local citizens.

Moreover, the geographic authority and jurisdiction of the BLM itself is only proprietary in nature for virtually all BLM and Forest Service lands in Utah. Numerous studies commissioned by various Federal agencies including the United States Attorney General dating back to 1957, and still expressly taught today in Department of Justice law enforcement training manuals, confirm that the Congress's exercise of its Constitutional Article IV, Section 3 powers have together resulted in three classifications of Federal land-based jurisdiction:

- (a) the right of exclusive legislation conferred by Art. I, Sec 8, Clause 17 over the District of Columbia and, upon the written consent of State Legislatures, military installations and other needful buildings,
- (b) concurrent jurisdiction over limited federal enclaves, and
- (c) proprietary jurisdiction deriving from the term proprietor and being a type of authority belonging to a property or landowner.

In Utah and all other Western states, virtually all BLM and Forest Service lands are proprietary jurisdiction lands as the U.S. Attorney General, Department of Justice and other authorities have repeatedly affirmed since 1957.

In other words, the BLM is a large proprietor, and its authority is that of a large proprietor.

If a shoplifting crime or assault occurs at a local Walmart Store or Disneyland resort, the *proprietors* Walmart or Disneyland may temporarily detain the offender in the interest of immediate security. But they must immediately turn the offender over to the local police or county sheriff for further handling. Walmart and Disneyland have no authority to arrest, jail, prosecute nor punish the offender. As a matter of principle, BLM law enforcement officers are or should be to the BLM, what Walmart and Disneyland security guards are to Walmart and Disneyland. This is so, because again the BLM is a proprietor and has only *proprietary jurisdiction*, i.e., the incidents of authority like that of a property owner's (the term "property" deriving from the same root as does the term "proprietary"), not the legislative and general law enforcement authority of a State or one its political subdivisions.

For all these reasons - from the bureaucratic and centralized remoteness and unaccountability of BLM law enforcement officers, to the BLM's limited proprietary authority, to the time-honored institution of the local County Sheriff, the following is a basic fact of life in rural Utah and really all of the rural West: When it comes to entrusting individuals with the ability to wield police power to enforce public land and resource laws, most regard County Sheriffs as symbols of local, competent and legitimate accountability, while most regard BLM law enforcement officers as symbols of remote, incompetent and illegitimate unaccountability.

Hence, the wisdom of FLPMA's requirement that the Secretary shall contract for the services of local law enforcement when needed "with the view of achieving maximum feasible reliance upon local law enforcement officials in enforcing [federal public lands related] laws and regulations." This FLPMA provision is a conscious balance in federalism: Require maximum feasible reliance on *local* law enforcement to wield police power to enforce *federal* land and resource laws and regulations in rural western America. As a former BLM official for twenty-two years, I remember there was once a time when the BLM took this requirement seriously and relied exclusively on local County Sheriffs and sheriff deputies to serve the BLM's law enforcement needs. But the BLM has seriously strayed from this balance. The BLM has turned its back on the Sheriffs, not the other way around. Most everyone in my legislative district know this.

The result: a series of mishaps in Utah including the following tragedy in southeastern Utah's San Juan County. These mishaps demonstrate the need for huge layoffs of BLM law enforcement officers and a major attitude adjustment that restores reliance on County Sheriffs to exclusively serve the BLM's law enforcement needs. Nothing less will suffice to comply with the letter and spirit of FLPMA, restore the institution of the local County Sheriff as the time-honored hallmark of law and liberty in the rural West, and redress if only symbolically the following tragedy that weighs heavily on the hearts and minds of my constituents to this very day.

II.

In the early pre-dawn hours of June 10, 2009 BLM Special Agent in Charge (SAC) Daniel P. Love lead a raid for artifacts in the Blanding, Utah home of Dr. James Redd. Dr. Redd had already left the home to do personal errands and possibly morning rounds on his patients. Dr. Redd was a family practice physician for over 30 years in Blanding, Utah and served the Native American people and all others he could help. He was a father of 5 children and grandfather to 10 grandchildren.

The purpose of the BLM law enforcement raid was to look for evidence on which to hopefully make Dr. Redd and his wife Jeanne Redd look as if they were part of a black market ring trafficking in artifacts, and then prosecute them for such. Dr. Redd's daughter Jericca said Dan Love boasted to her that he had 80 agents at Dr. Redd's house at one time, and throughout the day he said there were a total of 140 agents that visited the house. Jericca heard Dan Love on the phone throughout the morning of June 10th tell other agents to "come on down to the Redd's house." Dan Love told reportedly told Jerrica he personally handpicked the agents that went to Dr. Redd's house.

Dr. Redd's wife Jeanne said when agents first filed in the front door during the predawn hours, they handcuffed her and asked over and over again, "Where's the white bird? Where's the white bird?" Jeanne did not have a "white bird" and believed they had the wrong house. She did not know they wanted a tiny bead. As multiple agents with their firearms mulled around 5'3" 110 lb. Jeanne Redd in handcuffs one agent kept repeating to her, "Do you know how much trouble you are in? Your life is over as you know it. This is the worst day of your life. This is like a death in your family." Another agent said to her three times, "Are you suicidal?"¹

¹ According to Jeanne they took from the home 80-year-old Pima baskets, a very nice collection of artifacts from Central America, and they destroyed a 10-year-old handmade bow and arrow because they said it had bugs on it, telling Dr. Redd's wife Jeanne they did her a favor. The bow and arrow was a decoration piece hanging in Dr. Redd's living room. None of these items had anything to do with the raid.

Dr. Redd arrived back at the house around 6:45 am the morning of June 10th. As he pulled up to his house, swarms of federal agents were in and around his home. One of the FBI agents drew his gun, pointed it at Dr. Redd, ripped him out of his vehicle, handcuffed him and sat him down in the garage with the doors shut to begin their interrogation. They searched Dr. Redd's house for 11 1/2 hours. Dr. Redd was personally interrogated in handcuffs for about 3 1/2 hours that day. Federal agents called Dr. Redd a liar over and over, asked him what shovel he liked to dig bodies with, and that he would never practice medicine again. Dr. Redd of course never dug any bodies. After a while Dr. Redd had to go to the bathroom, so at least two agents took him to the bathroom. One agent stood 6 inches from Dr. Redd's right knee and another agent stood 6 inches from his left knee as he used the bathroom. When he was done they did not remove his handcuffs for him to clean himself. They put Dr. Redd in a vehicle and transported him off to the BLM office in Monticello. There they shackled him to other arrested Blanding residents and drove them to Moab to stand before the federal judge to hear their charges and enter a plea.²

The BLM law enforcement's decision to raid Dr. Redd's home on June 10th was based on information received from a hired and paid informant by the name of Ted Gardiner, himself a known artifact dealer, drug addict and alcoholic who is deceased. In December 2015 an agent who took part in the 2009 raid confessed in a phone call to the Redds' son Jay Redd, that his parents were not part of a "black market ring" in artifact trafficking and that the whole operation did not tap into any "black market" ring at all. Indeed, despite a two-and-a-half-year undercover investigation and the raid, the Federal Government was only able to charge Dr. Redd with one felony count of knowingly and fraudulently with intent to deceive receiving and possessing a tiny bead *less than half the size of a dime*, which he allegedly "knew to be stolen or embezzled from an Indian tribal organization." Dr. Redd had picked the bead up off the ground and brought it home. He did not try to sell it or trade it or any other artifact ever, not to informant Ted

² According to Dan Love, he sent 7 snipers onto the roof of Dr. Redd's house the day of the raid. He said they were waiting for Dr. Redd's son Javalan to drive down to the house. Dan Love said they had a description of Jav's car and knew what he looked like. According to Dan Love, the reason they did this was because Jav called the house when the feds were there and said "don't touch my animals, I'm coming down to get them. Be ready." Dan Love said they (Federal agents) took this as a threat to their lives and therefore were waiting for him. The next day, Mr. Shumway from Blanding went down to the house and said he was watching the Redd house with binoculars most of the day. He said he saw a number of people on Dr. Redd's roof resting next to the chimneys and other things on the roof for hours and hours, not moving. At the time, it was unknown why they would be on the roof. Later Dan Love clarified that he sent them on the roof to wait for Jav.

Gardiner or anyone else. He just showed it to the informant. Dr. Redd never sold, purchased or exchanged any artifact, ever in his life.³

After his release that evening (June 10th), and after checking on his patients at the local nursing home, Dr. James Redd Redd left his family a recorded message about 40 minutes long to describe how much he loved his family and religion, and to speak in the message to each family member individually. Dr. Redd also mentioned among other things that with him gone “there will be one less charge to contend with.” One of the last things he said in the recorded message is he apologizes to his office manager because he didn’t get all the dictation done on his patients he had seen the day before.

Approximately 24 hours after BLM agent Dan Love and 80 to 140 Federal agents including snipers swarmed the home of this beloved community physician and family man, traumatized his wife repeatedly, and interrogated and humiliated him for three and a half hours *over a bead less than half the size of a dime he once picked off the ground*, Dr. James Redd the next morning drove to be alone near a pond on his property, rigged a hose from his vehicle tailpipe to the car window, and tragically took his life by asphyxiation in his Jeep.

Dr. Redd’s death greatly impacted the community of Blanding and all of San Juan County. The CEO of the San Juan County Health Service District, Phil Lowe, would later write of Dr. Redd in a letter Dr. Redd’s son Jay:

Just wanted to write a short note to tell you and your family how much we miss your father known to us as Dr. Redd. He has been sorely missed on a personal level as well as on a professional level. Our patients miss him dearly. We have placed a large photograph of Dr. redd in our front hospital lobby as a memorial to our friend.

His medical practice contributed significantly to the success and viability of san juan hospital in monticello. In fact, I have included some financials from our health district audited financial statements to help you see the negative impact his loss had on the health care in this area. The health district incurred some large decreases in revenue and losses from operations comparing 2009 to 2010. When

³ The Redd family maintains steadfastly that the value of the bead on which he was charged with felony possession was intentionally inflated by BLM law enforcement more than tenfold to reach the \$1,000 felony threshold and thus achieve a felony count. Indeed a later sworn affidavit of artifact expert Dace Hyatt maintained the bead Dr. Redd found was worth \$75.

*he left us in the summer of 2009, the losses we incurred from hospital and clinic operations were very hurtful to our financial viability. He was definitely a strong advocate for the health district and contributed significantly to its success. We thought you would be interested in the impact his life and his death have had on the health care in this area. Hope your family are all doing as well as can be expected.*⁴

Wrote Dr. Paul Reay, DO, Chief of Medical Staff, San Juan County Hospital:

Dr. Redd's patients suffered as much direct personal loss as anyone. Many of them had medical histories that existed only in Dr. Redd's memory. His time with them stretched back so far that records had long been lost or destroyed, and he alone carried full knowledge of their past medical care and needs. Many of them were on medical care and regimens with which only he was familiar. Many had never seen another physician. He was especially favored by the Native Americans who saw him with fervent dedication, often at significant personal sacrifice (relinquishing completely financially subsidized care to see him).

Not too many people know this, but according to Dr. Redd's son Jay, in the past Dr. Redd gave even paid BLM informant Ted Gardiner medical advice on his ankle injury, encouraged him a few times to quit smoking to improve his health, and invited him to a local church function.

As far as many in the community of Blanding and throughout San Juan County are concerned, Federal agents lead by BLM SAC Dan Love are responsible for Dr. Redd's death for the way they treated, humiliated and threatened him and his family, over a \$75 artifact he picked up off the ground and never even thought to traffic in.

At a Senate Judiciary Committee Meeting On June 17, 2009 (the day of Dr. James Redd's funeral), Senator Orrin Hatch questioned Attorney General Eric Holder about the June 10th artifact raids and focused exclusively on the over-the-top treatment and heavy handedness of Federal agents in Dr. James Redd's arrest and suicide. At that time Senator Hatch had no idea the only charge on Dr. Redd was for a tiny bead that he only possessed and never trafficked in.

According to Dr. Redd's wife Jeanne and daughter Jerrica, about a month after Dr. Redd's death BLM SAC Dan Love and two other Federal agents went back at the Redd home. While there Dan noticed a picture of LDS Prophet Joseph Smith on the kitchen table and told Jeanne and

⁴ In fact there was about a \$1.5 million dollar loss incurred by the Health Service District the year after Dr. Redd was gone, according to his son Jay after reviewing Service District records.

Jericca, “It’s good you have his picture there, keep praying to him,” meaning Joseph Smith. Dan Love received a phone call while at the Redd house and after hanging up made the comment to Jericca that he had just spoken to the “secret informant” Ted Gardiner and complained that Ted continues to ask for more money. Jericca could not believe that SAC Dan Love and his informant were haggling over money in Jeanne and Jericca’s presence to pay for actions that resulted in her father’s death.

As the Federal agents were leaving, while standing in the garage Jericca witnessed Dan Love give Dr. Redd’s 3-year old grandson Sebastian a child’s BLM badge and said he could call him “Uncle Dan.” Jericca thought, here Sebastian who had idolized his grandfather and was being told by the agent whom the family held responsible for the suicide, that he could call him “Uncle Dan.”

Further according to Dr. Redd’s daughter Jericca, a few months after Dr. Redd’s death during a meeting at the Old Timer Restaurant in Blanding set up on the pretense of discussing an email by Jeanne Redd (it turned out the email was never discussed), BLM SAC Dan Love in the presence of another BLM agent said to Jericca, “I know why your mom hates me, I’m the reason your dad is gone.”

This is not inconsistent with what BLM special agent Larry C. Wooten out of Boise, Idaho would later declare in a November 27, 2017 official whistleblower letter regarding BLM law enforcement misconduct, wherein Wooten declared that he was told by BLM Law Enforcement Supervisors that Special Agent Dan Love kept a “Kill Book” as a trophy, in which he essentially bragged about getting three individuals in Utah, including Dr. Redd, to commit suicide.

At this same restaurant meeting, Dan Love told Jericca not to “give into the hate like the town of Blanding has done.” Yet in Jericca’s presence he also made several inappropriate comments to his fellow BLM agent about the teenage girls waitressing there.

According to another daughter of Dr. Redd, Jamaica Redd Lyman, she asked BLM SAC Dan Love during his and another agent’s visit at her apartment in Provo, Utah why he thought Dr. Redd did what he did. Dan Love said, “I think he took one for the team.” Love then related all he had learned from reading all of Dr. Redd’s private journals,⁵ detailing many private thoughts and concerns Dr. Redd had for each of his children and his wife. Love let them know his

⁵ Journals which to this day have not been given back to the Redd Family by Federal agents. There are many items taken from the Redd home during the raid that have nothing to do with the reason for the raid, which have never been returned.

opinion about the so called poor penmanship of Dr. Redd, not knowing Dr. Redd used shorthand and medical abbreviations for much of his writing. Inexplicably he also boasted that he did not need to follow the posted speed limit because due to his status as a federal agent to whom these laws did not apply.

During a two day discussion involving Jerrica and her attorney with Dan Love and others at the BLM office in Salt Lake City, Jericca noticed a photo on the floor of her father Dr. Redd and asked Love why it was there on the floor. He shrugged his shoulders and said yeah we need to get rid of that.⁶ At the end of this emotional two-day meeting for Jeanne and Jericca, BLM SAC Dan Love and Brent Range proceeded to throw tennis balls at each other while everyone was still in the room including Jeanne Redd, Jericca and their attorney. One of the tennis balls actually hit their attorney.

According to an April 2010 story run on a KSL News website, paid informant Ted Gardiner told a friend “ he felt guilty for killing two people,” and that a few days Gardiner died in a shootout with local police. See “Report: Artifacts source blames self for suicides” by Paul Foy April 1, 2010 on the KSL.com website (based in part on a police report containing a quote from Gardiner’s friend that Ted said he felt guilty for killing two people).

Meanwhile the BLM saw fit to give Dan Love the BLM “special agent of the year 2009” award.

According to Dr. Redd’s son Jay Redd who is a dentist in St. George, Utah, BLM SAC Dan Love and BLM agent Dan Barnes presented in the Summer of 2010 at a meeting of the Dixie Archaeology Society in St. George. There Love and Barnes said “stealing artifacts” was a way of life for the people involved and was a family affair in one case as they showed a picture of the Redd family outdoors (confiscated during the June 10, 2009 raid) and claimed the family were out “pot hunting.” Less than one hour after Jay Redd found this information on the internet (the information was on a blog) the blog was changed, the names of Dan Love and Dan Barnes were removed and the information about Dan Love showing the photos of the Redd family to the group was also removed.

Further according to Jay Redd, on October 21, 2010 BLM special agent Dan Barnes⁷ and a local St. George police officer paid an unannounced visit to Jay at his busy dental office (Jay was in the middle of a patient’s root canal). BLM agent Barnes abruptly demanded of the receptionist to get Jay, and then angrily told Jay in his office not to threaten Federal employees. Then they left. Twenty minutes later the attorney of Jay’s mother Jeanne (Dr. Redd’s widow) (not Jay’s

⁶ Yet according to Jerrica the photo of her father was there on the floor the next day.

⁷ BLM Agent Dan Barnes was one of the agents picked by Dan Love to interrogate Dr. Redd in his garage for three and a half hours the day of the raid.

attorney but his mother's) received an email from BLM SAC Dan Love that referenced BLM agent Barnes' visit to Jay's dental office. Love's email said Jay is getting "very close to the line" regarding statements about investigators assigned to investigate his family, and that Love will consider the matter closed unless Jay continues with such statements. This sophomoric attempt at coordinated intimidation was inexplicable to Jay, as BLM agent Barnes himself acknowledged in his discussion with Jay that day that the only thing Jay said to others is he felt the agents involved in his father's death will have to pay *in the next life* for what they did. Here BLM agents Love and Barnes had worked in concert to intimidate Jay for stated wishes about *the next life*. As if Love and Barnes believed in and presumed to have jurisdiction over, the next life.

III.

I refer finally to three documents, which indicate that the unprofessional actions of BLM Special Agent Dan Love and other BLM agents are not limited to the heavy-handed January 10, 2009 raid of the Redd residence and its aftermath of misconduct. The three items are:

- a. A November 27, 2017 official whistleblower report by a BLM Special by the name of Larry C. Wooten;
- b. An official report of the Department of Interior's own Office of Inspector General (DOI OIG) dated January 30, 2017 entitled *Investigative Report of Ethical Violations and Misconduct by Bureau of Land Management Officials*
- c. Another official DOI OIG report dated August 24, 2017 entitled *Investigative Report of Misconduct by a Senior BLM Law Enforcement Manager.*

a.

Special Agent Dan Love and other BLM special agents are the subject of an extensive November 27, 2017 whistleblower report, currently under review, submitted by BLM Special Agent Larry C. Wooten. The whistleblower report soberly describes conduct so indecent, bigoted, vile and disgusting, not to mention completely unprofessional and unbecoming of a law enforcement agency, as to shock the public conscience and put the BLM's law enforcement operations under a huge cloud of public mistrust. The whistleblower report describes among other things Special Agent Love's disdain for Mormons, his vile actions toward his staff, his taking pictures of his feces and his girlfriend's vagina and sending them to others on the internet, and his staff's mashing of an arrestee's face in the dirt until rocks stuck to his face, among other things.

Special Agent Wooten describes the following among other things, in his eighteen-page whistleblower report, which is public information:

I routinely observed, and the investigation revealed a "widespread pattern of bad judgment, lack of discipline, incredible bias, unprofessionalism and misconduct, as well as likely policy, ethical and legal violations among senior and supervisory staff at the BLM's Office of Law Enforcement and Security. The investigation indicated that these issue issues amongst law enforcement supervisors in our agency made a mockery of our position of special trust and confidence, portrayed unprofessional bias, [and] adversely affected our agency's mission[.]

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The longer the investigation went on, the more extremely unprofessional, familiar, racy, vulgar and bias filled actions, open comments, and inappropriate electronic communications I was made aware of, or I personally witnessed. In my opinion, these issues would likely undermine the investigation, cast considerable doubt on the professionalism of our agency and be possibly used to claim investigator bias/unprofessionalism and to impeach and undermine key witness credibility. The ridiculousness of the conduct, unprofessional amateurish carnival atmosphere, openly made statements, and electronic communications tended to mitigate the defendant's culpability and cast a shadow of doubt of inexcusable bias, unprofessionalism and embarrassment on our agency. These actions and comments were in my opinion offensive in a professional federal law enforcement work environment and were a clear violation of professional workplace norms, our code of conduct, policy, and possibly even law. The misconduct caused considerable disruption in workplace, was discriminatory, harassing and showed showed clear prejudice against the defendants, supporters and Mormons. Often times this misconduct centered on being sexually inappropriate, profanity, appearance/body shaming and likely violated privacy and and civil rights.

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Many times. these open unprofessional and disrespectful comments and name calling (often by law enforcement supervisors who are potential witnesses and investigative team supervisors) reminded me of middle school. At any given time, you could hear subjects of this investigation openly referenced as "retards," "rednecks," overweight woman with big jowls," "douchebags," tractor-face," "idiots," "inbred," , etc., etc., etc.

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Additionally, this investigation also indicated that former BLM SAC Dan Love sent photographs of his own feces and his girl-friend's vagina to coworkers and subordinates. It was also reported by another BLM SAC BLM SAC Dan Love told him that there is no way he gets more pussy than him.

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Furthermore I became aware of potentially captured comments in which our own law enforcement officers allegedly bragged about roughing up [an arrestee] grinding his face into the ground, and [the arrestee] having little bits of gravel stuck in his face.

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My supervisor even instigated the unprofessional monitoring of jail calls between defendants and their wives, without prosecutor or FBI consent, for the apparent purpose of making fun of post arrest telephone calls between [defendants and FBI targets] (not subjects of BLM's investigation). Thankfully, AUSA Steven Myhre stopped this issue.

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This carnival, inappropriate and childish behavior didn't stop with the directed bias and degradation of subjects of investigations. The childish misconduct extended to citizens, cooperators from other agencies and even our own employees. BLM Law Enforcement Supervisors also openly talked about and gossiped about private employee personnel matters such as medical conditions (to include mental illness), work performance, marriage issues, religion, punishments, internal investigations and derogatory opinions of high level BLM supervisors. Some of these open comments centered on Blow Jobs, Masturbation in the office closet, Addiction to Porn, a Disgusting Butt Crack, a "Weak Sister," high self-opinions, crying and scared women, "Leather Face," "Mormons (little Mormon Girl)," "he has mental problems and that he had some sort of mental breakdown," "PTSD," etc., etc., etc.

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Time after time, I was told former DLM SAC Love's misconduct. I was told by BLM Law Enforcement Supervisors that he had a ["Kill Book" as a trophy and in essence bragged about getting three individuals in Utah to commit suicide (see Operation Cerberus Action out of Blanding, Utah and the death Dr. Redd)].

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These are not the idle accusations of a disgruntled arrestee, nor of an angry and upset target of a law enforcement investigation, nor a garden variety “hater” of the Federal government. These are the sober descriptions of *a fellow BLM Special Agent*, a peer, a respected former lead investigator and holder of BLM law enforcement supervisory positions.

b.

Here is the synopsis of the January 30, 2017 DOI OIG report entitled *Investigative Report of Ethical Violations and Misconduct by Bureau of Land Management Officials*:

Synopsis

We initiated an investigation in October 2015, after receiving two anonymous complaints concerning a Supervisory Agent, Bureau of Land Management (BLM) Office of Law Enforcement and Security (OLEs), Salt Lake City, UT.

The first complaint, received in September 2015, concerned the 2015 Burning Man event held annually in northwestern Nevada. The complaint alleged that—

- the Supervisory Agent used his official position to provide preferential treatment to his family members while attending the event;*
- the Supervisory Agent directed five on-duty BLM law enforcement officers to escort his family and provide security for them at the event;*
- the Supervisory Agent’s family received unauthorized access to the Incident Command Post (ICP); and*
- the Supervisory Agent’s family received overnight lodging in BLM-leased facilities.*

The second complaint, also received in September 2015, alleged that the Supervisory Agent improperly intervened in the April 2015 hiring process for a BLM special agent position after he learned that a friend did not make the initial list of candidates to be interviewed.

During our investigation, we received an additional complaint in September 2016, alleging that the Supervisory Agent drove around with his girlfriend in his BLM vehicle while working at the 2015 Burning Man event. The employees who provided details of the misuse stated that they had not fully disclosed this in prior interviews because they feared reprisal from the Supervisory Agent. We substantiated all but one of the allegations associated with the 2015 Burning Man event.

We found that the Supervisory Agent violated Federal ethics rules when he used his influence with Burning Man officials to obtain three sold-out tickets and special passes for his father, girlfriend, and a family friend. In addition, we confirmed that he directed on-duty BLM law enforcement employees to drive and escort his family during the event with BLM-procured, all-terrain and utility type vehicles (ATVs/UTVs). Regarding the allegation of improper access to ICP by the Supervisory Agent's family, we found that was not against BLM policy. We confirmed that the Supervisory Agent's girlfriend stayed overnight with him in his BLM assigned trailer, contrary to restrictions in the operations plan for the event. The Supervisory Agent also violated Federal ethics regulations by having a subordinate employee make a hotel reservation for his guests. On at least one occasion, he misused his BLM official vehicle when he transported his girlfriend while at the event.

We interviewed BLM OLES Director Salvatore Lauro who stated that he took no action when he saw the Supervisory Agent use ATVs and BLM personnel to transport his (the Supervisory Agent's) family. In addition, Lauro knew the Supervisory Agent allowed his girlfriend to share his BLM overnight lodging accommodations during the event.

We also confirmed that the Supervisory Agent intervened in the hiring process by increasing the number of candidates that would be interviewed. As a result, the Supervisory Agent's friend, who had worked with the Supervisory Agent as a Federal air marshal received an interview and was ultimately hired as a BLM special agent.

During our investigation, the Supervisory Agent displayed a lack of candor when interviewed and tried to influence an employee's comments prior to an interview.

c.

Here is the synopsis of the August 24, 2017 DOI OIG report entitled *Investigative Report of Misconduct by a Senior BLM Law Enforcement Manager*:

Synopsis

We initiated an investigation in November 2016 into allegations concerning a senior law enforcement manager with the Office of Law Enforcement and Security (OLES), Bureau of Land Management (BLM). An OLES official forwarded allegations to us that the senior manager had mishandled evidence from a criminal case by having a subordinate improperly remove several moqui marbles from the OLES evidence room and give them to the senior manager. The senior manager also allegedly gave marbles as gifts to several people. In addition, the OLES official alleged that after the BLM received requests for emails concerning various matters under official inquiry, the senior manager directed his subordinate to review the senior manager's BLM emails and delete any that depicted him unfavorably.

During our investigation, we received an additional allegation that in February 2016, OLES documents related to a congressional request were intentionally deleted from a BLM shared Google drive the day before the request for the documents was received.

We substantiated all but one of the allegations. We found that the senior law enforcement manager instructed his subordinate to remove four moqui marbles from the evidence room and give them to him, which violated BLM and U.S. Department of the Interior (DOI) evidence policy. We also confirmed that the senior manager had his subordinate use the senior manager's computer, personal identity verification (PIV) card, and personal identification number (PIN) to search the senior manager's emails for messages related to the official requests, and to "scrub" any messages that could harm the senior manager or any in which he used demeaning or derogatory language. The senior manager's actions violated Federal security and records management policy as well as various regulations and guidance related to the conduct of Federal employees.

Regarding the final allegation, an OLES budget analyst told us she deleted documents from the Google drive the day before the congressional request, but we did not find that she had intended to obstruct the inquiry. We also did not find that the senior manager or anyone from BLM leadership ordered the documents deleted.

The senior manager declined to be interviewed for this investigation.

We provided this report to the Acting Assistant Secretary for Land and Minerals Management for any action deemed appropriate.

The foregoing information laid bare an unseemly case of “bad cop” un-professionalism and criminality that reverberated throughout Utah, misconduct made all the more disconcerting because it was perceived to be that of a remote, unaccountable law enforcement agency of a distant, unfriendly Federal bureaucracy. See, e.g., newspaper article entitled “*Report: BLM agent handed out confiscated Moqui marbles ‘like candy,’*” Deseret News, Salt Lake City UT, published August 24 2017.

Conclusion

The heavy-handed raid of the Redd residence and resulting passing Dr. Redd would not have happened had the BLM respected its proper place and obeyed FLPMA’s requirement to first rely to the maximum feasible extent on the local County Sheriff to carry out the BLM’s law enforcement needs. Furthermore the Wooten whistleblower letter and DOI OIG reports lay bare serious systemic problems in BLM law enforcement. On behalf of my district and all citizens in Utah and throughout the West, I respectfully call upon the honorable members of this Subcommittee, in coordination with the full Senate and House, to wield the necessary authority to force the BLM to lay off virtually all BLM Special Agents and instead enter into and/or strengthen existing contracts with County Sheriffs, to carry out BLM law enforcement needs.

Thank you for the opportunity to testify. My constituents and I look forward to serious and extensive changes in the BLM when it comes to law enforcement. They are long overdue.