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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**3:16-CR-00051-BR**

**v.**

**AMMON BUNDY, et al.,**

**Defendants.**

**AFFIDAVIT OF FBI SPECIAL AGENT  
JASON P. KRUGER IN SUPPORT OF  
GOVERNMENT'S STATUS REPORT  
REGARDING ORDER TO SHOW  
CAUSE**

STATE OF OREGON            )  
                                      ) ss.  
County of Multnomah        )

1. I, Jason P. Kruger, being first duly sworn, hereby depose and state as follows:

**I. INTRODUCTION AND AGENT BACKGROUND**

2. I make this affidavit in support of the government's status report regarding the Order to Show Cause.

3. I am a Special Agent with the Federal Bureau of Investigation and have been since 1999. My training and experience includes agency specific training in all aspects of conducting federal criminal investigations. I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7), authorized to conduct investigations into alleged violations of federal law. Over the course of my career, I have led or participated in numerous federal criminal investigations. I am currently assigned to the Portland Division of the FBI and have been assigned to assist with the investigation surrounding the January 2016 occupation of the Malheur National Wildlife Refuge (MNWR), a federal wildlife refuge operated by the United States Fish and Wildlife located south of Burns, Oregon.

4. This affidavit is intended to show only facts pertinent to the government's status report and does not set forth all of my knowledge about this matter.

## II. RELEVANT FACTS

5. On January 2, 2016, and continuing through February 11, 2016, several individuals to include Dylan ANDERSON, Sandra ANDERSON, Sean ANDERSON, Jeff Wayne BANTA, Jason BLOMGREN, Ammon BUNDY, Ryan BUNDY, Brian CAVALIER, Blaine COOPER, Shawna COX, Travis COX, Duane Leo EHMER, Eric Lee FLORES, David Lee FRY, Wesley KJAR, Corey LEQUIEU, Kenneth MEDENBACH, Joseph O'SHAUGHNESSY, Jason PATRICK, Ryan PAYNE, Jon RITZHEIMER, Jake RYAN, Pete SANTILLI, Geoffrey STANEK, Darryl William THORN, Neil WAMPLER, and others participated in the illegal occupation of the MNWR.

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6. As a result of the occupation, all of the above-named individuals were charged with conspiracy to impede by force, intimidation, or threat, officers of the United States from discharging their duties in violation of Title 18, United States Code, Section 372. Some of the above-named individuals were also charged with possessing a firearm and dangerous weapon in a federal facility in violation of Title 18, United States Code, Section 930(b); theft of government property in violation of Title 18, United States Code, Section 641; and/or depredation of government property in violation of Title 18, United States Code, Section 1361. Charges against Pete SANTILLI were subsequently dismissed. *United States v. Ammon Bundy, et al.*, was assigned case number 3:16-CR-00051-BR.

7. On February 25, 2016, the Honorable Anna J. Brown, United States District Judge, District of Oregon, ordered the government to provide discovery to the defendants. The first volume of discovery materials was provided to defense counsel on March 4, 2016. Fifty-three total volumes of discovery materials were provided from March 4, 2016, to February 27, 2017.

8. On March 9, 2016, Judge Brown entered an Interim Protective Order, court record #288, which stated that defense counsel may provide copies of discovery only to individuals further described in the Order.

9. On March 24, 2016, Judge Brown entered the final Protective Order, court record #342, which stated defense counsel may provide copies of discovery only to: 1) the defendants in this case; 2) persons employed by the attorney of record who are necessary to assist counsel of record in preparation for trial or other proceedings in this case; and 3) persons who defense counsel deems necessary to further legitimate investigations and preparations of this case.

10. The Protective Order further ordered that defense counsel shall provide a copy of the Protective Order to any person who receives copies of discovery and that any person who receives copies of discovery from defense counsel shall use the discovery only to assist the defense in the investigation and preparation of this case and shall not reproduce or disseminate the discovery material to any other person or entity. The Protective Order applied only to 1) statements by witnesses and defendants to government officials, 2) sealed documents, and 3) evidence received from searches of electronic media.

11. Every document provided to defense counsel in discovery was marked in the lower left hand column "Dissemination Limited by Court Order."

12. On September 7, 2016, trial began for seven of the above-named defendants. The trial concluded on October 27, 2016, and all seven defendants were acquitted of the charged conspiracy. Prior to the first trial, eleven defendants pled guilty. A second trial for Jason PATRICK, Duane EHMER, Jake RYAN, and Darryl THORN began on February 14, 2017. Sean ANDERSON, Sandy, ANDERSON, and Dylan ANDERSON pled guilty prior to the second trial.

13. Beginning November 15, 2016, Gary HUNT began publishing excerpts from the discovery materials on the Outpost of Freedom blog at <http://outpost-of-freedom.com>.

14. On January 5, 2017, Special Agent Matthew Catalano served HUNT with a cease and desist letter directing him to stop publishing excerpts from the above-described discovery materials that were in his possession and in violation of the Protective Order. HUNT later posted details of this meeting on his blog.

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15. On January 11, 2017, Judge Brown issued an Order, court record #1691, directing HUNT to remove all protected material from his website within 24 hours. The Order enjoined HUNT from further dissemination of material covered by the Protective Order. Later that same day, HUNT was personally served with the original Protective Order, the new Order (court record #1691), and a Supplement to the original Protective Order, court record #1692, which prohibits any individual or entity from disseminating those materials or any information derived therefrom to any other individual or entity by any means.

16. On January 12, 2017, HUNT posted a lengthy article about the January 11, 2017, meeting with SA Catalano. HUNT quoted extensively from each of the three court Orders (#342, #1691, and #1692) and acknowledged he received copies of the Orders.

17. On January 23, 2017, Special Agent Ronnie Walker reviewed the Outpost of Freedom blog at <http://outpost-of-freedom.com> and observed that HUNT not only had not removed the protected material but had posted new additional discovery information subject to this Court's original Protective Order (#342), the January 11, 2017, Order (#1691), and the January 11, 2017, Supplement to Protective Order (#1692). The new CHS discovery information was posted January 23, 2017, in an article by HUNT titled "Burns Chronicles No 55." In this post, HUNT alleges two individuals are FBI CHSs. HUNT fully identifies one of the individuals and refers to the second individual only by first name and physical description. HUNT draws conclusions based on five FD-1023 reports provided in the CHS discovery. HUNT quoted verbatim text from the CHS discovery reports.

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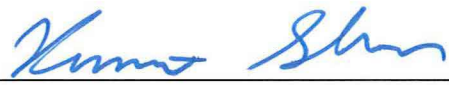
18. On January 30, 2017, Special Agent Walker reviewed the Outpost of Freedom blog at <http://outpost-of-freedom.com> and observed that HUNT had not yet removed the protected material from his website.

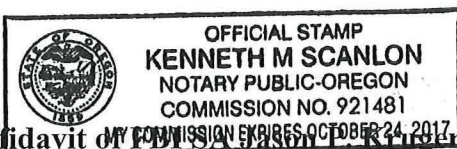
19. On March 6, 2017, I reviewed the Outpost of Freedom blog at <http://outpost-of-freedom.com> and observed that HUNT has not yet removed the protected material from his website.

20. On March 7, 2017, I reviewed an internet-based radio show at <http://www.blogtalkradio.com/longlivetherepublic/2017/02/10/we-the-people> in which HUNT was interviewed on March 2, 2017. The radio show lasts for two hours and forty-nine seconds. During the radio show HUNT discussed the protected material and named seven people he alleged to be FBI CHSS. During the course of the radio show, HUNT stated that he does not recognize the Court's jurisdiction, nor does he intend to comply with the Court's Protective Order. HUNT stated he would not make an appearance as directed because if he does he would have "submitted himself to the jurisdiction of the Court and I ain't gonna do that." A portion of HUNT's comments regarding the protected material and the limit of the Court's authority is submitted as Attachment A hereto.

  
 Jason P. Kruger  
 Special Agent  
 Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me this 9<sup>th</sup> day of March 2017.

  
 Notary Public for Oregon



Affidavit of FBI SA Jason P. Kruger

ATTACHMENT A

Blog Talk Radio

We The People1, “Here a Fed, There a Fed, Everywhere a Fucking Fed”

March 2, 2017

<http://www.blogtalkradio.com//longlivetherepublic/2017/02/10/we-the-people>

Begin at the 1:39:00 mark. Not a verbatim translation.

**Male Host:** “Yeah, good copy on that Gary. I really appreciate you coming out here, ah, your information is most useful. I really, ah, I really appreciated how much work you’ve done and dedicated to serving the people. I want to just personally thank you for that.”

**Gary Hunt:** “Well I think we owe some thanks to the US attorney in Portland. I know that sounds rather strange but I really appreciate those people because when they went after me about this recent thing about me exposing these informants and divulging the 1023 information they opened a can of worms and the can of worms turned into a cornucopia. It got me on Caravan to Midnight and Hagman and Hagman Report. And exposed that story, the misdeeds of government to hundreds of thousands of people, plus my readership has gone up three or four times what it was before these events, the Freedom of the Press series. And the next article will come out tomorrow morning.”

“But, uh, what they did to me by me refusing to submit to them, they opened that can of worms. It’s just gone haywire. It’s turned against them. Because that scrutiny, their misdeeds, judicial misdeeds, judicial discretion that is not in any way have anything to do with justice, is being demonstrated by what they are doing to me. So after 24 years...”

**Female Host:** [unintelligible]

**Gary Hunt:** “Yeah...so after 24 years they finally gave me something that I could really write about because I am so involved I know more about it than anybody except them. Yeah, what happened is the 1023s, the discovery that I received, and uh, was under a protective order of March 24, 2016 [unintelligible] the order was directed at the attorneys, the attorney’s staff, the investigators and the defendants hat they are not to disseminate this information. But in the Allen Varner article I kinda explain what the form says. You know, it got, uh. It says not to be disseminated by court order. Now disseminated means broadcast and I’m not broadcasting it, I’m using experts from it in my articles to prove what I am saying. But then I read the court order and I wasn’t the subject of that court order. So it didn’t apply to me because I wasn’t a defendant, I wasn’t an attorney, I wasn’t on a staff or investigator for the attorney. I didn’t fit the criteria. You know if it said all males over six feet and I were under six feet then it wouldn’t apply to me then right? So it didn’t apply to me. So getting this information out, first I got a cease and desist letter delivered by the FBI and I told they, hey it doesn’t apply to me. We had a nice conversation. I explained to them that I am not subject to the order and I am not within the jurisdiction of the court in Oregon. I’m in California. And so then they went back and filed a motion with the court for the court to issue and order and it was delivered by the FBI and I said, ‘hey we still got a problem here’ that I am not subject to the Order, the Protective Order, and I am not within the jurisdiction of that court so I refused service. So he reported back and they came back with another motion. And then she came up with a, granted their motion for show cause order in part, but she pointed out in there that there is a jurisdictional problem and we have to determine what a court of competent jurisdiction is on this. And then she supplemented the protective order from March of 2016 by saying ‘anybody.’”



“Well, the first order also said that I had to remove it from my website and every other website. But by then you know this was shared and mirrored all over the internet and in foreign countries. You know. So you can’t get that back, that genie back in the bottle. She extended a supplement to include anybody and she didn’t put any geographic limits on it. Anybody that passes this information on is subject to that order. So she included tens of hundreds of thousands of people in that order. And you can’t do that, you know. You can’t change horses in the middle of the stream. You can’t change the game rules in the middle of the game. And she tried to do that. But she pointed out that we got to find a court of competent jurisdiction, which she didn’t do and I never received a copy of that order. It was never served on me because I wrote back and said, ‘Hey, this is bullshit.’ But it’s been going back and forth. To give an overview: They are in court, within their jurisdiction, they are going after me for “Publication of Prohibited Material”, quote, unquote, is what they call it. But they’ve got to abide by the court rules, even though they bend the hell out of those rules. But, I’m fighting back in the court of public opinion. And I’m using street rules. So I’ve got an advantage. And the street rules is exposing the [unintelligible] of government in this judicial setting to everybody that reads the articles.”

“So anyway, the third order comes, and I did get served on the third order, I refused it, and the certificate of service said that he refused the order but then he took the order, implying that I accepted the orders. So I wrote the article on littering because I wasn’t going to drop it on the ground. That’s criminal for me to drop it on the ground and he wouldn’t take it back. So I wanted to make it clear that I refused the order but I took it to avoid committing the crime of littering. Because Catalano wouldn’t take it back.”

“But it is kinda interesting in the respect that their trying desperately, bending the rules, they are citing case law that actually supports my position, not theirs. And they are losing because they’ve had to go back, and back and back. They’ve had the cease and desist letter and three orders now and I’m supposed to, by tomorrow, respond in court to them. Then the government has until the 8<sup>th</sup> of March to respond to what I file with the court. Then on the 10<sup>th</sup> I’m supposed to appear there in a show cause hearing, to show cause why I shouldn’t be held in contempt of court. But they’re going to be really nice, because they said, ‘Well you can call in and make a phone appearance.’ But if I make an appearance then I have submitted myself to the jurisdiction of the Court and I ain’t gonna do that. Because if I did then they are going to be able to grab me.”

“And so it is kind of an interesting legal game. There is a term that a friend of mine used, and we talked about it on Hagman Report. It’s called ‘lawfare.’ The government is using lawfare against the people. They are doing it in Nevada right now. They did it with Barbo and Massey. They use the law to screw people and get them in prison. Now, I’m playing lawfare, but in a unique setting, because like I say, I am outside of their system but I’m still fighting the battle. So I’ve turned that lawfare around on them and it’s been rather interesting and fun taking them on at their own game and beating them.”

**Female Host:** Laughing

**Gary Hunt:** “Now I say that and I might end up in jail. But at this point, the people that have read it have understood what I’ve said and understood that they are not playing by the rules. They are actually lying about the case law that they cite.”

**Male Host:** “And I want to point that out. That people like you serve their country to an extent that isn’t understood. There is not going to be any monument for patriots like yourself. You know the only thing you’ll have is your work...”

End at 1:47:25 mark.