



## Flower Child Fascism

### A Case Study

During last November's congressional inquiry into the militia movement, Representative Charles Schumer (D-N.Y.), the ranking minority member of the House Judiciary Committee's subcommittee on crime, indulged in a fit of theatrical alarm. "Make no mistake," Schumer shrieked, "America is at greater risk today than ever before." Explained Schumer:

The armed radical groups we will hear about today are a sickness of hate, paranoia, and violence. Their angry germs are contaminating America's lifeblood. This sickness could threaten our future as a free country, a country whose democracy is the envy of the world.... If we do not stand up to these dark forces of hatred and evil, mark my words, they will not simply kill and maim hundreds of innocent Americans, they could destroy America.

The threat perceived by Schumer was by no means limited to the militia-occupied hinterlands; it had extended its influence to Capitol Hill. Schumer's indictment included Republican lawmakers who had expressed misgivings about proposed federal anti-terrorism legislation, whom he accused of seeking to "water down [the legislation] to the lowest common denominator of the extreme right's paranoia."

Representative Schumer's composure is none too certain when he is confronted with gun-related matters, and his colleagues have probably become accustomed to his occasional fits of rhetorical incontinence. However, his speech at the beginning of the militia hearing - a remarkably stilted performance even by Schumer's standards - prompted colleague Bob Barr (R-Ga.) to chide him for displaying "a paranoia that is similar to that which he accuses [militias] of having."

### A Ban on Militias

The November 2 hearing was something of a personal triumph for Schumer. In the aftermath of the Oklahoma City bombing last April, he demanded that a planned congressional inquiry into the 1993 Waco tragedy be set aside in order to convene an investigation into the "threat" presented by the militia movement. After failing to derail the Waco hearings, Schumer effectively sabotaged them through a campaign of procedural obstructionism.

During the November 2 hearing, Schumer demanded the passage of federal anti-terrorism legislation in order to "cleanse the illness of violent extremism" from America's political culture. He also announced the introduction of H.R. 2580, which is, in essence, a federal ban on militia groups. The "findings" section of H.R. 2580 describes militia activists as "criminals" who are creating a "climate of violence [which] threatens to undermine republican government in some States." It identifies the cause of such violence as "unfounded exaggerations about the impact of recent firearms laws such as the Brady Law and the ban on assault weapons, as well as baseless conspiracy theories regarding the government." The measure thus cites the prevalence of certain political beliefs as a rationale for expanded federal authority.

Although H.R. 2580 is not likely to be acted upon any time soon, it still serves a significant function, making the proposed anti-terrorism bill (H.R. 2768, which Schumer helped to create) look moderate. But Senator Patty Murray (D-Wash.), who voted in favor of S. 735, the Senate version of the anti-terrorism measure, admitted that by passing the legislation the Senate was "chipping away at the edges of freedom" and said that "we have no idea what kind of mistakes will be made, or whose rights will be infringed, when this bill is implemented."



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For his part, Schumer is sanguine about the enhancement of federal power to fight terrorism, and is not noticeably troubled about the diminution of individual liberties. He remarked to a reporter last summer, “in wartime, it’s different than peacetime. In terrorism time, it’s different than peacetime.” Schumer insists that America is at war with a vile “right-wing” enemy within, one which could destroy our government.

Schumer’s febrile denunciation of a right-wing conspiracy against the republic, and his proposed legislation to address that alleged threat, were largely inspired by the work of Kenneth S. Stern, a “program specialist on anti-Semitism and extremism” with the American Jewish Committee (AJC). Schumer’s anti-militia legislation drew heavily on a model statute created by the AJC in 1986 and promoted by Stern. Furthermore, Stern was among the “expert witnesses” summoned to testify at the November 2 hearing, during which he made available galley proofs of his new book, *A Force Upon the Plain: The American Militia Movement and the Politics of Hate*.

But Stern’s collaboration with Representative Schumer began well before the November 2 hearing. In *A Force Upon the Plain*, Stern recalls: “In early March 1995, Thomas Diaz, a member of Congressman Charles Schumer’s staff, expressed great interest in [the militia] issue, and together with my colleague Richard Foltin (AJC’s legislative director and counsel), we devised a strategy. I would write an analysis of the militia movement, documenting the danger to government officials and the national scope of the problem. Diaz and Schumer would use the report to push for congressional hearings, and I would bring some of the [left-wing] grassroots researchers to Washington for a press conference and to meet representatives of the states’ attorneys general.”

Stern’s report, “Militias: A Growing Danger,” was released on April 10 — nine days before the Oklahoma City bombing. The report described militia activists as “clinically paranoid” and bearers of a “disease in the body politic.” Predictably, Stern’s “insights” were highlighted in scores of newspaper and wire service articles following the April 19 bombing.

### **Climate of Fear?**

In his November 2 presentation to the House subcommittee, Stern maintained that new federal legislation to outlaw militias is necessary, because even law-abiding militia activists are a menace to public order:

There are people who live near militias, *regardless of whether they [the militias] are committing acts that can be indicted or not*, that are afraid. They are afraid to exercise their First Amendment rights. They are afraid to send letters to the editor. They are afraid to show up at public meetings. They are afraid to run for public office. I think that is a terrible, terrible state of affairs. [Emphasis added.]

These paralyzing fears are not confined to citizens, according to Stern, but are also incapacitating federal employees: “I’ve seen memos where Forest Service agents are told not to fly over certain areas because they are afraid of being shot at, [told to travel] in pairs [and stay] in radio contact. I’ve seen quotes from federal workers when they ask, ‘What’s the most important part of your job?’ and the answer is, ‘Well, it’s learning to keep your head down.’ I think it’s a travesty when that’s the level of fear out there.”

From Stern’s perspective, while fear of government is “paranoia,” fear of “anti-government extremists” is reasonable and must be addressed by the passage of laws which target the source of the fears. This would be a radical departure from established rules of evidence. Representative Ed Bryant (R-Tenn.), a



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former law enforcement officer, pointed out, “The test [of criminal intent] is not whether you or I feel threatened, but, rather, it’s whether an individual or organization has made specific threats.” It has been said that a “hate group” is any group of people whom liberals hate — and Stern essentially seeks to enshrine this standard into law.

This irony was not lost on Representative Bob Barr (R-Ga.), who commended the AJC for what he described as the group’s “long history of ... strengthening and protecting civil liberties” but described himself as “flabbergasted that you ... [are] so cavalierly dealing with what you consider rough edges [on the Constitution]. They’re more than rough edges. They go, I think, to the very heart of what we are in a free society.”

Observing that “we already have very, very extensive criminal laws in this country that do protect us against acts of violence, or conspiracies to commit acts of violence,” Barr expressed puzzlement that Stern and other self-described civil rights activists had joined “a pell-mell rush to outlaw more activity, to cut off people from doing things that we disagree with, and there are apparently a lot of allies that you have in this Congress in both parties.... I think it’s strange that organizations such as yours, which are normally such zealous champions of civil liberties, and are very skeptical of granting more and more authority to central government authorities, [are] involved in this.”

Stern replied by insisting that there is “a qualitative difference between people getting together and using the normal processes — writing their congressman, free speech, assembly — and doing it as part of an armed unit that [is] affecting real people’s lives in real neighborhoods.” He complained that present laws dealing with conspiracy and criminal syndicalism are inadequate, as they require the government to prove a specific plot against an identified target or individual. The crucial threshold definition of an illegal paramilitary organization, he maintained, should be whether its members and organizers are training with the general purpose of using armed force to resist the government; if so, “That’s planning for something that ought not ... to be legalized.”

Stern’s book, *A Force Upon the Plain*, was published by Simon and Schuster earlier this year amid great fanfare. The *New York Times* gave it not one, but two, ecstatic reviews. *Publisher’s Weekly* referred to it as the “definitive” book on the militia movement. Senator Daniel Patrick Moynihan (D-N.Y.) acclaimed the volume as “must” reading for “anyone who is concerned about extremist threats to the American social order.”

Like other professional opponents of the “far right,” Stern condemns right-wing conspiracy “theories” even as he promotes an essentially conspiracist view of the right. From his perspective, the militia movement is part of a network consisting of everybody from the pro-life lobby to the Aryan Nations. Borrowing a metaphor created by left-wing activist Ken Toole, Stern describes the right as a funnel passing through space. Activists enter through the wide aperture of mainstream concerns, such as taxation or environmental legislation, and are drawn down into narrower and more “extremist” concerns. At the narrowest end of the funnel, “you get someone like Tim McVeigh popping out.” The beauty of this metaphor, for Stern’s purpose, is that it is a collective indictment of the entire conservative movement.

### **“Insurrectionist Theory”**

Stern insists that “America’s militias are a federal problem, and there should be federal laws to proscribe them. After all, people have the First Amendment right to say what they will against government, and the right to own guns if they comply with applicable laws. But there is no federal right



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to take those guns, form a private army, and practice for war against the federal government.”

Those who recognize that the right to keep and bear arms is the ultimate defense against government tyranny espouse an “insurrectionist theory of the Second Amendment,” according to Stern. “One practical problem with the idea that the Second Amendment allows people to have guns in order to point them at a government they do not like is that such an interpretation creates the ultimate political paradox,” Stern writes. “The right to have arms in order to threaten government necessarily implies a right to use them for that purpose.... No government provides for the right of groups of armed, disgruntled citizens to revolt by blowing up and gunning down government officials. That is called sedition, assassination, and treason, and is punishable by law.”

In the fashion of statist throughout history Stern maintains that people possess only those rights which the state grants them. He allows that Thomas Jefferson stated that “the strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against government tyranny.” However, he insists that Jefferson’s endorsement of armed self-defense “was not [the view] expressed by the language of the Second Amendment” and declares, “The fact that the Second Amendment did not contain such broad language ends the debate for all courts and most scholars.”

This is an indictment of the present state of legal scholarship, not a reliable interpretation of the purpose of the Second Amendment.\* Furthermore, Stern himself has written that armed self-defense against potential federal tyranny is an unalienable right, as it is “the last, core, rock bottom concept of sovereignty” — and the context in which he wrote those words is the key to understanding the role that Stern is playing in the present drive to expand federal law enforcement authority.

Kenneth Stern, who — as we have seen — is fond of diagnosing psychological infirmities in “right wing” individuals, appears to suffer from a schizoid personality. In his 1996 incarnation, Stern denounces “anti-government” extremism and urges the extra-constitutional enhancement of federal police power. However, from 1975 to 1988, Stern was a legal advisor to the paramilitary American Indian Movement (AIM), a Marxist terrorist organization which Stern himself admits was engaged in a war against the United States government. Stern eventually became trial counsel for AIM founder Dennis Banks. In late 1975 Banks and several other AIM agitators — including Leonard Peltier, who was later convicted of murdering two federal agents — were intercepted in eastern Oregon carrying a small arsenal of illegal weapons and enough explosives to commit an Oklahoma City-style bombing.

### **“Romantic” Terrorism**

In *A Force Upon the Plain*, Stern describes in wrenchingly explicit detail the murderous consequences of the Oklahoma City bombing, and insists that it “was the ideology of ... proviolence, antigovernment private armies [that was] behind the carnage at the Murrah Building.” However, in an earlier book entitled *Loud Hawk: The United States Versus the American Indian Movement*, Stern expresses some “proviolence, antigovernment” ideas of his own. He appears to be untroubled by the fact that Banks and his comrades clearly had bloody mayhem on their minds when they were intercepted in Oregon: “No one asked about Indians with firearms, 350 pounds of explosives, and what they planned to do with them. Our case was best that way.”

At the time, Stern recalls, he entertained a rather expansive suspicion toward the federal government: “I had grown up in the ‘60s and ‘70s. The Gulf of Tonkin. Watergate. The government sometimes lied.” Although he now professes, in all apparent sincerity, to be mortified by terrorist bombings, this was not always the case: “In 1975, I was zealous, thinking that the rightness of the cause justified nearly



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everything — good ends excusing almost any means.... In my youth, I would have thought bombing property was almost romantic, a sign of defiance.”

One might be inclined to grant Stern an indulgence for youthful indiscretion and believe that he, like other recovering radicals, had abandoned his revolutionary beliefs. However, *Loud Hawk* is not a remorseful reevaluation of misplaced loyalty, but a celebration of AIM’s war against the bourgeoisie. It depicts Banks and his comrades not as criminals, but as idealists, and nearly all law-enforcement officials as incorrigible racists. Most remarkably, *Loud Hawk* was published in 1994 — while Stern was collecting material for *A Force Upon the Plain*.

Nowhere in *Loud Hawk* does Stern denounce the terrorist tactics employed by AIM; nowhere in *A Force Upon the Plain* does he acknowledge the fact that there are left-wing “hate groups” — such as AIM — that use violent methods to advance their causes. Perhaps Stern is merely following Lenin’s dictum that in politics, “justice” is always a question of who does what to whom.

AIM was created in 1969 by Dennis Banks, Clyde Bellecourt, and George Mitchell, three ex-convicts from Minnesota. Seeking to place a favorable spin on AIM’s early activities, Stern reports that Banks “patrolled Minneapolis streets to protect Indian people from police brutality.” A more honest rendering would be that Banks organized gangs which sought to impede the efforts of the police. AIM’s activities and origins were laid bare in sworn testimony delivered before the Senate Judiciary Committee’s internal security subcommittee on April 6, 1976 by former police officer Douglas Durham. During two years inside AIM as an FBI informant, Durham was Dennis Banks’ personal bodyguard and pilot, and was privy to some of AIM’s most confidential planning sessions.

“The American Indian Movement has tried to create the impression that they are a grassroots organization, utilizing what few nickels and dimes they can scrape together, with the blessings of almost all the Indian people, to create a better way of life for Indians,” Durham testified. “This is a pure propaganda impression, as some of them are extremely violent and well-funded.” Behind the group’s facade of poverty and humanitarianism, Durham warned, “They have been engaged in or planned practically every type of action model program known to terrorist guerrillas today.”

### **Marxist Affiliate**

To understand the purpose behind AIM’s creation, it is necessary to review some critical events of the late 1960s. In 1966, Fidel Castro convened the “Tricontinental Conference” in Havana, an assemblage of 513 delegates from 83 radical groups in the Third World; terrorism expert Claire Sterling observes, “The like of it had not been seen since the Bolshevik Revolution of 1917.” Under Castro’s sponsorship, the Terrorist International plotted its “global revolutionary strategy,” which was to include support for “democratic workers’ and students’ groups” in the United States.

Professor Brent Smith of the University of Alabama-Birmingham, a respected scholar on terrorism and related social movements, points out that the Tricontinental Conference had an immediate impact upon America’s political culture. “1968 was a big year for international terrorism, and its impact was felt here,” Smith informed *The New American*. “It was the year which saw the emergence of left-wing urban guerrilla terrorism in this country; a lot of it flowed from Latin America right into California, for example. Castro also made a point of sending back a well-thumbed copy of [Brazilian Marxist] Carlos Marighella’s *Mini-Manual for Urban Guerrillas* in the hip pocket of all the SDS people who went to Cuba to work with the Venceremos Brigades.”

Students for a Democratic Society (SDS) was the parent organization of the Weather Underground





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(Weathermen), a hard-core Marxist revolutionary group which acted as a conduit between the Terrorist International and domestic groups like the Black Panthers, the Symbionese Liberation Army, and AIM. The Weathermen created a chain of “collectives” across the country to carry out acts of revolutionary violence. Bombings linked to the Weathermen took place in cities from San Francisco to New York City, culminating with the March 1, 1971 bombing of the U.S. Capitol and the May 19, 1972 bombing of the Pentagon. Weathermen also specialized in armored car robberies, a practice which netted hundreds of thousands of dollars for subversive activities in the United States and abroad.

To advance the cause of armed insurrection in this country, the Weathermen provided support and connections for urban terrorist groups of all descriptions, including AIM. In his recently published memoir, *Where White Men Fear to Tread*, AIM’s Russell Means admits that his group “established contact with the Weather Underground, the Black Panthers, the Young Lords, a Puerto Rican freedom movement, a militant Chicano organization known as the Brown Berets, and the National Lawyers Guild.” Through such contacts AIM was able to receive material and political support from Cuba, Red China, the Irish Republican Army, and the Palestine Liberation Organization.

Another of AIM’s allies was Libyan dictator Moammar Ghadaffi. AIM representatives attended a gathering of international terrorists in Baddawi, Libya in 1970; Ghadaffi acknowledged his contacts with AIM in 1981, and in 1983 Dance Means, Russell’s brother, reported that he had met with Ghadaffi on at least two occasions. It is therefore no exaggeration to say that AIM was a significant affiliate of the Terrorist International.

For the first few years of its existence, AIM seemed to be more of a nuisance than a threat, confining its activities to harassing police and conducting “guerrilla theater” events. However, by 1972 the group had graduated into more menacing activities. In that year the group conducted a nation-wide rampage called the “Trail of Broken Treaties” campaign, leading a motley assembly of Marxists and other malcontents on a binge of looting and violence. Means proudly recalls that at every stop on the campaign, the thugs went “AIM shopping”: “Everything that wasn’t nailed down went into someone’s jacket or pants pocket.... We did that with a clear conscience.”

AIM leader Clyde Bellencourt would often rebuke AIM’s victims by telling them that “we’re the landlords of this country, and we’re here to collect our overdue rent.” The “Trail of Broken Treaties” march ended with the occupation of the Bureau of Indian Affairs (BIA) office in Washington, DC, which resulted in \$2 million worth of damage to the building and the theft of several filing cabinets containing BIA files.

It was during the occupation of the BIA office that the federal government first displayed what would become its habitual solicitude toward AIM. The occupiers were eventually induced to leave the BIA building by a bribe of \$66,000 in “bus fare” and promises that they would not be prosecuted. The payoff, interestingly, was arranged by Frank Carlucci, who was at that time deputy director of the Office of Management and Budget.

Fresh from sacking the BIA office in the nation’s Capital, an AIM contingent laid siege to Custer, South Dakota, on February 6, 1973, inciting a riot during which the chamber of commerce building was torched and the court house was firebombed. Several people were injured during the riot, including police. Two years later, following his conviction on charges arising from the Custer riot, Dennis Banks refused to appear at his sentencing hearing and became a fugitive from justice.

## **Wounded Knee**



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The most notorious act undertaken by AIM, of course, was the 71-day occupation of the South Dakota village of Wounded Knee in early 1973. Doug Durham, who joined AIM on the FBI's behalf during the occupation, testified that the announced intention of AIM was "to topple the elected government of tribal chairman Richard Wilson.... They were well-armed, they had M-16s and AK-47s." Police officer Jack Lane, a participant in the standoff, recalls that some AIM agitators were equipped with rifles of Libyan origin.

Lane also recalls that critical media coverage of AIM's Wounded Knee occupation was effectively censored by the terrorists, because publishers knew that "if they printed anything which could be construed as critical of AIM, they risked being burned out by the militants." The mysterious death of Oglala Sioux tribal councilman Leo Wilcox demonstrated that such fears were not exaggerated: Wilcox was found burned to death in his car shortly after a March 24 radio speech in which he denounced AIM.

### **AIM Fund-raising**

While AIM radicals were holding off law enforcement officials at Wounded Knee, other elements of the terrorist group were shaking down clerics in Iowa — with a little help from the Justice Department. An AIM contingent occupied the property of the First Church of the Open Bible in Des Moines and demanded "reparations" of \$50,000. When the pastor of the church refused to submit to such extortion, Jesse Taylor of the Justice Department's Community Relations Service arranged a meeting with local clergy in which he induced the clerics to pay AIM \$3,000 as a down payment on an annual payment of \$36,000 for an "American Indian Development Center."

AIM leader Ron Petite later visited Des Moines and threatened to "work over" a local religious official because tribute payments had been tardy. Petite also supervised other shakedown sessions during which ministers were held in a room behind guarded doors and relieved of whatever cash they happened to be carrying. The seriousness of AIM's intentions was illustrated by the treatment of Reverend Ray McHue, a cleric who was left with broken ribs after a beating he received at the hands of AIM thugs.

Despite AIM's studied pose of penurious idealism, the group was generously underwritten by the federal government. Durham testified that the group had received more than \$400,000 in federal funding between 1969 and 1973, most of it through the now-defunct Office of Economic Opportunity. Furthermore, approximately half of the 258 terrorists who occupied Wounded Knee had been federal employees. AIM had also received nearly \$300,000 in grants from religious organizations, and an undisclosed amount from sundry shakedowns and bouts of "AIM shopping."

In September 1974, charges against Means and Banks arising from the Wounded Knee siege were dismissed by Federal Judge Fred Nichol, a liberal activist who should have recused himself.\* However, AIM's violence and ambition continued to grow unabated. Durham testified that the group was planning a campaign to disrupt the nation's Bicentennial in 1976. In his memoir, Russell Means recalls that at the time, "I planned to kill a few rednecks at random.... Most of the whites I wanted dead were U.S. Congressmen, Senators, federal and state appellate judges — the most visible proponents of institutionalized racism."

Although Means did not carry out his plan, three other AIM members were able to strike a lethal blow against "oppression." On June 26, 1975, FBI agents Ronald Williams and Jack Coler were murdered execution-style after a brief shoot-out near Pine Ridge, South Dakota.

In November 1975, a motor home carrying Leonard Peltier (who was sought by federal agents for



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killing Williams and Coler) and fellow AIM fugitive Dennis Banks was stopped by the state police near Ontario, Oregon. Peltier escaped, burglarized a local home, and was later apprehended. Banks also got away, but was arrested in California. In the motor home police discovered a cache of weapons from which the serial numbers had been removed, a set of bomb-making instructions, and enough dynamite to destroy a ten-story building.

### **Playing With the Law**

At the time of this incident, Stern recounts in *Loud Hawk*, he was a “young ... eager, motivated, idealistic and passionate” law student at Willamette University in Salem, Oregon. Chafing beneath the yoke of academic discipline, he longed to use the legal profession to advance the cause of revolution. “The activists I had admired growing up — the draft resisters, the antiwar protesters, the civil rights workers — were the ones I wanted to represent,” he writes. “People who fought the status quo and challenged society to let go of archaic and dangerous notions frequently needed a lawyer’s help.” He volunteered to serve as a legal adviser for AIM defendants even before he finished law school.

Nor does Stern minimize the violence employed by the “idealists” whom he served: “This was the mid-1970s, when the ultra-left became the freaky left, when the Weather Underground and the Symbionese Liberation Army and even part of AIM thought social change came through bombs. [Dennis] Banks, like others I knew ... had crossed a line.” Stern describes meetings of AIM defense attorneys in a Portland law office adorned with posters of Karl Marx, Ho Chi Minh, the Weather Underground, and the African National Congress. He also proudly describes a legal brain-storming session during which he was “too stoned to keep [my] ideas to myself” and suggests that this narcotic-induced legal epiphany was a major contribution to the cause.

Although Stern now argues that there is no “federal right” to organize military resistance to federal authority, in *Loud Hawk* he insists that the federal government had no authority to prosecute the AIM members for carrying explosives, and dismisses as a “technicality” the federal statute forbidding ex-felons to possess firearms — at least when that statute was applied to AIM members. “The law in these cases was exhilarating,” Stern reminisces. “I would play with it, pull it apart, put it back together with integrity and professionalism, sculpt it, with a newly born internal logic, culled from the case law.”

He offered similar services to other revolutionaries, including members of the George Jackson Brigade and the New World Liberation Front. According to his account, he became such a nuisance to the Establishment that his phones were intermittently tapped and he was under FBI surveillance — assertions which he would likely dismiss as “paranoid” if made by a “right-wing extremist.”

By the mid-1980s, Stern was aware that AIM leaders had murdered members of the organization who were suspected of acting as federal informants; he had learned firsthand of AIM “hit squads” that were responsible for bombings at Mt. Rushmore and the South Dakota Bureau of Indian Affairs office, and that had planned to kill Sioux tribal chairman Dick Wilson. Yet Stern continued to maintain that AIM’s actions were defensive in nature.

In preparing his final legal brief on behalf of Banks, Stern operated on the assumption that AIM’s violent actions — including, apparently, the transportation of weapons and explosives with intent to use them against government officials — were an attempt to deflect the federal government’s “genocidal” ambitions. His evidence? A collection of frantic telegrams sent to Washington, D.C., by AIM supporters during the Wounded Knee occupation. “These were my proof,” Stern proudly recalls. “It was not only the Indians who feared that the militarized FBI — the new Seventh Cavalry — was actually capable of





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wiping them out.”

### **Well of Hypocrisy**

Leaving aside for a moment the fact that it was AIM that had provoked the standoff by seizing Wounded Knee, it is important to acknowledge that Stern’s standards of evidence have remained consistent. In justifying AIM’s terrorism, Stern asserted that the fears of federal power expressed by AIM and its followers were sufficient to indict the FBI of genocidal intentions. He now argues that the fears of possible militia violence expressed by federal workers and liberal activists are sufficient evidence to indict militias.

Stern is a bottomless well of such hypocrisy. In a passage from *A Force Upon the Plain* which touches on the belief that the federal government may have been complicit in the Oklahoma City bombing, Stern sneers that “the militias have demonstrated remarkable paranoia.... These people, after all, think that the Oklahoma City blast was designed to make them look bad.” However, in *Loud Hawk* Stern relates that one of his jobs in the AIM defense team was “to spot [federal] agents and provocateurs.” He insists that many of AIM’s misdeeds were the result of COINTELPRO — an FBI campaign to discredit AIM and other groups.

In *A Force Upon the Plain*, Stern condemns the National Rifle Association’s description of the ATF as “jack-booted thugs,” arguing that such “extreme rhetoric depersonalized and demonized federal law enforcement.” However, in *Loud Hawk* Stern recalls a conversation with an AIM official — whose anonymity he protects — who had been involved in the murder of FBI agents Coler and Williams: “He had spoken of the FBI agents like American soldiers in World War II talked about Nazis ... about killing them proudly. Agents Coler and Williams were not human beings to him, just dead enemy troops, faceless, nameless ‘FBI’s.’ Their death generated pride and maybe, in a way, even hope.” Stern offers no condemnation for such attitudes, nor does he express misgivings about his support for the hate group which acted on them.

Shortly before Banks came out of hiding in 1988, Stern embarked on a new career. As Stern tells the story, he was outraged by the murder of American citizen Leon Klinghoffer during the hijacking of the passenger ship Achille Lauro in 1986 — an act which was committed by the PLO, one of AIM’s close allies in the Terrorist International. Where he had once performed legal contortions on behalf of terrorists, Stern now decided to litigate on behalf of their victims. With letters of support from former Supreme Court Justice Arthur Goldberg and then-Vice President George Bush, Stern created the National Organization Against Terrorism. “It was fun, new law,” he writes. It was also a source of grant money and high-powered connections in New York and Washington, which provided him with a means of support until his recent emergence as the newly anointed “expert” on hate groups.

Naturally, *The New American* was eager to ask Stern about his remarkable career — much more eager, apparently, than Stern was to discuss his background with this magazine. On February 8, *The New American* received assurances from publicist Erin Marut of Simon and Schuster that she would try to arrange an interview on February 12; however, we never heard from Miss Marut again. Messages requesting an interview were left at Stern’s office at the American Jewish Committee, to no avail.

### **Authoritarian Measures**

Although one might be tempted to dismiss Stern as a spectacular hypocrite, his career has actually displayed a sinister consistency: Now, as 20 years ago, Stern is seeking the reconstruction of our social and constitutional order. As AIM’s legal courtesan, Stern provided “pressure from below”; now that he



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mingles with policymakers in Washington, he is providing “pressure from above.”

The purpose of terrorism is to create a pretext for government repression. Few have explained this principle more cogently than Brazilian Marxist Carlos Marighella in his *Mini-Manual for Urban Guerrillas*. When terrorists attack innocent people and subvert public order, explained Marighella,

The government has no alternative except to intensify repression. The police roundups, house searches, arrests of innocent people, make life unbearable.... Rejecting the “so-called political solution,” the urban guerilla must become more aggressive and violent, resorting without letup to sabotage, terrorism, expropriations, assaults, kidnappings, and executions, heightening the disastrous situation in which the government must act.

Similar instructions were issued by Italian Communist Giangiacomo Feltrinelli, an immensely wealthy patron of revolutionary causes who was one of the primary organizers of Europe’s terrorist underground. Before his death in 1972, Feltrinelli instructed his followers that they must “violate the law openly [by] challenging and outraging institutions and public order in every way.” The objective of such actions was to open “an advanced phase of the struggle” by provoking “an authoritarian turn to the right” — which in the Marxist dialect means the imposition of police-state measures by government.

Although terrorism is regarded as the product of “anti-government” sentiments, government is the primary beneficiary of terrorist acts; it is the governed who suffer, as they are entrapped between the violence of terrorists (pressure from below) and the expanded powers of government (pressure from above). Accordingly, it is entirely appropriate that a legal activist who supported terrorists in the 1970s and 1980s would be urging an “authoritarian turn to the right” in the 1990s.

Stern’s metamorphosis is one of the most remarkable examples of what might be called “Flower Child Fascism” — erstwhile Movement radicals who now consider political dissent to be sedition, and criticism of an increasingly arrogant federal government to be “anti-government extremism.”

\*In *The Federalist*, #46, James Madison explained that lawfully organized militias would provide a formidable check on federal usurpation; this is not “insurrectionist theory,” but constitutional fact.

\*Douglas Durham was present during a pre-trial meeting between Judge Nichol and Dennis Banks. At that meeting, Nichol’s wife became a member of AIM and promised that she would be in the courtroom to keep the Judge “in line.” Nichol allowed AIM to run amok in his courtroom and did not act to prevent the harassment of prosecution witnesses by AIM supporters.



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