

Racial Double Standards in a Mass Shooting Threat Case David Lenio & White Nationalism

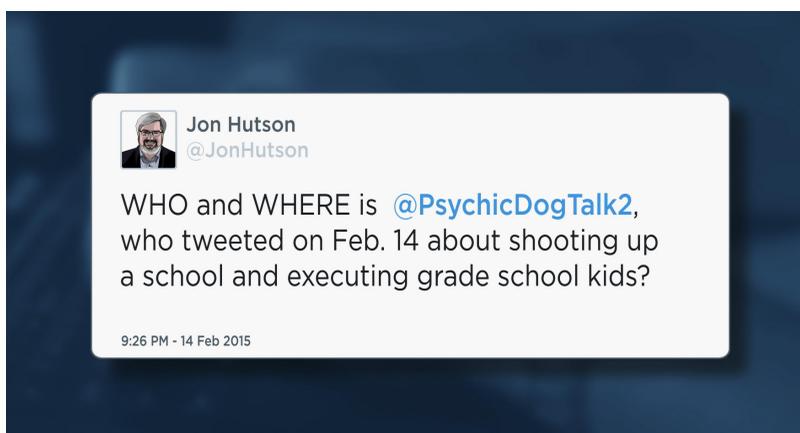
When I worked for a gun violence prevention organization in 2015, I often spent time on Twitter as part of my job.¹ And that's what I was doing on Valentine's Day 2015: tweeting worldwide news² about two deadly shootings in Copenhagen, Denmark. One of the shootings was at a free speech event in a café and the other was at a local synagogue, both following the publication of controversial cartoons depicting the Prophet Muhammed.³ My tweets drew the attention of a Holocaust denier who, I subsequently learned, was also a White nationalist who owned three guns and lived on the outskirts of a White separatist community in Montana. His online interactions with me over the next few hours led me to discover that one day before, and episodically over the previous seven weeks, he had tweeted threats to shoot grade school children and Jewish leaders.⁴ During our encounter, he repeated some of these threats, specifying that he wanted to "put two in the head of a rabbi." I reported him to the FBI and to local law enforcement as a potential mass shooting threat who also appeared to be planning a suicide-by-cop scenario.⁵ (Apparently referring to how some mass shooters have been killed by police, the man tweeted his desire to massacre school children "until cops take me out."⁶) "Thank God Monday is a holiday," one officer in Montana later told me, "because we have another 24 hours to catch him before the schools open." And catch

him they did. Two days after our Twitter encounter, police arrested David Joseph Lenio, a 28-year-old who had recently moved to Kalispell, Montana, from his parents' home in Grand Rapids, Michigan.⁷

This essay explores two journeys. One is that of a wealthy and privileged young man who sought a White supremacist "homeland," but ended up taking a detour through the criminal justice system, before being released this spring without bail and without facing prosecution. The other journey is my own: the story of what happened after our paths crossed and what I learned from

tural disparities in the U.S. criminal justice system. While people of color and Muslims encounter many "on-ramps" into the system, a White mass shooting threat suspect instead found numerous easy exits and "Get Out of Jail Free" cards.⁹ The case would come to illustrate the kind of disparate prosecution of far-right terrorism cases which Naomi Braine has detailed in these pages, writing in the Spring 2015 issue of *The Public Eye* that:

The differential treatment of Islamic and far-right terrorism cases only becomes explicable through the lens of political calculation. The Right Wing is an entrenched element of the U.S. cultural and political power structure, raising the costs of high profile law enforcement action. The primary targets of federal anti-terrorism investigations have been Muslim men defined by their vulnerability rather than their power.¹⁰



Jonathan Hutson's tweet trying to identify the author of multiple tweets threatening mass violence in February 2015. Photo courtesy of Investigation Discovery.

our respective involvements in the judicial system and what those experiences say about the state of race and justice in the United States.

I didn't know it then, but getting involved in Lenio's case would change my life and inform the national conversation about how to detect and deter online threats of mass violence.⁸ From this relatively front row seat to the legal process, I would come to witness what many communities of color already have intimate knowledge of—the struc-

Perhaps law enforcement obtains more convictions of Muslims because the FBI focuses on Muslim communities, and constructs scenarios to entrap their members, while simultaneously failing to act promptly on information about possible terror threats from the Right until their militant actions become all but impossible to ignore.

Much of this story plays out on Twitter, where David Lenio's tweets serve as road markers for an ideological tour of the outer reaches of the Far Right, its culture of conspiracism, and the xeno-

phobic anger of White men who feel dispossessed of their economic birthright in the kind of fury that drives the supporters of Donald Trump.

THE MAKING OF “A POTENTIAL TERRORIST”

At the time of his Twitter spree of horrific threats, Lenio was a line cook in a restaurant who falsely claimed he was homeless and blamed his economic struggles on Jews. He would go on to find a calling as part of a populist, nativist movement which advocates the rise of a new strongman in the U.S., scapegoats minority groups, and seeks to establish a White homeland in the Pacific Northwest under authoritarian rule—an ideal most adherents call the Northwest Territorial Imperative¹¹ and which Lenio sometimes calls Cascadia.¹² In the bio of one of his several Twitter feeds, Lenio indicated his support for 9/11 conspiracism and bombastically described himself as “a potential terrorist.”¹³ This picture is far different than the one we could paint of Lenio, as the snowboarding son of an influential investment banker in one of Michigan’s most affluent cities.

Lenio’s father, Remos Joseph Lenio, co-founded a private investment bank in Grand Rapids, Michigan, in September 2015.¹⁴ For decades, he has specialized in serving closely held, family-owned businesses. A conservative Christian who shows support on Facebook for libertarian conservative congressman Justin Amish (R-MI)¹⁵ and the libertarian classic *Atlas Shrugged*, Remos Lenio also shares close business, social, and philanthropic ties¹⁶ with the billionaire Dick and Betsy DeVos family of Grand Rapids.¹⁷ The elder Lenio also seems to share the DeVos’s vision of turning Grand Rapids into a “Christian Wall Street.” He initiated the \$28 billion church financing industry’s first-ever loan syndication deal when he was a partner in Hartwick Capital of Grand Rapids in 2004. Lendees included mega-churches such as Mars Hill Bible Church,¹⁸ where Betsy DeVos serves on the board in nearby Grandville, Michigan.¹⁹

The multi-billion dollar fortune of the DeVoses, who are Christian Right leaders and one of the conservative movement’s guiding families, flows from

their founding of the Amway Corporation. As *Mother Jones* reports, “DeVos family members have invested at least \$200 million in a host of right-wing causes—think tanks, media outlets, political committees, evangelical outfits, and a string of advocacy groups. They have helped fund nearly every prominent Republican running for national office and underwritten a laundry list of conservative campaigns on issues ranging from charter schools and vouchers to anti-gay marriage and anti-tax ballot measures.”²⁰

David Lenio’s own political evolution may have begun with his father’s politics, but it appears to have spanned a wide range of conservative ideologies, from Ron Paul Libertarianism²¹ to the Far Right.²² Though his religious identity is unclear from his public statements, Lenio has described himself in a Twitter bio as a supporter of the Second Amendment “and Jesus, too.”²³

But his politics diverged from conventional libertarianism and Christian Right positions at some point, taking a turn towards the conspiratorial and the overtly White supremacist. Rather than publicly identify with any particular ideological camp, Lenio seemed to exemplify the free-floating anxieties and rage of some White men who feel dispossessed. His tweets often focused on mass shootings and terrorist attacks, which he invariably labels as “false flag” attacks—covert operations perpetrated by Israel or the CIA. He claimed on one occasion that Israel was behind the massacre at Sandy Hook Elementary School in Newtown, Connecticut (which he called “Sandy Hoax”),²⁴ and on many other occasions, charged that Israel was responsible for 9/11. He also wrote in support of White separatist movements, tweeting in November 2014, “White people need to organize racially, because the other races & democrats are organizing on some anti-white bullshit that needs countering.”²⁵

A month after that tweet, he moved to the town of Kalispell in Montana’s Flathead Valley, which is well-known on the Right, as well as in human rights and law enforcement circles,²⁶ as a locus of one of several White supremacist enclaves known collectively as Pioneer

Little Europe (PLE).²⁷

The PLE movement was founded over a decade ago to be, in the words of its organizational prospectus,²⁸ “a conscious white community” that “comes to dominate a geographical area.” Investigative reporter Judy L. Thomas writes:

The manual describes a plan to “swamp” a target area by taking over its local political and economic systems, forcing out those who don’t share their beliefs. White nationalists would live in close proximity to businesses that offer cultural facilities and services, some of which would openly support their political revival.

The movement has gained some traction in Montana.

In the past few years, dozens of white supremacists have relocated to the Flathead Valley, where civil rights activists say they are forging alliances with anti-government Patriots because of their shared hostility toward the government.²⁹

A CITIZEN REPORT

On the day that he arrived in Kalispell in late December 2014, Lenio tweeted his desire to shoot up a grade school in the town, linking his threat to his economic situation. “I David Lenio,” he wrote, “am literally so indebted & #underpaid that I want to go on a sandy hoax style spree in a kalispell, MT elementary #school 2014.”³⁰

Over the next several hours, he fired off four similar tweets.³¹ He wrote that he wondered how long it would take before he generated national media coverage and other forms of attention for beating the “shooting spree high score” of the 20 kids and six adults who were massacred at Sandy Hook Elementary School—one of the deadliest school shootings in U.S. history.³²

From that day until his arrest about six weeks later, his tweets focused obsessively on mass shootings. At times, it appeared that he was grappling with his mental health, as with this February statement: “If I can’t even afford habitat to live on, why the fuck shouldn’t I shoot up a #school and #teach the world some-

thing about ‘mental health?’”³³ In a prior YouTube video posted in August 2012,³⁴ Lenio voiced a desire for the kind of infamy that comes to mass shooters. He also expressed a distrust of psychiatry and prescribed medications, as well as a fear that his guns might be taken away if he were found to be seriously mentally ill in a way that could make him a danger to himself or others.³⁵

Lenio’s tweets suggest that, consciously or not, he was setting himself up to be viewed as mentally ill—a factor which, if he could prove it, might mitigate his guilt. That he would introduce this concept is not surprising. When a White male suspect threatens or carries out a mass shooting, the public conversation often rejects the label of terrorist while highlighting the suspect’s perceived mental state in an attempt to explain his acts primarily as a result of mental illness, which could result in an acquittal or a lighter sentence. “It’s as if one cannot, according to the conservative playbook, be both white and a terrorist,” writes Black Lives Matter activist and *Daily News* columnist Shaun King.³⁶

In contrast, when a person of color or a Muslim engages in similar behavior, the public conversation tends to disregard questions of possible mental illness while emphasizing the suspect’s ethnicity or religion. This dynamic, and the racial double standard it represents, stymies discussion of how White male privilege or even White supremacist ideology—a potentially aggravating factor that could result in a harsher sentence—motivates violence.

It’s also ironic, since White males commit a majority of mass shootings in the U.S. According to data compiled by *Mother Jones* on 80 U.S. mass shootings between 1982 and 2016, White suspects, almost exclusively males, were responsible for around 60 percent of the attacks.³⁷ That survey notes that most of the shooters had displayed signs of possible mental illness, such as paranoia and depression. The report’s lead author concludes, “Maybe what we need is a

better mental health policy.”³⁸

But the fact that most of these shooters displayed signs of possible mental illness does not amount to proof of mental illness, nor does it demonstrate causality. In 2014, Eric Madfis, an Assistant Professor of Criminal Justice at the University of Washington, used an intersectional approach to examine the disproportionate rate of mass killings by White men in the United States. He



Screenshot captured by author of one of David Lenio’s many threatening tweets on February 14, 2015.

reached a different conclusion:

Among many mass killers, the triple privileges of white heterosexual masculinity which make subsequent life course losses more unexpected and thus more painfully shameful ultimately buckle under the failures of downward mobility and result in a final cumulative act of violence to stave off subordinated masculinity.³⁹

But whatever his motivations and mental health status, by February 12, 2015, Lenio was calling for the rise of a new strongman—“a Hitler”—to lead a White supremacist movement in fixing the U.S. economy, and stating that he was prepared to go down in a hail of bullets while killing Jews. He continued the same day with the “bet” that he could easily kill a dozen schoolchildren, which, he claimed, “Sounds better than being a wage slave.”⁴⁰ Minutes later, he imagined more than 30 dead grade school students and called atten-

tion to his motives by tweeting, “I bet I’d take out at least a whole #classroom & score 30+ if I put my mind to it.” He then wrote. “#Poverty is making me want to kill folks #mental health.”

FBI studies show that terrorists, including school shooters, often signal their intentions in advance—sometimes to peers or authority figures, and other times to complete strangers.⁴¹ While I would normally ignore such hateful rhetoric, David Lenio seemed to fit the profile with the dozens of threatening tweets he’d posted since arriving in Kallispell. When Lenio began to confront me on Twitter, after my own tweets related to the shootings in Copenhagen, I read through his feed and became concerned. I saw his repeated threats to shoot schools and synagogues, and tried to crowd-source the problem of identifying and locating him, tweeting, “WHO and WHERE is @PsychicDogTalk2, who tweeted on Feb. 14 about shooting up a school and executing grade school kids?”

Lenio responded by asking where my kids go to school.

I decided to make a citizen report to law enforcement, sending a timeline of Lenio’s threatening tweets, contextual information about Lenio’s apparent White nationalist sympathies, and a profile overview of his threats and his seeming desire for a suicide-by-cop scenario.

When police investigated the next day, on February 15, they discovered that Lenio had taken steps to put his ideas into action: he’d retrieved a cache of rifles and ammunition from a storage locker near his apartment.⁴² He also had a loaded semi-automatic handgun with him in his van at the time of his arrest and two extra ammunition clips, as well as several jugs of urine—materials that could potentially be used to create a primary charge for a bomb.⁴³ (See sidebar: What’s in a Jug of Urine?) Two local law enforcement agencies deployed extra officers to guard area schools and notified every parent in the school system about the security threat.⁴⁴ And on February

16, the FBI, along with law enforcement officers from four other agencies,⁴⁵ arrested Lenio. He confessed on video to issuing the tweets, stating that he was glad that law enforcement had increased school security in response. However, Judge Heidi Ulbricht would later rule this confession inadmissible because the FBI failed to Mirandize Lenio until after he made these statements.⁴⁶

TOO WHITE TO JAIL?

After the arrest, however, the investigation of Lenio for his myriad threats softened. To begin with, police said they could find no connections between Lenio and Kalispell's local White supremacist networks, despite publicly available posts on social media and blogs documenting Lenio's ties to White nationalist leaders in the Flathead Valley, particularly members of the White supremacist community Pioneer Little Europe.

Pioneer Little Europe (PLE) is not so much a location or an organization as an organizing method for bringing White nationalists together. In the late 1990s and early 2000s, two White supremacists named Hamilton Michael Barrett and Mark Cotterill developed the PLE concept and promoted it on the neonazi website Stormfront⁴⁷ as a way for White nationalists to develop affinity communities within existing towns in order to gain political influence and provide each other social and economic support.⁴⁸ The mostly conservative, libertarian, and gun-friendly population in Montana's Flathead Valley takes a live-and-let-live attitude toward White nationalists who espouse rugged individualism and back-to-the-land lifestyles. Two-hundred-and-fifty people in Kalispell earn their living making guns or gun parts,⁴⁹ which provides economic security from skilled labor as well as a steady supply of potentially untraceable weapons.

Unsurprisingly, the result of PLE's presence in an area can be polarizing. In Kalispell, it led to episodes of violence, as documented in the recent film "Hate in America: A Town on Fire," co-produced by NBC's Peacock Productions and the Southern Poverty Law Center.⁵⁰

While the police would say they struggled to link this group and Lenio,

What's in a Jug of Urine?

That fact that Lenio stored jugs of urine in his van invariably catches observers' attention. But neither federal nor state or local police ever asked Lenio about this bizarre find.

We don't know why Lenio was storing jugs of urine, because law enforcement failed to explore this potential lead. But if they had they might have made a shocking discovery.

Urine has been used to make urea to serve as the main charge in homemade urea nitrate bombs⁶⁹ in the U.S., as well as in Afghanistan, Israel, Iraq, and Pakistan. In the U.S., the best-known case of a urea nitrate bomb is the February 1993 bombing of the World Trade Center.⁷⁰ In fact, it is a serious enough problem that the Department of Homeland Security offers a training curriculum that includes teaching firefighters and other first responders to be on the lookout for jugs of urine⁷¹ as a possible sign of what scientists have called "exceptionally easy-to-make" improvised explosive devices (IEDs).⁷² *The Associated Press* reports, "One instructor noted that the discovery of jugs of urine led to the arrest of potential bombers in New Jersey."⁷³

One bomb-making manual, published by a self-described militia member a few weeks after White supremacist Timothy McVeigh bombed the Murrah Federal Building in Oklahoma City in April 1995, calls urea nitrate IEDs "piss bombs."

Although urea nitrate bombs are well known to much of law enforcement, experts in counterterrorism, and the violent, revolutionary precincts of the Far Right, most of the rest of us have been left in the dark about it. Unfortunately, some of "the rest of us" include law enforcement officers responsible for an area that is infested with growing numbers of White supremacist revolutionaries.

Urea nitrate looks like sugar and can be made with accessible and non-traceable materials, such as urine, ordinary coffee filters and pans. Such items are at the fingertips of most people, and particularly available to someone like Lenio, who was working as a restaurant cook.⁷⁴ Later, a Kalispell police officer to whom I spoke⁷⁵ said he could not recall whether they had found coffee filters, pots, aluminum foil, and something that looked like sugar crystals near the jugs of urine. He didn't know whether the jugs actually contained urine, or whether the urine had been boiled down to urea, or whether the evidence still exists.

That the investigators did not appear to be interested in the possible domestic terrorism implications of the jugs of urine stored by this suspect—who had already threatened the mass murder of children and Jewish leaders, and who appeared interested in joining a local clan of White supremacists—is troubling.

Homeland Security to this day teaches first responders nationwide to be on the lookout for jugs of urine as a possible sign of bomb-making activity. When alert first responders who had undergone counterterrorism training encountered jugs of urine in a New Jersey apartment in 2004, they knew they were seeing potential bomb making materials. An investigation turned up evidence of a plot to make urea nitrate bombs to target tunnels linking New Jersey with New York City.⁷⁶ But in that case, an instructor for the Homeland Security training course stated⁷⁷, the apartment was occupied by people from the Middle East, who were subsequently deported.

Maybe there's an innocent explanation for Lenio storing jugs of urine or urea in his van—which, of course, by itself is not a crime. What is perplexing and significant is law enforcement's lack of curiosity, from the federal level on down, and the implications of such a blind spot toward a White suspect and the double standard of dealing with potential domestic terrorists for our national security.

This dangerous double standard persists despite that fact that, as Naomi Braine has written for *The Public Eye*, "In the nearly 14 years since 9/11, more people have died in the U.S. from politically-motivated violence perpetrated by right-wing militants than by Muslim militants."⁷⁸

it appeared that not only had Lenio been drawn to the region by members of the PLE, but his expressed opinions and threats mirrored those of PLE activists. Recruiter and spokesperson for PLE April Gaede had tweeted to Lenio from her account @AprilintheNorth at least four months before he moved to Kalispell. Gaede, who makes bolt-action hunting rifles⁵¹ in Kalispell and is an outspoken Donald Trump supporter, encourages White supremacists to move to Kalispell for its job security, low crime rate, and the opportunity to build community with White nationalists.

Gaede also has close ties with right-wing terrorists. For example, the Southern Poverty Law Center (SPLC) reports that in 2007, Gaede was accorded the “honor” of disposing of the ashes of David Lane, the leader of a neonazi group called The Order who died while serving a 190-year federal sentence in connection with the murder of Jewish talk show host Alan Berg in 1984.⁵² On New Year’s Day 2016, Gaede tweeted: “When Trump is elected, we will have a new national holiday. #Day-oftheRope.”⁵³

Both Gaede’s association with The Order and her “Day of the Rope” tweet are related to William Pierce’s noxious 1978 novel *The Turner Diaries*, a fantasy of race war and genocide that the SPLC dubbed “the bible of the racist right.” The Order was inspired by a fictional group in Pierce’s book that aimed to overthrow the U.S. government, which they believed was controlled by a cabal of Jews; in real life, The Order’s terrorist attacks included robberies of banks and armored cars to fund White nationalist groups,⁵⁴ as well as the bombings of a theater and a synagogue. *The Turner Diaries* also describes a day of lynching during which neonazis string up “race traitors” from lamp posts: an event which comes to be known, in the book, as “The Day of the Rope.”

Over the years, the book’s description of race war has been used as an inspiration and blueprint for other White nationalist terrorists, including Timo-

thy McVeigh—the man responsible for bombing the Oklahoma federal building in 1995—who had several pages of the novel in his possession at the time of his arrest.⁵⁵ (It’s also worth noting that McVeigh used what was called a “fertilizer bomb,” a truck loaded with ammonium nitrate, in his attack in Oklahoma City. A “piss bomb” of the sort that David Lenio may have intended to make is another kind of fertilizer bomb, composed of urea nitrate.)



Excerpts from the letter written by former Aryan Nations leader Karl Gharst calling for support for David Lenio. Photo courtesy of Investigation Discovery.

Lenio’s association with Kalispell White nationalists didn’t end with Gaede. While Lenio spent five months in the Flathead County Detention Center following his arrest, another PLE adherent and former Aryan Nations “staff leader,” Karl Gharst, supported him and possibly visited him. Gharst turned to the internet to rally White supremacist support for Lenio,⁵⁶ falsely claiming that I had baited Lenio into making his threats—this despite the fact that Lenio had been tweeting his threats for six weeks before he initiated contact with me. (Gharst was himself arrested in 2004 for threatening to kill a Native American woman who worked for Child Protective Services.⁵⁷ He was taken into custody on the Idaho compound of Aryan Nations founder Richard Butler and spent five months in the same jail where Lenio would later be held.)

A WHITE SUPREMACIST IN THE CRIMINAL JUSTICE SYSTEM

The deficiencies in the handling of Lenio’s case continued with its prosecution. In July 2015, Judge Heidi Ulbricht released Lenio into the custody of his father, without bail.⁵⁸ The prosecution

did not object. As conditions of Lenio’s release, the judge ordered him to stay off social media, to get a mental health evaluation, not have access to guns, and refrain from contacting witnesses. However, the justice system failed to ensure that Lenio comply with the terms of his release. He refused to obtain the mental health evaluation until finally Judge Ulbricht granted his defense attorney permission to obtain a mental health evaluation from Lenio’s own physician and to file it under seal.⁵⁹ So the public does not know whether Lenio has received a diagnosis and, if so, whether he is receiving any treatment. The deferral of the evaluation and the secrecy as to its findings is of a piece with the preferential treatment which Lenio has received.

Additionally, though law enforcement wasn’t aware of this fact, Lenio’s Facebook page had been updated several times⁶⁰—including with antisemitic statements and quotes from former Ku Klux Klan leader David Duke—while he was in jail, although inmates are not supposed to have access to cell phones or the internet.⁶¹ Further, although PLE member Karl Gharst posted messages online suggesting he might have visited Lenio in jail—messages that described Lenio’s conditions of confinement and describing their conversations—the justice system had no record of whether or not a visit had occurred, because the jail kept no logs of Lenio’s visitors.

The trial was originally slated for August,⁶² and then rescheduled until November 9. On November 9, it was delayed again, as Deputy County Attorney Stacy Boman stated that her office and the defense were trying to resolve the case in the judge’s chambers, out of public view.⁶³ One outcome of this would be that if Lenio were not adjudicated as mentally ill, or convicted of a felony, then the state of Montana would return his three guns and ammunition, and he would be able to pass a Brady background check that would let him purchase an arsenal.

I had initially been called to be a witness in the trial, but when it wasn’t held

I traveled to Kalispell anyway to hold a press conference, along with local rabbis, parents of local school children, and leaders from the human rights group, Love Lives Here in the Flathead Valley.⁶⁴ I felt the public had a right to hear the evidence, to know what the justice system would do to protect school children and religious leaders, and to be warned that Lenio could be rearmed by virtue of the state's lax prosecution.⁶⁵

But for the fact that Lenio is White and the son of a politically-connected banker, he might have faced more serious charges; he might have been tried more swiftly; his security in jail would have been tighter and records would have been kept of neonazi leaders visiting him there. If the court had deemed him to be eligible for pretrial release, then he might have been required to wear an ankle monitor and his bail would likely not have been waived. Further, he would have been held accountable for violating the conditional terms of his release: his failure to obtain a psychological evaluation and his continued presence on social media, where he posted at least 348 times since his release in July. Lenio's flouting of the judge's orders made news in Montana and nationwide, but local Flathead Valley law enforcement offered no explanation for why he was not rearrested.⁶⁶ At the same time, 37 other inmates in the same jail were rearrested for violating their release conditions.⁶⁷

This March, three weeks before Lenio's trial was finally set to be held—he was ultimately charged with a felony count of intimidation—the defense attorney announced that the prosecutor and judge had agreed to a deferred prosecution. This means that Lenio, who had already broken the conditions of his release, is expected to be a law-abiding citizen and keep his attorney informed of his location for two years. Meanwhile, the charges have been dropped, and the state of Montana has returned Lenio's guns without any further conditions or public explanation. If he is found to break the law over the next two years, then the prosecutor could decide to pursue the case. Otherwise, Lenio's record will be wiped clean.

DID INCURIOSITY KILL THE CASE?

Although the prosecution of Lenio

may be over, we can say this much about the significance of the case: that it draws sharp attention to the problem of differential prosecution in the U.S. criminal justice system. The case began as one of threats of mass murder on social media by a possibly mentally ill individual. One of the more pressing questions was whether he would be able to get his guns back when it was all over. But over time, serious issues of the disparate treatment of criminal suspects in terms of race and class have come to loom large. What's more, my further investigation suggests that if law enforcement had been even a little bit curious about the seemingly inexplicable jugs of urine Lenio had in his van at the time of his arrest, they could have understood them as possible bomb ingredients, with clear implications for potential domestic terrorism. (See sidebar: "What's in a Jug of Urine?") Law enforcement turning a blind eye to a potentially larger threat, which might have

involved others, and may have put the rest of us at risk of violence from right-wing terrorists.

As Naomi Braine writes in her exploration of differential prosecution of Muslim and far-right terrorism cases, the Right's entrenchment within U.S. cultural and political power structures raises the costs of high-profile law enforcement action against right-wing suspects. What happened in Kalispell exemplified this. White nationalist leaders, such as Gaede and Gharst, make their presence felt there. They have many supporters, and they attract unstable figures such as Lenio to participate in their PLE affinity group. When police claimed not to see any connections between Lenio and the local White nationalist groups, and when they failed to meaningfully investigate evidence of a potential terrorist threat, it seems a case of willful blindness: not seeing what is inconvenient to see.

Beyond the possibility that Lenio could make good on his threats in the

future, a second casualty of the case is the public's confidence in the justice system. In the wake of the prosecutor's decision not to prosecute Lenio, local resident Jerry Weissman wrote a letter to the editor protesting, "Letting Lenio go is not justice."⁶⁸ He continued, "Who will hang their heads in ultimate shame if this powder keg of a person explodes and takes children's lives? Who will mourn if lives are taken, especially when proper care could have been taken to remove threats to the citizens of our country?"

On March 24, when the "Hate in America" documentary premiered, David Lenio returned to Twitter. In what seemed like a taunt, he pinned to the top of his profile a series of exchanges from our February 2015 encounter in which I tried to identify and locate the man who had tweeted threats to shoot grade school kids. Several weeks later, on April 12, he indicated that he remained

The Right's entrenchment within U.S. cultural and political power structures raises the costs of high-profile law enforcement action against right-wing suspects.

fixated on the idea of shooting school children when he tweeted: "What do you think costs more in most US cities? A gun with enough ammunition to kill 99 school kids or the security deposit on an apartment?"

Whatever Lenio does or does not do, it will take far more vigilance to see that the criminal justice system works without the filters of racial, religious and class bias that fast track the prosecution of some suspects but let others off the hook. That the likes of David Lenio manage to avoid accountability for crimes that would have derailed the lives of most of the rest of us should shock us out of our complacency. 🗣️

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1. I served at the time as Chief Communications Officer for the Brady Campaign to Prevent Gun Violence. More than 63,000 people and organizations follow me (@JonHutson) on Twitter, because of my influence in human rights, social justice, LGBTQ issues, transgender equality, reproductive freedom, conservation, and global health. The Montreal Institute on Genocide Prevention has recognized me among its list of 74 Global Humanitarian Twitterati.

2. Here is my tweet at 9:23 p.m. on February 14, 2015: "#Freespeech will not be silenced, even as gunfire erupts at a café and a synagogue in Copenhagen [#terrorism](http://nyti.ms/1JekieA)". <https://twitter.com/JonHutson/status/566784933407248384>.

3. Andrew Higgins and Melissa Eddy, "Terror Attacks by a Native Son Rock Denmark." *The New York Times*, February 15, 2015, <http://www.nytimes.com/2015/02/16/world/europe/copenhagen-attacks-suspect-is-killed-police-say.html?r=0>.

4. Bill Morlin, "Man Arrested in Montana After Alleged Threats to Kill School Children and Jews," *Hatewatch*, February 17, 2015, <https://www.splcenter.org/hatewatch/2015/02/17/man-arrested-montana-after-alleged-threats-kill-school-children-and-jews>.

5. Vince Devlin, "Kalispell School Threat Suspect 'Tangled' with Wrong Twitter User," *The Missoulian*, February 19, 2015, http://missoulian.com/news/local/kalispell-school-threat-suspect-tangled-with-wrong-twitter-user/article_9c3a4af7-eb20-526a-8598-17304d9e9f24.html. I provided federal and local law enforcement agencies with several things based on my research: a timeline of tweets that appeared to cross the line between free speech and criminal threat; a profile of him, based on his social media presence; and a strategy to identify and locate him.

6. *Supra* note, 4.

7. Bill Morlin, "Court Papers Detail Alleged Threats from Holocaust Denier," *Hatewatch*, March 19, 2015, <https://www.splcenter.org/hatewatch/2015/03/19/court-papers-detail-alleged-threats-holocaust-denier>. See also Vince Devlin, "Suspect Threatened to Shoot 100 Kalispell Schoolkids," *The Missoulian*, March 17, 2015, http://missoulian.com/news/local/suspect-threatened-to-shoot-kalispell-schoolkids/article_075b6e83-1997-5c20-91c3-7ec6db2e2a3d.html.

8. Martin Kaste, "Awash in Social Media, Cops Still Need Public to Detect Threats," *All Things Considered* (NPR), February 23, 2015, <http://www.npr.org/2015/02/23/388449799/awash-in-social-media-cops-still-need-the-public-to-detect-threats>.

9. Jonathan Hutson, "White Banker's Son Threatens to Shoot School Kids and Jews, Gets 'Get Outta Jail Free' Card," *Huffington Post*, November 16, 2015, <http://www.huffingtonpost.com/jonathan-hutson/white-bankers-son-threat-b-8579146.html>.

10. Naomi Braine, "Disparate Legal Treatment of Muslims and the Radical Right." *The Public Eye*, June 19, 2015, <http://www.politicalresearch.org/2015/06/19/terror-network->

[or-lone-wolf/#sthash.bDPRht1N.MHVeujb.dpbs](http://www.politicalresearch.org/2015/06/19/terror-network-or-lone-wolf/#sthash.bDPRht1N.MHVeujb.dpbs).

11. Aryan Nations founder Richard Butler popularized this term for enclaves of White nationalists in the Pacific Northwest after he set up a neo-Nazi compound in northern Idaho in the 1970s. But overt White nationalists are not the only militants to seek haven in Montana. For example, the Rev. Chuck Baldwin, a Patriot leader who ran for president on the Constitution Party ticket in 2008, moved to the Flathead Valley in 2010. He leads the Liberty Fellowship church in Kalispell, whose members include Randy Weaver, a white supremacist who engaged in a notorious standoff with federal authorities in 1992. Ryan Lenz, "A Gathering of Eagles: Extremists Look to Montana." Southern Poverty Law Center, November 15, 2011, <https://www.splcenter.org/fighting-hate/intelligence-report/2011/gathering-eagles-extremists-look-montana>.

12. David Joseph Lenio has held at least four Twitter accounts: @leniodj, @PsychicDogTalk, @PsychicDogTalk2 [sic], and @PsychicDogTalk3. The first of these accounts featured an avatar that read, "I am a potential terrorist. I know the truth about 9/11." Twitter has shut down @PsychicDogTalk and @PsychicDogTalk2 for violating their Terms of Service by threatening violence. However, the Twitter bio for @PsychicDogTalk can still be viewed online through a third-party app. It describes his location as "Cascadia, at the apex of time." The Cascadia Independence Party (CIP) is a secessionist movement that advocates the independence of "Washington, most of Oregon and Idaho, parts of Montana and Alaska, and most of the Canadian province British Columbia." CIP website, "What We Do," <http://cascadiaindependenceparty.strikingly.com/#what-we-do>.

13. Bill Morlin, "Court Papers Detail Alleged Threats from Holocaust Denier," *Hatewatch*, March 19, 2015, <https://www.splcenter.org/hatewatch/2015/03/19/court-papers-detail-alleged-threats-holocaust-denier>. See also Vince Devlin, "Suspect Threatened to Shoot 100 Kalispell Schoolkids," *The Missoulian*, March 17, 2015, http://missoulian.com/news/local/suspect-threatened-to-shoot-kalispell-schoolkids/article_075b6e83-1997-5c20-91c3-7ec6db2e2a3d.html.

14. Remos Lenio and Phillip Blanchard launched Tillerman & Co. of Grand Rapids in September 2015. They had previously been partners in turnaround firm DWH, LLC of Grand Rapids. Demetri Diakantonis, "People Moves of the Week," *Mergers & Acquisitions*, November 3, 2015, <http://www.themiddlemarket.com/news/people-moves/people-moves-of-the-week-tillerman-arsenal-goodwin-258750-1.html>.

15. Politico has called Justin Amish, who founded and chairs the House Liberty Caucus, "the House's new Ron Paul." James Hohmann, "The House's New Ron Paul." *Politico*, April 1, 2013, <http://www.politico.com/story/2013/04/the-house-new-ron-paul-justin-amish-089485>.

16. For example, Betsy DeVos serves as Honorary Chair, and Remos Lenio serves on the executive leadership team for the American Heart Association's 20th Anniversary of the Grand Rapids Heart Ball slated for December 2016. <https://ahagrandrapids.ejoinme.org/MyEvents/20162017GrandRapidsMI>

HeartBall/Leadership/tabid/766588/Default.aspx In addition, Remos Lenio's CV states that he holds a seat on the MiQuest board of directors. <http://tillermanco.com/images/RemosLenioCV2015.pdf> MiQuest is among the groups sponsored by the Richard M. and Helen DeVos Center for Entrepreneurship & Innovation. <https://www.gvsu.edu/cei/competitions-funding-160.htm> Remos Lenio's LinkedIn profile states that he is also a founding board member and past president of the Association for Corporate Growth - Western Michigan, which has featured Dick DeVos as a speaker. Retrieved from <http://grsouth.wzzm13.com/content/dick-devos-key-bringing-southwest-airlines-grand-rapids-supporting-airtran>

17. The son of Amway co-founder Richard DeVos, Dick DeVos served as Amway's President and ran an unsuccessful campaign for Governor of Michigan in 2006. His wife Betsy Prince DeVos, former chair of the Michigan State Republican Party, and Board President of Mars Hill Bible Church, is the sister of Blackwater founder Erik Prince. See Andy Kroll, "Meet the New Kochs: The DeVos Clan's Plan to Defund the Left." *Mother Jones*, January/February 2014, <http://www.motherjones.com/politics/2014/01/devos-michigan-labor-politics-gop>. See also Benjy Hansen-Bundy and Andy Kroll, "The Family That Gives Together," *Mother Jones*, January/February 2014, <http://www.motherjones.com/politics/2014/01/devos-family-foundations-heritage-americans-prosperity-blackwater>.

18. Daniel Schoonmaker, "Is This Christian Wall Street." *Grand Rapids Business Journal*, April 10, 2006, <http://www.grbj.com/articles/66232>. See also Daniel Schoonmaker, "Collection Plate, Meet Wall Street." *Grand Rapids Business Journal*, April 10, 2006, <http://www.grbj.com/articles/66233>.

19. Betsy DeVos also holds the title of President of the Council of Elders. Kelefa Sanneh, "The Hell-Raiser," *The New Yorker*, November 26, 2012, <http://www.newyorker.com/magazine/2012/11/26/the-hell-raiser-3>. In 2011, the Dick and Betsy DeVos Foundation gave \$525,000 to Mars Hill Bible Church, according to the Foundation's annual report. <http://www.guidestar.org/FinDocuments/2011/382/902/2011-382902412-08bfa3ae-F.pdf>

20. Andy Kroll, "Meet the New Kochs: The DeVos Clan's Plan to Defund the Left." *Mother Jones*, January/February 2014, <http://www.motherjones.com/politics/2014/01/devos-michigan-labor-politics-gop>.

21. In an April 2013 YouTube video on the Boston Marathon bombing and the Sandy Hook Elementary School mass shooting, originally posted under his pseudonym David Dave, Lenio endorsed Ron Paul for President. In his video, he also blames the Boston Marathon bombing on the CIA or the Mossad, and characterizes the Sandy Hook mass shooting as a hoax. His YouTube account, in which he currently uses the pseudonym gc hg, links to, and promotes, his writings under his Twitter handles @PsychicDogTalk and @PsychicDogTalk3, <https://www.youtube.com/watch?v=aOu7CAFGAYl>.

22. Ron Paul is a self-described paleo-conservative who has stated his support for neo-Confederates and secessionists. Rachel Tabachnick and

Frank L. Coccozzelli, "Nullification, Neo-Confederates, and the Revenge of the Old Right." *The Public Eye*, November 22, 2013, <http://www.politicalresearch.org/2013/11/22/nullification-neo-confederates-and-the-revenge-of-the-old-right/#sthash.RKQoSGLS.dpbs>.

23. Scoopnest has archived the Twitter bio of Lenio's @PsychicDogTalk account, which Twitter shut down in January 2015 for violating its Terms of Service, <http://www.scoopnest.com/user/PsychicDogTalk/>.

24. He also characterizes well-documented mass shootings including those in Copenhagen, in Tucson, Arizona, and Aurora, Colorado, as well as the bombings at the Boston Marathon, among others, as "false flag" attacks for which he blames Israel.

25. This tweet from @PsychicDogTalk is archived at <http://vnnforum.com/showthread.php?t=207710&page=14>

26. David Holthouse, "How White Supremacists Are Trying to Make an American Town a Model for Right-Wing Extremism: A recent influx of white supremacists and Patriot group members to the town of Kalispell, Montana, is causing alarm." *AlterNet*, November 22, 2011, <http://www.alternet.org/story/153162/how-white-supremacists-are-trying-to-make-an-american-town-a-model-for-right-wing-extremism>.

27. David Holthouse, "High Country Extremism: Pioneering Hate." *Media Matters for America*, November 15, 2011, <http://mediamatters.org/blog/2011/11/15/high-country-extremism-pioneering-hate/154613>.

28. H. Michael Barrett, "Pioneer Little Europe (PLE) Prospectus a.k.a. 'Stormfronts of the Street'." <http://s3.mediamatters.org.s3.amazonaws.com/static/pdfs/pleprospectus.pdf>

29. Judy L. Thomas, "Neo-Nazi Is Shopping for Land in Kansas." *Kansas City Star*, October 2, 2015, <http://www.kansas.com/news/local/article37425801.html>.

30. Jonathan Hutson, "White Banker's Son Threatens to Shoot School Kids and Jews, Gets 'Get Outta Jail Free' Card." *Huffington Post*, November 16, 2015, <http://www.huffingtonpost.com/jonathan-hutson/white-bankers-son-threat-b-8579146.html>.

31. Jonathan Hutson, "White Banker's Son Threatens to Shoot School Kids and Jews, Gets 'Get Outta Jail Free' Card." *Huffington Post*, November 16, 2015, <http://www.huffingtonpost.com/jonathan-hutson/white-bankers-son-threat-b-8579146.html>.

32. "Newtown Shooting Victims," *Newsday*, December 14, 2012, <http://www.newsday.com/news/nation/newtown-shooting-victims-photos-1.4336461>.

33. Bill Morlin, "Man Arrested in Montana After Alleged Threats to Kill School Children and Jews," *Hatewatch* February 17, 2015, https://www.splcenter.org/hatewatch/2015/02/17/man-arrested-montana-after-alleged-threats-kill-school-children-and-jews#disqus_thread.

34. David Lenio, "Release the Security Camera Footage of the 2011 Tucson AZ Shooting!" YouTube video uploaded August 8, 2012, <https://www.youtube.com/watch?v=yPcxskj61A> Lenio originally uploaded the video under the pseudonym David Dave, and subsequently changed his pseudonym to "gc hg."

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36. Shaun King, "Muslim Shooters Like Syed Farook Are Easily Called Terrorists While White Mass Killers Never Get That Label." *New York Daily News*, December 3, 2015, <http://www.nydailynews.com/news/crime/king-white-mass-shooters-called-terrorists-article-1.2454528>.
37. Mark Follman, Gavin Aronsen, and Deanna Pan, "U.S. Mass Shootings: 1982-2016." *Mother Jones*, originally published on December 28, 2012, and updated to include data through 2016, <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>.
38. Mark Follman, "Maybe What We Need Is a Better Mental Health Policy." *Mother Jones*, November 9, 2012, <http://www.motherjones.com/politics/2012/11/jared-loughner-mass-shootings-mental-illness>.
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40. Bill Morlin, "Court Papers Detail Alleged Threats from Holocaust Denier." *Hatewatch*, March 19, 2015, <https://www.splcenter.org/hatewatch/2015/03/19/court-papers-detail-alleged-threats-holocaust-denier>.
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48. Mark Potok, "Closed Circuit." *Southern Poverty Law Center*, November 20, 2013, <https://www.splcenter.org/fighting-hate/intelligence-report/2013/closed-circuit>.
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51. April Gaede, who tweets as @AprilintheNorth, has posted photos of her work in Kalispell assembling bolt action hunting rifles. She tweeted one such photo on December 8, 2015: <https://twitter.com/aprilinthenorth/status/674264327268921344>
52. Profile of April Gaede (Southern Poverty Law Center), <https://www.splcenter.org/fighting-hate/extremist-files/individual/april-gaede>.
53. Retrieved from @AprilintheNorth Twitter account <https://twitter.com/AprilintheNorth/status/682834077292969984>
54. Beneficiaries included William Pierce's National Alliance and Frazier Glenn Miller, Jr.'s White Patriot Party. In November 2015, a judge sentenced Miller to death for the fatal shootings of three people at Kansas Jewish sites. *Associated Press*, "Jewish Site Killings: Death Sentence for White Supremacist Frazier Glenn Miller," November 11, 2015. <http://www.nbcnews.com/storyline/jewish-center-shootings/jewish-site-killings-death-sentence-white-supremacist-frazier-glenn-miller-n461071>
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56. Karl Gharst, a/k/a morserkarl, took to a right-wing conspiracist site, *LibertyFight*, to post a statement in support of Lenio, in which he falsely claimed that I had provoked threats that Lenio had tweeted between December 30, 2014 and February 14, when I learned of Lenio's existence because Lenio initiated contact with me. Gharst's statement is available online at <https://disqus.com/by/morserkarl/>.
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62. The author received a subpoena dated July 16, 2015, in State of Montana v. David Joseph Lenio, Cause No. DC-15-040C, to appear at a jury trial slated to begin August 3, 2015.
63. S. Boman, email to author. October 30, 2015. S. Boman, telephone interview with author, November 5, 2015.
64. Vince Devlin, "Flathead Valley Group Wants Nothing Less Than a Felony Conviction for Lenio." *The Missoulian*, November 10, 2015, http://missoulian.com/news/local/flathead-valley-group-wants-nothing-less-than-a-felony-conviction/article_4a720fa1-d82c-562c-8ef4-cb8e3dcccfd9.html.
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