

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

BRIAN MARK LEMLEY, JR., and
PATRIK JORDAN MATHEWS,

Defendants

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CRIMINAL NO. TDC-20-33
CRIMINAL NO. TDC-21-205
CRIMINAL NO. TDC-21-206

GOVERNMENT’S MEMORANDUM IN AID OF SENTENCING

“We’ll give them bad guys. We will give them white supremacist terrorists, if that’s what they want. Give them what they want. Give them what they deserve.”

— Patrik Jordan Mathews, November 13, 2019

“Derail some fucking trains, kill some people, and poison some water supplies. You better be fucking ready to do those things.”

— Patrik Jordan Mathews, December 1, 2019

“We need to go back to the days of fucking decimating blacks and getting rid of them where they stand. If you see a bunch of blacks sitting on some corner you fucking shoot them.”

— Patrik Jordan Mathews, December 18, 2019

“I’m worried we’re going to become psychopaths.”

— Patrik Jordan Mathews, December 23, 2019

“I need to claim my first victim.”

— Brian Mark Lemley, Jr., December 23, 2019

“Why in the world would you not inflict bloody vengeance upon the world when given the chance?”

— Brian Mark Lemley, Jr., December 23, 2019

“It’s just that we can’t live with ourselves if we don’t get somebody’s blood on our hands.”

— Brian Mark Lemley, Jr., January 11, 2020

“There couldn’t be no trust among a group of murderers. I cannot trust you to keep my murdering secrets. Not under threat of 30 years in jail and torture.”

— Brian Mark Lemley, Jr., January 15, 2020

“Right now, if I ever get captured, I am going to jail for the rest of my life.”

— Patrik Jordan Mathews, January 15, 2020

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Hoping for a civil war that would decimate racial and ethnic minorities and subjugate women, the defendants joined forces with each other and others, studied violence, tested their weapons skills, stockpiled munitions and supplies, and planned to kill on a large scale in pursuit of their goals. For the reasons that follow, the defendants each should be sentenced to a term of imprisonment of 25 years.

I. Background

On January 14, 2020, United States Magistrate Judge Charles B. Day authorized criminal complaints charging the defendants—along with convicted co-defendant William Garfield Bilbrough IV—with various federal crimes. The defendants were arrested two days later and have been in custody since that time. On January 27, 2020, a federal grand jury for the District of Maryland returned an indictment alleging various federal crimes committed by the defendants. The following day, the defendants were charged with additional federal offenses in the District of Delaware.

On June 11, 2021, after the Court denied certain pre-trial motions, the defendants pleaded guilty to certain charges in both the Maryland and Delaware indictments pursuant to plea agreements. ECF Nos. 156 and 159.¹ Specifically, Lemley pleaded guilty to conspiracy to transport certain aliens; transporting certain aliens; disposing of a firearm and ammunition to an illegal alien; transporting a firearm and ammunition in interstate commerce with intent to commit a felony; harboring certain aliens; aiding and abetting an alien in possession of a firearm; and obstruction of justice. ECF No. 159. Mathews pleaded guilty to being an alien in possession of a firearm and ammunition (two counts); transporting a firearm and ammunition in interstate

¹ The Delaware indictment was transferred to the District of Maryland pursuant to Federal Rule of Criminal Procedure 20.

commerce with intent to commit a felony; and obstruction of justice. ECF No. 156. In the plea agreements, the parties agreed to certain uncontested Guideline provisions and left all others in dispute.

II. The Facts

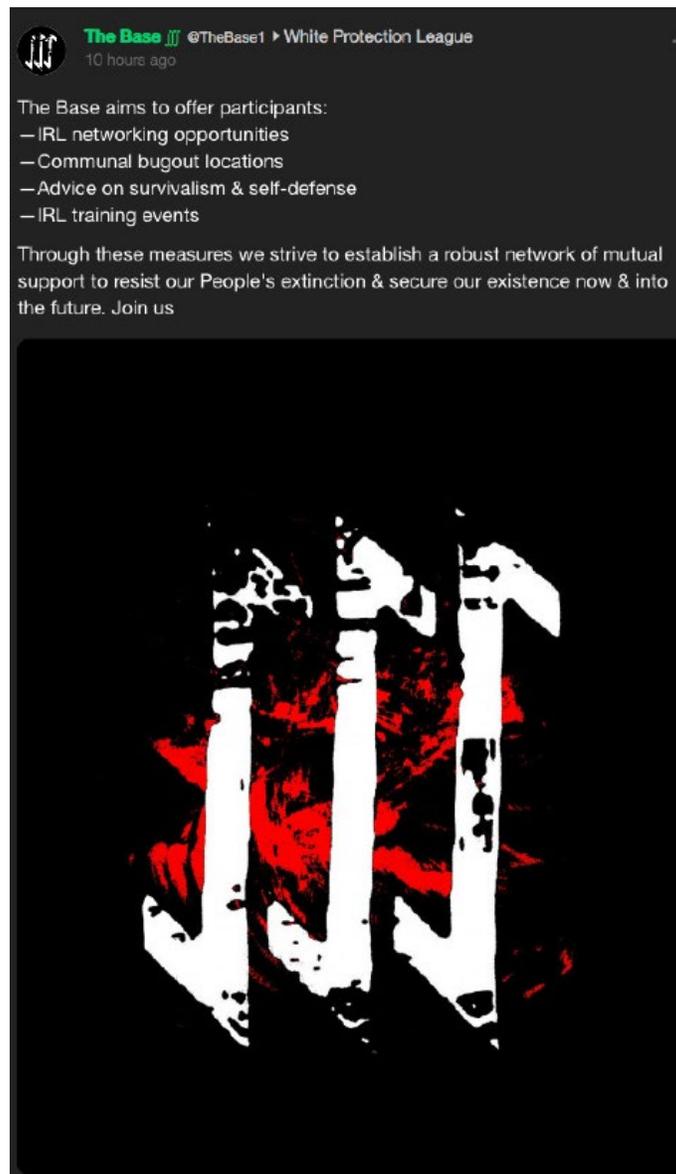
A. “The Base”

The defendants were members of a white supremacist organization called “The Base.” *See* ECF No. 156 at 12; ECF No. 159 at 14. Within The Base’s encrypted chat rooms, members discussed, among other things, recruitment, creating a white ethno-state, committing acts of violence against minority communities (including African-Americans and Jewish-Americans), the organization’s military-style training camps, and ways to make improvised explosive devices. *See Exhibit 1 ¶ 6.*

From 2018 through at least the date of the defendants’ arrests in January 2020, The Base was building a coalition of white supremacist members within the United States and abroad through, among other things, online chat rooms, in-person meetings, propaganda, and military training. *See* ECF No. 156 at 12; ECF No. 159 at 14; **Exhibit 1 ¶ 7.** The Base’s membership included members of other white supremacist organizations, including Atomwaffen Division, a violent neo-Nazi terror group linked to several hate crimes. **Exhibit 1 ¶ 8.** The Base recruited white supremacists through its online presence, among other means, and was particularly interested in applicants with military and explosives backgrounds. *See* ECF No. 156 at 12; ECF No. 159 at 14. Applicants submitted an application form, *id.*, which included questions regarding the applicant’s current associations with white supremacist organizations; the applicant’s military, science, and engineering experiences and training; and the applicant’s race and gender. Applicants

were then vetted. *Id.* Once admitted into the organization, Base members were afforded access to a secure messaging group.² *Id.*

The Base had an online presence that gave context and promotion to its main goal. By way of example, on April 23, 2019, The Base posted the following message online, *see Exhibit 1 ¶ 9*:



² The Base has received media attention since its inception. *See, e.g.*, Ben Makuch and Mack Lamoureux, “Neo-Nazis Are Organizing Secretive Paramilitary Training Across America,” Vice News, Nov. 20, 2018; Ryan Thorpe, “Homegrown Hate,” Winnipeg Free Press, Aug. 16, 2019.

In the above post, by “our People’s extinction,” The Base was referring to the extinction of the white race. Additionally, The Base’s accounts on Twitter repeatedly posted content promoting terrorism, lone-wolf attacks, and a white ethno-state. See **Exhibit 1 ¶ 9**. For example:

- “Unabomber pledged to stop his deadly attacks if the New York Times & Washington Post published one of his manuscripts—They did. Now imagine if there were 10 ‘unabombers’ or 100 or 1000 who all shared one clear & practical political demand. How long until the System capitulated?” This post was accompanied by a photograph of Ted Kaczynski.
- “No need to wait until all conditions for revolution exist—guerilla insurrection can create them. Insurgency begins as a terrorist campaign.” This post was accompanied by a photograph of an explosion and an individual carrying what appears to be an assault rifle watching the explosion.
- “If you want a society with traditional values, electoral politics could still achieve that theoretically. But if you want a *White* society, electoral politics can’t achieve that unless the current System of government is replaced. The current System can’t be replaced peacefully.”
- “Create a list of every anti-White hate crime you can think of in which there was a miscarriage of Justice—These people have names & addresses. Go forth & balance the scales.”
- “Because space is compressed in cities, snipers may have to shoot from confined areas such as inside a vehicle like the D.C. snipers who made their shots from trunk of a sedan—Advantage is as soon as sniper takes his shot, driver takes off & is miles away from the scene in minutes.” This post was accompanied by an image of a man aiming a rifle through a hole in a car trunk.
- “Afghanistan is [a] good example of unifying ideology (think 14 Words) harnessed militarily—Although Taliban themselves were locally oriented, al-Qaida used its international network & propaganda to rally fighters worldwide around one flag united in their conviction & self sacrifice.”³
- “Theoretically speaking, approximately how many lone wolf attacks per week & over how long of a time period would be sufficient to coerce the System to accommodate pro-White legislative demands?”

³ “14 Words” is shorthand for a popular white supremacist phrase: “We must secure the existence of our people and a future for white children.” The phrase was coined by David Lane, a now-deceased member of a white supremacist and domestic terrorist group known as “The Order,” who was convicted of various offenses in furtherance of the group’s cause.

- “Creating a White Ethnostate is necessarily a revolutionary undertaking which requires liberating our People from the System & breaking away by whatever means necessary Not waiting for balkanization but making it happen instead.”
- “We already have many organizations around the world A few good ones too. The problem is that very few are doing offensive operations. Raising awareness in any form is not equivalent to going on the offensive unless it entails raising the enemy’s awareness of the threat we pose.”
- “Securing a future for White children necessarily entails securing independent territory Our People can’t have a secure future in America where they’re destined inevitably to become a persecuted minority. We must fight for a new White Homeland . . . forge a new White Identity.”
- “The cost of one bomb equals 60 million leaflets (which the Movement could neither produce nor distribute). Terrorism is good economics The public is at once informed & this information could not have been more cheaply spread or more quickly.”
- “A sincere pro-White movement in USA must necessarily be a secessionist movement It’s the only feasible option remaining for establishing the ethnostate. All legal aboveground activism should be focused on this ultimate goal concurrently with forming a clandestine military wing.”
- “Daily Reminder: Anyone who tells you that the 14 Words can be achieved peacefully is either a fool, a fraud, or a fed.”

B. Lemley’s History of White Nationalism and Admission into The Base

i. Other White Nationalist Associations

Admission to The Base was not Lemley’s first brush with white nationalism. Rather, he had been a white nationalist for years, and previously had sought admission to other groups of like-minded confederates. For example, in 2017, Lemley sought to join The Northwest Front, which is a racist, separatist group started by Harold Covington.⁴

⁴ See <https://www.splcenter.org/hatewatch/2018/07/25/harold-covington-founder-white-separatist-group-dies-64>.

On November 12, 2017, Lemley asked the Northwest Front to send an “intro packet” to his home address. **Exhibit 2**. On November 18, 2017, he asked to “have a conversation with an actual person that has the authority to discuss bloodlines and conflict with the nf [Northwest Front] constitution. I am currently planning my migration and this is holding me up.” **Exhibit 3**. Apparently having heard no response, on November 20, 2017, Lemley sent a long email to the Northwest Front, *see* **Exhibit 4** (filed under seal):

Alright trying again to have a conversation with another human being about this. Not sure the correct way to go about this but ill try my best.

Its come to my attention there is a jew in my family tree. My great grandmother on my mother’s side was a pole with red hair and blue eyes last name greenberg. I decided to disclose this even though it may harm me. If i was to ever join the movement I’m sure it could be dug up somehow and i don’t want to carry around a secret like that. Ive read the nf [Northwest Front] constitution and the conflict is why im asking about this. I am very woke on the JQ [Jewish Question]. I’ve read mein kampf 3 times and am very aware of current and historical international jewry. I would like to dispute this jewyness in my bloodline or atleast prove that its been diluted enough for me to call myself a white european and be correct in doing so. So im going to attach photos in support of this claim. Im sure you guys are going to be laughing about this email together, but i have to get it off my chest.

Lemley then attached a number of photographs of himself and his family (including his minor son), presumably to prove he in fact was whatever level of white purity the Northwest Front demanded. *Id.*

On December 28, 2017, he again contacted the Northwest Front, acknowledging that he had received the Northwest Front Constitution “which i very much liked” but lamenting that he had not received a specific response to his November communiqué: “So ive basically fallen flat

on my face for being a white nationalist 14/88. I suppose I need to just gas myself.” **Exhibit 5.**⁵ On February 21, 2018, apparently still having been spurned, Lemley asked to be taken off a Northwest Front email distribution list: “You can take me off the list since 10% jew blood isnt welcome in the NF.” **Exhibit 6.**

On April 15, 2018, Lemley reached out again, sending a Twitter direct message that said, “Harold [presumably Covington] I have a job waiting for me in Portland Oregon. Im asking you to review my case and possibly grant an exception if possible. I believe I have a strong argument.” **Exhibit 7** at 5.⁶ This time, Lemley received a response that must have given him comfort, because he pledged and began paying Covington \$100 per month. *Id.* at 3-5; **Exhibit 8; Exhibit 9; Exhibit 10.** On May 18, 2018, using his Twitter account, Lemley retweeted the following: “The Northwest Front seeks a Homeland for all White people in the Pacific Northwest based on the 14 Words of David Lane: \ “We must secure the existence of our people and a future for White children.\” **Exhibit 11** at 3. On May 29, 2018, using his Twitter account, Lemley retweeted, “The 14 Words imply a new order based on RACE and on MORAL PRINCIPLE. We cannot surrender or ignore those things out of simple expediency, just so we can listen to some kike on the internet or sit in a rented motel banquet room with a queer with a clear conscience.” *Id.* at 5.

Later in 2018, Lemley successfully joined another white nationalist group, the League of the South. **Exhibit 7** at 13-19; **Exhibit 12.**⁷ He attended the League’s Christmas Party in

⁵ “14/88” is a common expression in white nationalist circles. The “14” is for the “14 words.” The “88” is for Heil Hitler, with the letter “H” being the eighth letter of the alphabet.

⁶ The Twitter direct messages are separated into different chats, and the chats are produced in reverse chronological order.

⁷ See <https://www.splcenter.org/fighting-hate/extremist-files/group/league-south>.

Tennessee in December 2018, driving eleven hours from his home in Maryland: “I cant bare the thought of missing the party. Hail Dixie.” **Exhibit 12; Exhibit 7** at 24-26.

Lemley’s Twitter account also was rife with white nationalist, racist, mysoginistic, and anti-Semitic rhetoric, images, and videos. Attached as **Exhibit 13** are a sample of some of the images posted or held by Lemley on his Twitter account. They make his mindset and intentions clear: to change America into a white haven.

ii. The Base

On February 27, 2019, Lemley made his initial contact with The Base through Twitter, and was directed to email Base leadership at an overseas encrypted email address hosted by Proton Mail. **Exhibit 7** at 34-35. Lemley did so, the following day submitting a preliminary “application” for Base membership, **Exhibit 14**:⁸

⁸ In the email, Lemley uses the phrase “red pill,” which is an expression used in certain white nationalist circles to signify coming to understand the truth of their ideology, in contrast to not being a white nationalist.

From: cantgoback@reagan.com (cantgoback@reagan.com)
To: Omega1@protonmail.com
CC:
BCC:
Subject: Hello friends
Attachments:
Sent: Thu, 28 Feb 2019 02:20:23 -0600 (CST)

My application for world war 2 history club

Name: Cantgoback is acceptable

Age: 34

Race: Irish , scottish. English

Location: Maryland, DE

Military: 4 years U.S Cavalry Scout , Iraq 15 months.

Was a driver and radio operator. Was in the stryker brigade.

Science or Engineering training : just a trucker sorry

Org affiliations: current member LOS 3 months (newbie)

Been listening to harold covington 2 years. Im a 2016 redpill.

Lets get lunch or something and we can talk more specifics about ww2 history club.

After receiving an e-mail response asking for more information, Lemley responded in part as follows on March 2, 2019, **Exhibit 15** at 4:

Ideology/political worldview: ill summarize because this could be extremely long. I am a newbie NatSoc. This came to be out of seeing world jewry destroy white nations and spread multiculturalism, white genocide and all manners of subversion. I have been watching south africa/ European invasion closely. I expect there to be a civil war in the usa in the near future. Trump is a false prophet, Israel first fraud. He is just calming white anger while the agenda drives forward in the background behind him. I am looking at the economic miracle of the 3rd reich. Realizing that libertarianism is ideal but too easy to subvert by motivated forces. Something more extreme is necessary. In the case of how infested america, the infestation has become so bad only a flamethrower will do.

Why join the base?:

I really expect the powder keg to just blow at some point and I want to have some like minded people to link up with and get my family the hell out of here. I wish that my resources and my goodwill go to a good cause in any special event. My manpower be used so that our guys benefit. I am interested in training also. I could make this 20 pages but I think you get the point. The holocaust is fake news.

The Base's leader appears to have conducted a vetting interview of Lemley in early March 2019. **Exhibit 15** at 2-3. Thereafter, Lemley appears to have posted a Base flyer on the drive-through menu board of a fast-food restaurant in Delaware, and taken a photograph of it that was then posted on social media by The Base's leader. **Exhibit 16**.

Furthermore, between October 2018 and June 2019, Lemley posted multiple messages and images of Base propaganda to his Twitter account. **Exhibit 17**. Some of those messages are below, *see* **Exhibit 11**:

- On October 30, 2018, Lemley retweeted, “Stop whining and do something. War is coming! Join @TheBase_1, an international pro-white self-defense & survivalism network.” **Exhibit 11** at 9.
- On November 8, 2018, Lemley retweeted a tweet from @TheBase_1, “Knowledge & training acquired beforehand can greatly improve your ability to manage the psychological dynamics of a crisis. Some knowledge can be acquired ahead of time by reading books—But there are other things that can only be learned by doing & this is where training comes in.” **Exhibit 11** at 11.
- On February 15, 2019, Lemley retweeted a tweet from the account of the Base leader: “System repression of our People, especially against pro-White activists, will only increase exponentially as our numbers diminish. Prepare mentally & physically, sharpen your skills, & unite as much as possible—It’s the only way to secure our longterm survival. Join The Base today.” **Exhibit 11** at 15.
- The following day, Lemley retweeted a tweet from the account of the Base leader: “Oh so now The Base has gone from ‘dangerous neo-nazi terrorists’ to ‘LARPer’s’—Make up your minds, dumb commies. One thing’s for sure that’ll never change is you & your Antifa buddies being a bunch of scummy degenerates.”⁹ **Exhibit 11** at 18.
- On February 17, 2019, Lemley again retweeted a tweet from the account of The Base’s leader: “If you dox another member of The Base, your comrade loses his laboratory technician job.” **Exhibit 11** at 20.
- The following day, Lemley retweeted a tweet from the account of The Base’s leader: “Sharpen your primal instinct to survive—Join The Base today!” **Exhibit 11** at 23.
- On February 23, 2019, Lemley retweeted a tweet from the account of The Base’s leader: “Why do we ask applicants about military experience? Because The Base is a survivalism & self-defense network—Two skills that are acquired through military training. This should be self-explanatory but for some who aren’t too bright it’s a sign of malicious intent or fed posting.” **Exhibit 11** at 25.

⁹ “LARP” stands for live-action role-playing game.

- On March 29, 2019, Lemley retweeted, “The largest issue at hand for us today is organizing effectively and learning the needed skills for what is to inevitably come, join The Base today and learn those valuable skills while organize your own local cell and organizing with others. Contact us at TheBase1@protonmail.com.” **Exhibit 11** at 28-29.
- On April 6, 2019, Lemley retweeted, “No man is an island especially when conducting effective resistance operations during & after societal collapse. All the more reason to work as a tribe, network, and team. Join The Base.” **Exhibit 11** at 32.
- On April 17, 2019, Lemley tweeted to someone, “Join the base or sit in the darkness of censorship as a clueless pleb.” **Exhibit 11** at 34.
- On April 18, 2019 Lemley tweeted to someone, “Join the base and prepare with your brothers. Leave loneliness behind you.” **Exhibit 11** at 37.
- On April 28, 2019, Lemley tweeted to someone, “@thebase1 You’ve got nothing to lose. The enemy will leave you with nothing anyways.” **Exhibit 11** at 40.
- The same day, Lemley retweeted, “The only ‘organization’ (decentralized and leaderless anonymous entity) that is actually going about preparing for our inevitable future in any sensible way is ‘The Base’, and all of the cucks and morons out there keeping calling them feds. Unbelievable.” **Exhibit 11** at 41.
- On May 8, 2019, Lemley retweeted, “Most preppers plan to hunker down & emerge when all’s ok—Thinking they’ll be left alone, they miss the need for tactical approach. Real survival requires taking action to dominate your AO: The Base isn’t about simply holding up & surviving—We’re about going out & fighting to WIN.” **Exhibit 11** at 45.

Then, on June 13, 2019, The Base’s leader sent Lemley a “recommended reading list,” which included James Mason’s *The Siege*, Harold Covington’s *A Distant Thunder*, and various books on tactics, operational security, self-defense, and strategy. **Exhibit 18.**

Lemley also participated in encrypted online chats with other members of The Base. In the chats, Base members frequently discussed evading law enforcement and what would happen if law enforcement tried to disrupt their activities, including how they would react if law enforcement showed up with warrants; shooting it out with law enforcement; suicide by cop; and the importance of not letting law enforcement take them alive if they come with a warrant. **Exhibit 1 ¶ 10.** For example, in September 2019, in a discussion with other Base members, Lemley wrote, “Hey mr fed” and “I spent about 35% of my day daydreaming about killing you today.” **Exhibit 19.** Lemley went on to write, “I daydream about killing so much that I frequently walk in the wrong [sic] directions for extended periods of time at work.” **Exhibit 20.**

C. The August 2019 Base Training Camps

Members of The Base conducted a regional training camp in Georgia from August 2 through August 4, 2019. ECF No. 156 at 12; ECF No. 159 at 14. Lemley drove Bilbrough to the training camp, and while there participated in tactical training and firearm drills. *Id.* Later in August 2019, Lemley and Bilbrough attended another Base training camp in a different state. ECF No. 156 at 12; ECF No. 159 at 14. The photograph below was taken at that separate training camp; Lemley is standing second from the left while holding a long gun straight in the air. *Id.*



D. Mathews's History of White Nationalism, Base Membership, and Arrival in the United States

On August 19, 2019, the Winnipeg Free Press published an article regarding one of its reporters' infiltration of The Base. ECF No. 156 at 12; ECF No. 159 at 14. While acting in an undercover capacity on behalf of the Winnipeg Free Press, the reporter was telephonically interviewed by Base leadership to become a member. *Id.* Upon completion of the telephone interview, Base leadership arranged an in-person meeting with a local Base member residing in the area of Winnipeg, Canada. *Id.* The reporting led to the identification of Mathews as the Base member the reporter had met in person.

On or about August 19, 2019, the Royal Canadian Mounted Police ("RCMP") executed a search warrant at Mathews's residence. **Exhibit 1** ¶ 11. In a trash can, police found a handwritten

list of mass shootings, which included the year, number of dead, number of wounded, ethnicity of the shooter, and whether the shooter was on any type of medication. **Exhibit 21**; **Exhibit 1 ¶ 16**.

Thereafter, Mathews fled Canada and illegally entered the United States. ECF No. 156 at 13.

On August 30, 2019, Lemley and Bilbrough traveled in Lemley's truck from Maryland to southern Michigan (roughly 600 miles) in order to pick up Mathews. ECF No. 156 at 14; ECF No. 159 at 16. Lemley and Bilbrough remained in the Michigan area for approximately two hours, after which all three headed back east. *Id.* After dropping off Bilbrough in Maryland, Lemley continued to drive Mathews south to Chincoteague, Virginia. *Id.* Once there, on or about September 1, 2019, Lemley (posting under the moniker "Cantgoback") advised other Base members that "the objective has been reached." **Exhibit 22** at 5. Lemley further advised that he "got him [Mathews] a burner" phone and that "Punished snake [Mathews] wants to help with vetting" new members because Mathews is "just enthusiastic." *Id.* at 2, 3, 7. Mathews, using the moniker PunishedSnake1488, was then added to the group chat. *Id.* at 11-13.

Two weeks later, around September 14, 2019, Lemley traveled from Elkton, Maryland, to Chincoteague, Virginia, in order to pick up and relocate Mathews to the property of a Base member in Georgia. ECF No. 156 at 14; ECF No. 159 at 16. En route to Georgia, Lemley (driving) and Mathews (in the passenger seat) passed through the Chesapeake Bay Bridge Tunnel near Norfolk, Virginia. In the photo below, taken at the tunnel, Mathews is wearing a Hawaiian shirt, which type of shirt often is worn by white nationalists hoping for the collapse of the United States government, which they often refer to as the Boogaloo.¹⁰

¹⁰ See <https://www.nytimes.com/2020/06/29/style/boogaloo-hawaiian-shirt.html>.



On Sunday, September 15, 2019, at approximately 3:00 a.m., Lemley and Mathews arrived in Georgia. ECF No. 156 at 14; ECF No. 159 at 16. Approximately five hours later, Lemley departed and headed north and east toward Maryland, returning to his residence in Elkton, Maryland, on September 16, 2019. *Id.* Mathews remained at the Georgia property with at least one other member of The Base. *Id.*

E. The October/November 2019 Training Camp in Georgia and Mathews's Travel to Delaware

On October 30, 2019, Lemley drove Bilbrough from Maryland to Georgia for another Base training camp. ECF No. 156 at 15; ECF No. 159 at 17. Mathews, who already was residing at the property, also attended. *Id.* While in Georgia, on November 2, 2019, Lemley and Bilbrough purchased approximately 1,550 rounds of 5.56 ammunition for \$558.54. *Id.* Late in the evening on November 2, 2019, Lemley, Mathews, and Bilbrough traveled from Georgia en route to

Maryland. After dropping off Bilbrough at his Maryland residence, Lemley and Mathews travelled to the area of Elkton, Maryland, where Lemley obtained a motel room minutes from Lemley's then-residence for Mathews to spend the night. *Id.* The following day, Lemley and Mathews moved into an apartment in Newark, Delaware, just across the state line from Elkton, Maryland. *Id.*

Lemley and Mathews lived in the Delaware residence until their arrest there on January 16, 2020. ECF No. 156 at 15; ECF No. 159 at 17. While in the residence, Lemley and Mathews planned to and actually did build a functioning assault rifle. *Id.*

F. The Sneak-and-Peek Search of the Delaware Residence

On December 13, 2019, pursuant to a federal search warrant, law enforcement agents conducted a delayed-notification search (colloquially described as a “sneak-and-peak warrant”) of the Delaware residence. Agents located Base propaganda flyers and a copy of James Mason's book, *The Siege*.¹¹ **Exhibit 23** at 1-2. Next to Mathews's air mattress, agents located handwritten notes suggesting that Mathews had vetted another applicant to The Base. **Exhibit 23** at 3. Agents also located a large number of Meals-Ready-to-Eat (“MREs”) stored in containers. **Exhibit 23** at 4-5.¹²

During the search, law enforcement agents obtained images of electronic devices. Agents found several videos of Mathews espousing violent, anti-Semitic, and racist language. For example, in one video, dated November 13, 2019, Mathews talks about his belief that antifa protestors needed to become subject to “assassination.” **Exhibit 25; Exhibit 25a.** He was tired

¹¹ *The Siege* is a common and popular book in white nationalist circles. *See generally* <https://www.splcenter.org/fighting-hate/extremist-files/individual/james-mason>.

¹² Lemley appears to have bought multiple MREs, including a three-month supply of food, on January 2, 2019. **Exhibit 24.**

of white nationalists not being able to effectively communicate and organize because of harassment, *id.*:

These people . . . make us out to be evil incarnate. We're the bad guys according to them. I think it's time we became the bad guys. I think it's time that we decided to stop putting up with things we should not put up with. I think it's time...They want bad guys so bad, they can have it. We'll give them bad guys. We will give them white supremacist terrorists, if that's what they want. Give them what they want. Give them what they deserve.

Many of the videos discuss killing people in furtherance of "the movement." Below is a transcript and screenshot from one of those videos, in which Mathews is observed wearing a gas mask and attempting to distort his voice, **Exhibit 26**:



Testing of course the audio on this, seeing if there is enough vocal disruption in terms of my voice. The time for words has ended. The time for podcasts has ended. The time for talk has ended. If you're wasting your time simply thinking there's going to be movementarian approach to the coming problems, you think that

podcasts are the solution they're not, if you think talking is a solution, it is not. If you think politics is a solution, you are a damn fool. To quote [a Winnipeg Free Press reporter] as there is no technical record of the person he likes to attribute this to, so to quote [a Winnipeg Free Press reporter] the system does not want a peaceful solution, the system has prevented a peaceful solution at every possible turn. It is the system that is fomenting violent revolution, not us, and they shall now reap what they have sown. The time for violent revolution is now, that time is already here, it's here right now as we speak. You have one of two options if you understand the truth and you understand the gravity of the situation. Your two options are as follows. Option number one, prepare for the collapse. Option number two, bring the collapse. That is it. If you are not getting physically fit, if you are not getting armed, if you do not acquiring weapons, ammunition, and training right fucking now, then you should be preparing to do what needs to be done. Derail some fucking trains, kill some people, and poison some water supplies. You better be fucking ready to do those things. If not, then you are not going to be ready for what's coming. If you want the white race to survive, you're going to have to do your fucking part. You were born sadly in the wrong century. For those who want to do nothing and who want a comfortable life, that's not an option. This is the age of war. This is the age of entire this is the age of strife, this is the century upon which this current civilizations rotting Jew infested country comes to a collapse. You were born in the wrong century for complacency. That's all for now.

G. The Defendants Spoke Their Intentions and Acted on Them.

i. Background

In December 2019, law enforcement obtained court orders authorizing the installation of a closed-circuit television camera and microphone in the Delaware residence. Such a large portion of the defendants' secretly-recorded rhetoric involved violence in furtherance of white nationalism and the downfall of the American state. Without appending all 1,136 pages of line sheets from the Title III, it is difficult to fully encapsulate the discussions, which weave in and out of a variety of criminal activity, including discussion of several different federal crimes of terrorism.

Below, the Government sets forth a representative sample of the conversations that prove the defendants' intentions. These conversations show, at a minimum, that the defendants intended

to: kill a federal employee, in violation of 18 U.S.C. § 1114; intentionally damage communication lines, stations, and systems controlled, operated, or used by the United States, in violation of 18 U.S.C. § 1362; damage an energy facility, or attempt or conspire to do so, in violation of 18 U.S.C. § 1366(a); damage rail facilities, or attempt or conspire to do so, in violation of 18 U.S.C. § 1992; and commit arson or bombing of any building, vehicle, or other property used in interstate commerce, in violation of 18 U.S.C. § 844(i). Each of these statutes are enumerated federal crimes of terrorism, under 18 U.S.C. § 2332b(g)(5).

As explained below, the defendants were particularly enamored with the idea that the Boogaloo would begin in Richmond, Virginia, in January 2020. After the November 2019 state elections, Democratic officials controlled both chambers of the Virginia legislature and the Governor's seat. The defendants believed that the Democrats intended to use that power to pass a variety of legislation anathema to the white nationalist cause. The defendants believed that the Boogaloo would begin on January 20, 2020, when a pro-firearm rally was scheduled for the state capitol. The defendants believed that, once the Boogaloo began, the defendants and other like-minded confederates would begin systematically murdering and destroying in order to bring capitulation by, and the demise of, the United States government.

ii. **Timeline Summary**

The Title III intercepts, as well as other evidence, revealed preparation for the Virginia violence weeks before January 20, 2020. On December 18, 2019, Mathews made clear his views on minorities, **Exhibit 27; Exhibit 27a:**

[The elite] want as many blacks as they can shove into white countries as they can possibly can fuckin muster. They're gonna shove every single one they can into our country. Now what we can do, is we can shut these fuckin these fuckers down by for example: make your community a non-welcome community. You have some bitch decide to fuck a nigger? You fuckin' hang her. Some fuckin

niggers come into your town and start dealing drugs? Hang ‘em. Kill ‘em. Shoot ‘em. You gotta do, you have to do something about these things. Because if you do nothing, that tells them they’re welcome. That tells them it’s okay to come into a white town and deal drugs or fuck the white girls. That can’t be that way. You have to fuckin kill them. Now why do you have to kill them? Because they are a competing racial group. They will fuck your women. They will fuck the ugly and disadvantaged women in your communities that shouldn’t just be given off and you know brought up to have husbands. This brings me to another point. Do not allow race-mixing.

Mathews continued: “Something that a lot of people don’t know a lot of race riots back in the day were started by whites. We would start the riots and you best believe we finished them. We need to bring that back. We need to go back to the days of fucking decimating blacks and getting rid of them wherever they stand. If you see a bunch of blacks sitting on some corner you fucking shoot them.” **Exhibit 28; Exhibit 28a.**

On December 21, 2019, the defendants discussed the Virginia plan. They wanted to “create fucking some instability while the Virginia situation is happening,” “derail some rail lines,” “fucking like shut down the highways,” “shut down the rest of the roads,” and “kick off the economic collapse of the US within a week after the Boog starts.” **Exhibit 29; Exhibit 29a.**

Also on December 21, 2019, the defendants discussed how they wanted to “crash the system” and knock out “every single rail line.” **Exhibit 30; Exhibit 30a.** Lemley stated, “I mean even if we don’t win, I would still be satisfied with a defeat of the system . . . and whatever was to come in its place would be preferable than what there is now. And if it’s not us then you know what we still did what we had to do.” *Id.*

On December 23, 2019, the defendants discussed murdering a law enforcement officer in order to obtain additional gear for the Virginia plan. **Exhibit 31; Exhibit 31a:**

Lemley: The important thing is that I was able to achieve like a I basically guaranteed that we have like a good a good um kind of

like starting point where um so it's like ok time to go Boogaloo, time to plan our first our first mission is basically like gank [kill] somebody that has gear that we want and it it's really unfair what I can do to somebody with that . . . I can shoot you in in the fucking dome at 300 yards at in pitch black darkness...you never saw it coming and there's like no chance that I would miss. My shot group my grouping at 300 yards is an inch and a half... my grouping is an inch and a half [at which point Lemley shows the grouping on his own head] at 300 yards....It's almost impossible to fucking miss...and if I'm not perf perfectly accurate I still have all this space to the left and to the right there's almost no way I can miss that shot unless the person's moving in which case if they're moving...lower at the chest or have literally a foot in either direction of space... I'm not gonna miss.

Mathews: Yeah so by the way...that's pretty sick um so I'm kind of thinking um I can give you some cash and we can get the total mags [magazines] that we're going to need. I've got a question, are you are you thinking you're going a build a like a like a carbine?

Lemley: ...If I have that I don't I have no doubt that I can just take whatever I want from anybody. I cannot see a situation where I just can't take what I want...if there's like a popo [police] cruiser parked on the street and he doesn't have backup I can just execute him at a whim and just take all his stuff...

Mathews: I'm worried we're going to become psychopaths.

Lemley: I can just decide that I'm commandeering...all of his gear and there is nothing he can do to stop me. He literally has zero change of being not ganked [killed].

Mathews: It's kind of it's kind of scary when you think about it I mean like as to what we're slowly becoming cause I don't know about you but like...I think daily about what I'm going to do with my coworkers if they figure out who I am...and how I'm going to respond.

Lemley: How easy is that though like you just ok there's a trooper right there...he's got a couple firearms in the vehicle he probably he might have some NVGs [Night Vision Goggles] in the trunk.

...

Mathews: Here's what police are going to give us. Two things
ammo pistol maybe some plates...

Lemley: Soft armor.

Mathews: They'll probably have a fucking carbine like an M4
that or a shotgun whatever it is he'll have some nice stuff that we
can use or his radio rip that out of it and use it to listen...

Lemley: Guy is the guy is just like sitting there he's just
parked in his in his car and sitting in his in his driver's seat and not
moving he's just sitting there...And all I have to do is plink him
right through the fucking windshield...and everything is now
mine....

....

Lemley: I literally I need to claim my first victim...

....

Lemley: It's just like it's so unfair what I can do to people
with that. You know. Like nobody is safe there is no safety. Don't
be caught alone at night in a place where I can pop you. That's
essentially I think that's essentially what what it is.

....

Mathews: ...We could essentially like just be literally hunting
people...you could provide overwatch while I get close. Do what
need to be done to certain things....

Lemley: I'm just saying the snowball effect...is so massive
though cause like all we have to do is pick one get one one good
target that has the gucci^[13] that we want and we just wait for him to
step into the position of vulnerability and now we're like in full raid
gear.

...

Mathews:The thing is what we we start doing is every every
ounce of equipment becomes how we equip our militiamen...You
know we've got this situation in Virginia where this is going to be
that opportunity is a boundless and the thing is you've got tons of

¹³ The defendants referred to high-end body armor and tactical equipment as "Gucci" gear.

guys who are just in theory should be radicalized enough to know that all you gotta do is start making things go wrong and if Virginia can spiral out into a fucking full blown civil war....

...

Lemley: ...I'm almost like a captain...as far as like a pirate like pirate terminology... I essentially have a "ship of force"... Every pirate captain was always just as good as their "ship of force." . . . and what I have done is I have acquired a "ship of force" ...and that's important...If you have no "ship of force" you're just sitting on the beach drinking rum. But when you have one it's time to go you know start raiding.

Mathews: ...It's kind of like you say once you have a few victories...you can snowball.

Lemley: Yeah you you need to get that anxiety of that first one out of the way.

Mathews: Yeah.

On December 24, 2019, Lemley sent his thoughts to certain members of The Base in an encrypted chat, *see Exhibit 32*:

- "You need an atrocity to make people angry enough to get serious. Open fire on protesters."
- "The cucked lolberts are gonna try and play by the rules. People are too spooked from Charlottesville to go and let loose and have some real fun. You need a boston massacre or its not happening."
- "The im not a racist leaders need to be capped."

On December 25, 2019, the defendants attempted to figure out a way to spring Dylan Roof from USP Terre Haute, which is a heavily fortified maximum security federal prison. **Exhibit 33**;

Exhibit 33a; Exhibit 34; Exhibit 34a.¹⁴ Mathews said, “we should just go and just break out every fucking saint. Can you imagine?...Can you imagine Dylann Roof broked out of jail?...The Base would be known as the guys who broke out Dylann Roof.” **Exhibit 33; Exhibit 33a.** The defendants discussed how many people it would take to break into the prison, how many guards the prison had, and how and where a shoot-out would happen. **Exhibit 34; Exhibit 34a.** At one point, Mathews stated, “Personally, I think you have a combination of snipers placed out, just fucking dropping the guards in the towers.” **Exhibit 34; Exhibit 34a.** Thereafter, Lemley stated, “There’s a chance that I could, I could ‘snip snip snap snap’ several guards before anybody even sounded an alarm.” **Exhibit 34; Exhibit 34a.** As the Court knows, the guards at a BOP facility are federal employees.

On December 26, 2019, the defendants discussed destroying rail lines and power lines in Virginia. **Exhibit 35; Exhibit 35a.** Specifically, Mathews stated, “And that’s where the thing with Virginia, that that allows us some tactical flexibility. We gotta [unintelligible] every single train line we can hit every single power line. [unintelligible] we do that and that’ll bring the economic collapse.” *Id.*

Also on December 26, 2019, the defendants continued discussing how Base members should take out power lines in Virginia and kill “the system.” **Exhibit 36; Exhibit 36a.** Specifically, Mathews wanted Base members to “get to every single thing you can take out— power lines, everything. We need to fucking escalate this and spread that idea and just say ‘fucking bring the system down.’ When Virginia happens, we fucking kill the system.” *Id.*

¹⁴ As the Court is no doubt aware, Dylann Roof was sentenced to death for hate crimes and other offenses, for the 2015 shooting deaths of nine members of the Emanuel African Methodist Episcopal Church in Charleston, South Carolina. *United States v. Roof*, 10 F.4th 314, 329 (4th Cir. 2021).

On December 29, 2019, Mathews stated, “I’m always thinking of schemes and ideas to carry out my evil plans upon the world.” **Exhibit 37; Exhibit 37a.** He then discussed how he would take out a 5G cell tower, using his carpentry skills: “The tech company fears the carpenter.” *Id.* Mathews said, “can you imagine what would happen if we shut down the internet for fucking twenty-four hours?...Lotta interesting stuff would happen.” *Id.*

On December 29, 2019, the defendants again discussed Virginia. **Exhibit 38; Exhibit 38a.** Mathews said, “Well, that will be just going on the outskirts hitting every trail, every - every train line, everything.... And you basically delay logistical support into these cities for fucking months at a time.” *Id.*

On December 30, 2019, Mathews talked to himself about his own desires and intentions, including to kill black people and federal agents, *see* **Exhibit 39; Exhibit 39a:**

The real big things is when you start doing stuff that state is supposed to do. That’s when you start having real power because the fact is the state is not represented by whatever the government party is or what everybody voted for. The state is represented by who does the real shit. The state is represented by who yields the force, who has the money, and who is the right. Now if you own the territory and you start the cause and you say that nobody fucking a nigger that we can’t be fucking a nigger you’re shot. You get shot... That there is going to be – in one month’s time there is going to be an anti-race mixing law and this law will be enforced with lethal force. Found fucking a nigger you’re shot in the fucking head. You’re shot the nigger get’s hanged that’s that...

....

The fact is real power – real power originates in – real political power originates from the fear of death. And I was right about them and the sooner that we as a movement come to terms with that the sooner we can start collecting resources for a lot better change. Here’s the thing...AR-15s are good but I would recommend a lot of people start investing in bolt action – bolt action rifles and high caliber long range bolt action sniper rifle. That’s really sniper rifles. A hunting rifle whatever like just get a good rifle that has a lot of range. Get yourself some – if you do – if you can – if you can afford

it get yourself some night vision. If you can afford it get yourself a thermal optic. Put the thermal optic on your sniper rifle. You now have something that beats night vision. You now have good night time advantage. So you can fucking do stuff at night. Like make the feds go to some point – go to the woods. Sit there with your rifle. Snipe them. Kill them at night. If we do things like this, feds will start fearing us. Now do you know what fear does? Fear makes people nervous. A nervous enemy, one, that gets one of two things. First they get desperate, they start despair. Once they're desperate they start despairing. Desperation leads to martyr. Leads to asking what we want. Now that's where we have to simply just keep the violence up and increase the scope of our demands. And say if these demands are not met we're gonna cause a lot of trouble. And when those demands are met, then we increase them and continue the violence and keep doing this. Until resistance is gone. Until we can't fight anymore.

On December 31, 2019, Mathews went on an extended rant about Jewish people and black people. **Exhibit 40; Exhibit 40a.** In Mathews's estimation, diversity hiring, quotas, and the concept of white privilege are "an organized method of committing genocide against white people." *Id.* In his view, the United States "is a white country. Non-whites don't need to be here because this is a white country. Non-whites don't belong here. Non-whites don't deserve to be in this country. They need to go back to their own countries." *Id.*

On January 2, 2020, Lemley took a firearm from the Delaware residence to a gun range in Maryland. ECF No. 156 at 15; ECF No. 159 at 17. On January 5, 2020, Mathews, Lemley, and Lemley's minor child departed the Delaware residence and traveled to the Maryland gun range, where Mathews and Lemley fired the weapon. *Id.*

After Lemley and Mathews returned to the Delaware residence from the Maryland gun range, they began packing rations and material, presumably to be used during and after the Virginia conduct. **Exhibit 1** ¶ 12. Lemley and Mathews loaded a hard pelican case and at least one other container with food and supplies, and Mathews stated that he wanted to make sure he brought his gas mask. Mathews stated that they can survive in the area until "we get some hogs." *Id.* Lemley

stated that they may have three or five months' worth of food, and it "might be enough til the war is over." *Id.* Later that night, Lemley stated that he bought a four-foot metal antenna for his truck, presumably in order to achieve better radio reception and communications ability during and after any Virginia conflagration. *Id.*

On January 7, 2020, Lemley ordered approximately 1,500 rounds of 5.56 mm and 6.5 mm ammunition. ECF No. 156 at 16; ECF No. 159 at 18. This ammunition would fit the two firearms that were possessed by Lemley and Mathews.

The defendants had further relevant discussion on January 8, 2020. **Exhibit 41; Exhibit 41a.** Near the beginning of the session, Lemley and Mathews discussed Lemley having live-streamed certain portions of the swearing-in of the new Virginia legislature that same day. *Id.* Lemley asked Mathews, "can we get like a uh like a wooden swastika for Saturday and we'll just like torch it in the woods?" The conversation degenerated from there:

Lemley: I'm literally going to shove my gun into a coal burner's¹⁵ mouth, drive her up the wall, and blow her head off.

Mathews: Why even bother? I mean, just shoot the...I'm not talking about [unintelligible] the coal burners, why in the world would I [unintelligible] with a coal burner.

Lemley: Why in the world would you not inflict bloody vengeance upon the world when given the chance?

Mathews: Shoot, bullets are cheap, even cheaper would be the .22, that's the execution, put it against the wall and pop, pop, pop, pop...

Lemley: Where's your brutality at, sir?

Mathews: ...I like efficiency, if I have to kill 100 people I want to do it in the quickest and most proficient environment.

Lemley: The lack of brutality is cringe as fuck.

¹⁵ The term "coal burner" is derogatory slang for a white woman who has sex with a black man.

Mathews: I save the brutality for the really fuckin [unintelligible] ok well that depends are we talking about killing 5 people or 100?

Lemley: I don't know, I mean I don't have 100, only like the couple that I snagged.

Mathews: Oh. Why are we torturing them? Is this just for fun?

Lemley: Because you're summoning all the rage that you've felt over the years and have watched society crumble around you.

Mathews: Sure, well I'll put it this way, um I was so happy to trade some morality, but it's very subjective on who it's directed to, enemies...

Lemley: You don't want to peel the faces off the niggers?... You know like make a human swaser scissor, while wearing someone else's face?

Mathews: Here's what I want to do with niggers, we find as many abandon quarries as possible, what we do, we hoard 'em into trucks, and we're telling them we're resettling you to Florida...they'll all get fucking corralled. And you're all going to be resettled in Florida, get the fuck in the truck let's go, they're not going to Florida, they're going to the quarry where they're all going to get shot and we're all going to dump them into the negro pits, because there are too many of them and they just got to get gotten rid of. The Mexicans, we'll just tell them to leave.

The defendants then discussed how they would clean up non-revolutionaries once the civil war begins, *id.*:

Mathews: ...so, Mexicans you tell them to leave...the whites that we're going to have some interesting times with because we're going to have to start finding out uh basically you get the voting records, you find out who votes democrat, alright that's an easy list, those people in most white communities is surprisingly small number once you get rid of the Mexicans and blacks, and all the vote rigging, it's a tiny minority, round up those people, and it's the open borders people, then it's the fucking Zionist Christian elements that's probably Republicans, you just bit by bit clean the community up a piece at a time. And you pull 'em out. You know the other thing too is social media is good if we still have Internet, you start

checking to see if these fuckers had accounts Facebook etc, and it's like oh you're a white woman that taught your children to hate their own race. Bang, and then you make an example out of those people, it's kind of like in what was it The Turner Diaries where uh when they're executing race-mixers, uh after the first bout of killings people started turning them in and ratting on people....the thing is once you make a few public examples, you know and you're de facto law, you'd be surprised how quick people start turning in the neighbors. In a way it's kind of horrifying, once we become the law, and we start writing, writing laws in the books, you'd be surprised how easy it would be.

Lemley: There is always a bit of resentment to the people that have ruled over by force.

Mathews: True, true...we have a careful game to play, I think what it is, is we have to initially gain the trust of the majority of the community that's white, once we bit by bit purify it, and what we do is we take the best of the community and make their lives as good as possible in terms of the most genetically viable and then kind of at least make things functional for the middle class and as for like the really lower class, like the actual low-class whites, like you know race mixers, shit like that...

....

Lemley: I would revoke women's driver's licenses. Limit their mobility. Keeps them in the house.

On January 9, 2020, the defendants discussed the Virginia plan. **Exhibit 42; Exhibit 42a.** Mathews briefly considered trying to assassinate the Speaker of the Virginia House of Delegates, whose address he obtained from the Internet. *Id.* In Mathews's view, the Speaker's murder "would probably accelerate their gun control agenda," which in turn Mathews hoped would spur a violent reaction. *Id.* After apparently having looked up the Speaker's residence, Lemley and Mathews concluded that there probably was not a good sniper location nearby ("I doubt there's a place to sit about 5...600 yards away"), so they pondered an attack on the Speaker's route to work. *Id.* Mathews said, "it's interesting how they invaded that one city [Richmond], took over, and now they're changing the state [unintelligible]. I mean, you've seen that laundry list of bills. They're

gonna radically change Virginia.” *Id.* Ultimately, the defendants set the idea aside for the moment, waiting to see if the Virginia legislature would pass the anticipated gun control bills. *Id.*

On January 11, 2020, Lemley drove Mathews and an FBI undercover employee (“UCE”) from the Delaware residence to the same gun range in Maryland they had visited on January 5, 2020. ECF No. 156 at 16; ECF No. 159 at 18. While at the range, Mathews handled and fired the assault rifle. *Id.* When returning to the Delaware residence from the gun range, Lemley and Mathews stopped by Lemley’s prior residence in Maryland, where they retrieved at least some of the 1,500 rounds Lemley had ordered days before. *Id.*

On January 11, 2020, in the presence of the UCE, the defendants discussed various plans, including Virginia. **Exhibit 43** (filed under seal); **Exhibit 43a**. The defendants explained to the UCE what was happening in Virginia, including that Virginia wanted to “ban assault weapons, magazine restrictions, they want to outlaw non-government owned rifle ranges,” in addition to “affirmative action white replacement” and “a proposed bill that would not allow white suburbs to effectively exist.” *Id.* The defendants “expected 60,000 militia to show up in the capitol” of Virginia on January 20, 2020. *Id.* The defendants were “rolling for chaos”:

Lemley: Chaos would be great, like, I’m hoping that one of these guys is acting like a fucking looney tune and some cop takes him down to try to like disarm him and his buddy’s just open fire. And . . . so once that happens you would have like a hasty retreat and like kind of like a a running skirmish out of the city. And I assume these guys would start doing their military LARP thing and they would actually start offering...

Mathews: It would be an escalation of violence. It would be like the initial violence would cause some military police, it would be basically what’s called the three block war which was where there was a situation in Iraq where there was four or five different combatant groups and about three block area and they were all fighting against each other and there were American troops on the ground where corporals had to make decisions on the ground and leadership because they could not, the the situation was so complex

that they had to act on their own because it was changing that fast. That's what's probably going to fucking happen. . . . Basically, in a nutshell, it's going to be a complete and total fucking shit show the minute violence kicks off

...

Lemley: ...there's a lot of people waiting in the wings that are like, like waiting to see if it actually happens and then they will they will immediately uh, come, like, come into uh theater, and, uh, that's, I don't know what we, what we're gonna do, like we haven't really like, nobody's really like drawn up a real plan. Like I always thought that we would kinda merge together and like start doing gang shit together because fuck it...the government is like effectively shut down... I think that there's a really good chance for something to happen because not only is it a powder keg but you are gonna have like agent provocateurs on the ground, intelligence agencies out there.

Mathews said that their original plan was to “go down there wait on the outskirts of the city, wait for violence to break out and then we would just start having a...some fun.” *Id.* Lemley seems to have reconsidered his location, instead considering whether to stage in the Shenandoah forest, a bit farther afield. *Id.* Lemley was serious: “[P]eople are saying it's now or never. Its now or never, like if we wait it's only gonna get worse, the the writing is on the wall, we know what they're doing to us. The victory is only like less likely the longer we wait. We have to act. We must act now. That's what I keep...that's what everybody's saying...” *Id.*

The defendants were verbose about their plans and ideas, *see Exhibit 44* (filed under seal);

Exhibit 44a:

Mathews: ...we gotta pick up where Pierce^[16] and all the other ones failed we gotta act when it's time to act we can't fail where they have failed or else the white race is extinct....

....

¹⁶ William Pierce, who died in 2002, was a white supremacist who wrote *The Turner Diaries*. *See* <https://www.splcenter.org/fighting-hate/extremist-files/individual/william-pierce>.

Mathews: [In Virginia,] we shoot at the government. We kill the fucking cops. We blast the fucking nat guard. What we do is we provide covering fire...and assistance....

....

Lemley: We're little green men essentially.

....

UCE: ...if they start engaging cops and everybody starts going we start picking up from far away?

Lemley: We jump right in. We jump in.

...

Lemley: We wanna ambush. We don't want to, we don't want to like line fight...

UCE: But if it's only the three of us how do we ambush? We just...

Lemley: We'll be doing night, night operations.

....

UCE: Ok who am I killing?...

Mathews: I'll give you the meat and the bones. We don't have to reveal that we are national socialists. We just have to reveal to these NS [national socialist] guys err I mean to these patriots etcetera...that we are the good guys...We're on your side...And we fucking kill the fucking government which is the fucking enemy...

UCE: Thereby we are helping the acceleration.

Lemley: Well, yeah. It's just, it's just that we...It's just that we can't live with ourselves if we don't get somebody's blood on our hands. Like can you really say that you would just be like, how bad would you feel if you if that just like all that went on, there was...a Battle of Richmond and you weren't even fucking there? Wouldn't you feel like a piece of shit? I would definitely be feeling that.

....

Mathews: Sure and to me I don't care if I've shot a bunch of fucking black kids and something in the back of my fucking head is ringing and it feels bad. I don't fucking care....

Lemley: I'll do it. I'll do it. I just would be like...I'm like aww this sucks. This kid is like whimpering, doesn't understand...kid's whimpering, doesn't understand...And like it's gonna be really gruesome but fuck it.

The same day, the defendants discussed disabling power lines, burning electricity transmission towers, and blocking rail lines. **Exhibit 45** (filed under seal); **Exhibit 45a**. Lemley made his intentions clear when he stated, "If we're not ambushing feds, and we've got nothing better to do, we might as well go disable that infrastructure. And especially...if they are like holing up in Richmond, and they're like 'We're gonna, we're gonna hold Richmond.' Well, we might as well fucking cut everything off around Richmond, and I'm – basically, fuck them, like entirely." *Id.* The defendants hoped that violence in Richmond would kick off violence around the country, including Washington state. *Id.* Lemley told the UCE that Lemley would be going to Virginia and would let the UCE know if "things are getting really crazy...some shots were just fired." *Id.* Per Lemley: "I'll be kind of like on the ground in Richmond. Not in the front, but way in the back, just kind of looking at things, seeing how things are going, and if it turns into a shoot-out, I'll immediately retreat from the city and then start organizing all the people that are going to come and respond." *Id.* Lemley established the Shenandoah valley as the base camp. *Id.*

On January 15, 2020 (the day before their arrest), the defendants had an extensive conversation about Virginia. **Exhibit 46**; **Exhibit 46a**:

Mathews: I've been thinking about it a little bit...perhaps among The Base, once we meet up with AK and the boys, we'll touch base with them. About, uh, for example, about the idea you've been having about you know hitting, hitting, you know, striking when it's hot. You know, once the flash point starts, starts, we gotta get in there...

Lemley: Anyone who doesn't acknowledge that is fake and gay. Let's be honest, there's a flashpoint's happening? Nah, not yet, nigga, let's see if it turns into something real. Nah, man, like, those guys are gonna get fucking, fucking destroyed. Fuck them. No, no, no.

...

Lemley: If you don't sign a contract saying that you will fight when there is a flashpoint, an open conflict of the United States, you need to get kicked out of The Base. . . . Like who the fuck are...who the fuck are you?...What are you if you're not gonna do that? It kinda like blows me out, just blows me out of the water, like, what? What are you even doing? Why are you here? Maybe you're here because you wanna be a cool guy?

...

Mathews: Right now, if I ever get captured, I am going to jail for the rest of my life. You realize they're just gonna call us terrorists....

...

Mathews: ...they're going to call us terrorists, and it's just gonna be that they're gonna try to keep us in jail as long as possible...All I'm saying is, what we are is going to have a jail sentence, at a minimum. So the question is, we're gonna go to jail anyway, might as well go to jail for something good. Might as well do some damage to the system.

Lemley: First of all...I may be going to jail upon discovery of the propaganda in my cell phone, but I'm not going to jail for that long.

Early in the morning on January 16, 2020, federal agents executed federal arrest warrants on Lemley and Mathews at the Delaware residence. ECF No. 156 at 16; ECF No. 159 at 18. Before Lemley and Mathews submitted to the agents, however, they both smashed their cell phones and dumped them into the toilet. *Id.* From the residence, agents recovered two firearms, ammunition, magazines, radios, camping gear, tactical gear, and MREs. **Exhibit 47.**

III. The Sentencing Guidelines

In the plea agreements, the parties agreed to a basic set of applicable Guidelines. ECF No. 156 at 5-7; ECF No. 159 at 6-9. The parties agreed that the firearm counts had the highest offense level at 22, before acceptance. *Id.* The PSRs maintain that all the counts group, and the Government does not object. ECF Nos. 165 & 166. The Government does not oppose a 2-level reduction for acceptance of responsibility. In the absence of the applicability of any other Guideline provisions, the offense level would be 20.

However, in the plea agreement, the parties also reserved the right to argue for and against the applicability of any other Guideline. The Government believes the offense level should be increased under several additional provisions described below.

A. U.S.S.G. § 3A1.4(a) and (b) Enhancements

When imposing an ultimate sentence, the defendant's intentions matter. There is no sharper proof of this axiom than when courts in this District are called upon to impose sentence on a defendant convicted of 18 U.S.C. § 922(g)(1) where the conduct involves the unlawful possession of a firearm in the defendant's home or vehicle without other indication that the defendant planned to use the weapon proactively to commit other criminal conduct. In those situations, defense attorneys routinely implore courts to find mitigation—suggesting, perhaps, that the weapon was for home protection, self-defense in a dangerous neighborhood, or some other innocent-sounding reason. Outside of the drug trafficking context, it is rare that the Government can counter those defendants' arguments. Here, in contrast, the Government brings ample evidence that the defendants intended to use their firearms, and generally intended their federal crimes, to promote federal crimes of terrorism.

All of the defendants' offenses involved, or were intended to promote, a federal crime of terrorism. *See* U.S.S.G. § 3A1.4. With this enhancement, the offense level is increased by 12 levels or to level 32 (whichever is higher), and each defendant's criminal history category becomes Category VI.

"Federal crime of terrorism" is defined at U.S.S.G. § 3A1.4, app. note 1 and 18 U.S.C. § 2332b(g)(5). According to this definition, a "federal crime of terrorism" has two components. First, it must be a violation of one of several enumerated statutes. 18 U.S.C. § 2332b(g)(5)(B). Second, it must be "calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct." 18 U.S.C. § 2332b(g)(5)(A). By § 3A1.4's plain wording, there is no requirement that the defendant have committed a federal crime of terrorism. All that is required is that the crimes of conviction (or relevant conduct) involved or were *intended to promote* a federal crime of terrorism. *See, e.g., United States v. Graham*, 275 F.3d 490, 516 (6th Cir. 2001) ("A defendant who intends to promote a federal crime of terrorism has not necessarily completed, attempted, or conspired to commit the crime; instead the phrase implies that the defendant has as one purpose of his substantive count of conviction or his relevant conduct the intent to promote a federal crime of terrorism."). *See also United States v. Fidse*, 862 F.3d 516, 522 (5th Cir. 2017) (affirming § 3A1.4 enhancement where underlying convictions were for conspiracy and obstruction); *United States v. Benkahla*, 530 F.3d 300, 311-313 (4th Cir. 2008) (discussing § 3A1.4, application note 2, in context of convictions for false statements and obstruction); *United States v. Mandhai*, 375 F.3d 1243, 1248 (11th Cir. 2004) ("Contrary to Mandhai's assertion, the terrorism enhancement does not hinge upon a defendant's ability to carry out specific terrorist crimes or the degree of separation from their actual implementation. Rather, it is the defendant's purpose that is relevant, and if that purpose is to promote a terrorism crime,

the enhancement is triggered . . . The enhancement was proper even though the record reflects that Mandhai lacked both the means and the ability to carry out his defined activity without assistance that was not present”); *United States v. Elshinawy*, 2018 WL 1521876 (D. Md. Mar. 28, 2018) (quoting *Mandhai* for proposition that Government need not “prove that the defendant had the means or ability to implement his plans” and that the defendant’s purpose is the relevant consideration), *aff’d* 781 F. App’x 168 (4th Cir. 2019). To apply the enhancement, this Court needs to identify which specific enumerated federal crime(s) of terrorism the defendants intended to promote, and the Court’s findings need to be supported by only a preponderance of the evidence. *Id.*¹⁷

The defendants repeatedly confirmed, on tape, that their crimes were intended to promote enumerated federal crimes of terrorism. They intended to kill federal employees, in violation of 18 U.S.C. § 1114. **Exhibit 19; Exhibit 20; Exhibit 28; Exhibit 33; Exhibit 34; Exhibit 44; Exhibit 45.** They intended to damage communication lines, in violation of 18 U.S.C. § 1362. **Exhibit 37.** They intended to damage an energy facility, in violation of 18 U.S.C. § 1366(a). **Exhibit 30; Exhibit 35; Exhibit 36; Exhibit 45.** They intended to damage rail facilities, in violation of 18 U.S.C. § 1992. **Exhibit 29; Exhibit 30; Exhibit 38; Exhibit 45.** And they intended to commit arson or bombing of any building, vehicle, or other property used in interstate commerce, in violation of 18 U.S.C. § 844(i). **Exhibit 45.**

Furthermore, there can be no serious dispute that the defendants’ intentions were “to influence or affect the conduct of government by intimidation or coercion.” Coercion and

¹⁷ A district court deciding whether to impose the terrorism enhancement must “resolve any factual disputes” relevant to the enhancement and then, if it finds the requisite intent, should “identify the evidence in the record that supports” that finding. *United States v. Hassan*, 742 F.3d 104, 148 (4th Cir. 2014) (quoting *United States v. Chandia*, 514 F.3d 365, 376 (4th Cir. 2008)).

capitulation were core purposes of The Base. And specific to the defendants, they themselves said this is what they wanted. **Exhibit 39** (“Desperation leads to martyr. Leads to asking what we want. Now that’s where we would have to simply keep the violence up, and increase the scope of our demands. And say if these demands are not met, we’re going to cause a lot of trouble. And when those demands are met, then increase them, and continue the violence. You just keep doing this, until the system’s gone. Until it can’t fight anymore and it capitulates.”). It was their express purpose to “bring the system down.” **Exhibit 36**.

Since § 3A1.4 applies, a 12-level increase applies, and the resulting offense level cannot be lower than 32. In addition, each defendant automatically will be a Criminal History Category VI.

B. Upward Departure Under U.S.S.G. § 3A1.4, app. note 4

Congress has defined domestic terrorism,¹⁸ but no statute specifically criminalizes domestic terrorism. Instead, prosecutors rely on a variety of federal statutes to prosecute domestic terrorists. The statutory maximum terms of imprisonment for the available charges typically (but not always) permit a sentencing court to adequately account for the underlying conduct. In order to hold domestic terrorists appropriately accountable at sentencing, if not in the charging document, the Sentencing Commission has provided U.S.S.G. § 3A1.4, app. note 4. *See United States v. Jordi*, 418 F.3d 1212 (11th Cir. 2005) (finding application note 4 to be “clear and unambiguous”).

¹⁸ “‘Domestic terrorism’ means activities that (A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; (B) appear to be intended (i) to intimidate or coerce a civilian population, (ii) to influence the policy of a government by intimidation or coercion, or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and (C) occur primarily within the territorial jurisdiction of the United States.” 18 U.S.C. § 2331(f).

If the Court concludes that the § 3A1.4 terrorism enhancement does not apply, the Court should depart upward based on application note 4. Under application note 4, the Sentencing Commission expressly endorsed an upward departure under certain circumstances:

By the terms of the directive to the Commission in section 730 of the Antiterrorism and Effective Death Penalty Act of 1996, the adjustment provided by this guideline applies only to federal crimes of terrorism. However, there may be cases in which (A) the offense was calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct but the offense involved, or was intended to promote, an offense other than one of the offenses specifically enumerated in 18 U.S.C. § 2332b(g)(5)(B); or (B) the offense involved, or was intended to promote, one of the offenses specifically enumerated in 18 U.S.C. § 2332b(g)(5)(B), but the terrorist motive was to intimidate or coerce a civilian population, rather than to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct. In such cases an upward departure would be warranted, except that the sentence resulting from such a departure may not exceed the top of the guideline range that would have resulted if the adjustment under this guideline had been applied.

If subparagraph (A) applies—“the offense was calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct but the offense involved, or was intended to promote, an offense other than one of the offenses specifically enumerated in 18 U.S.C. § 2332b(g)(5)(B)”—the Government’s argument in the prior section with respect to the defendants’ intentions to influence or affect Government conduct through intimidation or coercion applies equally here. But instead of having to prove that the defendants intended to promote an enumerated statute, the application note 4 upward departure merely requires that the Government prove that the defendants intended to promote any other statute. Here, the defendants intended to promote the statutes of conviction, in addition to the several other federal statutes for which multiple magistrate judges in this District found probable cause to issue search warrants, including 18 U.S.C. § 1201 (inciting a riot), 18 U.S.C. §§ 371 and 249 (conspiracy

to commit and attempt to commit a hate crime), and 21 U.S.C. § 841 (distribution of controlled substance).

If subparagraph (B) applies—“the offense involved, or was intended to promote, one of the offenses specifically enumerated in 18 U.S.C. § 2332b(g)(5)(B), but the terrorist motive was to intimidate or coerce a civilian population, rather than to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct”—then the Government’s argument in the prior section regarding the enumerated offenses of 18 U.S.C. §§ 1114, 1362, 1366(a), 1992, and 844(i) applies equally here. But instead of proving that the defendants’ conduct was intended to influence, affect, or retaliate against Government conduct, the Government must prove that the defendants intended to intimidate or coerce a civilian population. This is easily done, again with resort to the defendants’ own words. They repeatedly said how they want to murder and subjugate racial and ethnic minorities through violence. **Exhibit 27; Exhibit 28; Exhibit 39; Exhibit 40; Exhibit 41.**

C. U.S.S.G. § 2K2.1(b)(6)(B)

A 4-level increase applies because the defendants possessed any firearm or ammunition in connection with another felony offense, or possessed any firearm or ammunition with knowledge, intent, or reason to believe that it would be used or possessed in connection with another felony offense. The other felony offenses are the previously-described federal crimes of terrorism.

D. U.S.S.G. § 5K2.0

Under § 5K2.0, the Court may depart upward in certain exceptional cases not otherwise accounted for by the Guidelines. For example, under § 5K2.0(a)(2)(B), the Court can depart upward “in the exceptional case where there is present a circumstance that the Commission has not identified in the guidelines but that nevertheless is relevant in determining the appropriate

sentence.” If the Court finds that any or all of the aforementioned enhancements and departures (including § 3A1.4 or § 3A1.4, application note 4, and § 2K2.4) do not apply, then the Government submits that the Court should make an equivalent upward departure under § 5K2.0 because of the defendants’ intent and preparation to commit acts of domestic terrorism.¹⁹

IV. The Recommended Sentence

To the extent not addressed in this memorandum, the Government will discuss each 18 U.S.C. § 3553(a) factor at sentencing. Based on consideration of all the § 3553(a) factors, the Government believes that the appropriate term of imprisonment is 25 years (300 months) for each defendant. The terms of imprisonment should be followed by three-year terms of supervised release. The Government also will file an appropriate forfeiture order prior to sentencing, in conformity with the plea agreements.

To the extent that the Government’s recommendation is above the advisory Guideline range found by the Court during the sentencing hearing, an upward variance to reach the recommended sentence is warranted here.²⁰ The defendants pose a severe risk to public safety. They are domestic terrorists and should be sentenced accordingly.

¹⁹ As discussed below, the Government also believes that its bottom-line sentencing recommendation is appropriate under the § 3553(a) factors, even if the Sentencing Guidelines counsel in favor of a different range of imprisonment.

²⁰ The Fourth Circuit has regularly found upward variant sentences substantively reasonable where the district court has considered and explained its sentence based on the § 3553(a) factors. *See United States v. Washington*, 743 F.3d 938, 944-45 (4th Cir. 2014) (sentence six years above guidelines range substantively reasonable); *Rivera-Santana*, 668 F.3d at 106 (sentence seven and half years above guidelines range substantively reasonable); *Diosdado-Star*, 630 F.3d at 367 (sentence more than six years above guidelines range substantively reasonable); *United States v. Johnson*, 538 Fed. Appx. 62, 65 (4th Cir. 2014) (per curiam) (sentence 250% above top of guidelines range substantively reasonable).

Conclusion

For the reasons set forth above, the United States respectfully requests that the Court impose a term of imprisonment of 25 years as to each defendant.

Respectfully submitted,

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/s/ _____

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