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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PETER SANTILLI,

Defendant.

Case No. 3:16-cr-00051-BR

**DEFENDANT SANTILLI'S
MOTION FOR PRESERVATION
ORDER**

I. Certificate of Counsel

Counsel for Mr. Santilli conferred with AUSA Ethan Knight about this motion. The Government opposes it.

II. Motion

Pursuant to the Due Process Clause of the Fifth Amendment, defendant Peter Santilli (Santilli) hereby moves the Court for an order to preserve evidence. Specifically, defendant seeks and order requiring BLM Special Agent Daniel P. Love and FBI Special Agent Gregory Bretzing to preserve all text messages, emails and email threads for the period from March 2014 to the present that relate to, refer to or name defendant Santilli.

III. Factual Background

The indictment in this case charges Santilli and others with conspiracy to impede federal officers from performing their duties at the Malheur National Wildlife Refuge (MNWR). Santilli is one of 25 defendants charged in the case, though he never occupied the refuge. He stayed in a hotel in Burns every night.

Santilli believes federal law enforcement agents are retaliating against him because of his sharp, outspoken criticism of them. In particular, Santilli has been very critical of BLM Special Agent Daniel P. Love and FBI Special Agent Gregory Bretzing. Agent Bretzing was actively involved in the Malheur National Wildlife Refuge standoff, and agent Love was involved in the Bundy Ranch standoff and was the lead BLM agent in Operation Cerberus, an investigation into the illegal sales of Native American artifacts. Santilli believes that, because of his public criticism of these agents, they are retaliating against him by prosecuting him for offenses relating to his coverage of the MNWR standoff and Bundy Ranch. While there were several alternative media journalists in the Burns area covering the takeover over the MNWR, Santilli is the only journalist being prosecuted. And, while many of these other alternative media journalists, individuals and groups published rallying calls over the Internet for both Bundy Ranch and MNWR, none of them, except Santilli, is being prosecuted. Defendant needs the requested documents to show motive, bias and interest of these particular officers and as evidence of selective prosecution.

Santilli is an independent new media journalist, i.e., he produces a daily news show on the Internet called *Off the Hook in the Morning with Pete Santilli and Deb Jordan*, and *The Pete Santilli Show, Telling You the Truth Whether You Like It or Not*. His new medial

journalism also includes live-streaming current event. In December 2015, Santilli drove out to Burns, Oregon from Cincinnati, Ohio with his partner Deborah Jordan to cover the story of the rally in support of Dwight and Steven Hammond. They arrived in Burns on December 30, 2015 and intended to stay until just after the rally on January 2, 2016. They booked two rooms at the Silver Spur Motel for three nights, intending to check out on January 2, 2016.

Santilli has a long, critical history with special agents Love and Bretzing. Prior to coming out to Oregon, Santilli had been highly critical of both agents, particularly BLM SA Love. Love had been the lead case agent in Operation Cerberus, an investigation into the unlawful collection and sale of Native American artifacts throughout the West. In short, this expensive, long-term investigation yielded very little in terms of major artifact distributors, but it nailed (Santilli and many others would say unfairly) a family doctor who was the pillar of a small town in Utah whose wife had been a collector for years. Among others, the government prosecuted Dr. James Redd, who was found in possession of a small bird carving that was independently valued at \$75. He ended up taking his own life. The government informant ended up taking his own life, and another person who was prosecuted took their own life as well. A more full and detailed report about this Sting in the Desert can be found in Exhibit A, a report of this matter published in the Los Angeles Times in September 2014.

After learning of this incident involving Dr. Redd, Santilli has devoted several shows to criticizing the Government for using excessive power and pressure to crush an individual. In fact, at one of the release hearings in this case, the Government played two audio recordings of telephone calls Santilli made to SA Love live during episodes of *The*

Pete Santilli Show, Telling You the Truth Whether You Like It or Not. Love did not take the calls, but Santilli left messages in which he criticizes Love's and the BLM's handling of Bundy Ranch and the investigation involving Dr. Redd, saying that Love should be held accountable for the death of Dr. Redd. There is a good deal of history between Santilli and agents Love and Bretzing. Santilli needs the requested information to determine whether he was unlawfully singled out for prosecution.

IV. Relevant Law

The government has a duty under due process to preserve material evidence, i.e., evidence whose exculpatory value was apparent before it was destroyed and that is of such a nature that the defendant cannot obtain comparable evidence by other reasonably available means. *See California v. Trombetta*, 467 U.S. 479, 489 (1984); *Grisby v. Blodgett*, 130 F.3d 365, 371 (9th Cir. 1997). The exculpatory value of the evidence must be "apparent"; the possibility that evidence could have exculpated a defendant if preserved and tested is insufficient to satisfy the standard of constitutional materiality in *Trombetta*. *Arizona v. Youngblood*, 488 U.S. 51, 56 (1988). In addition, a petitioner must show bad faith on the part of the police in destroying the evidence. "Unless a criminal defendant can show bad faith on the part of the police, failure to preserve potentially useful evidence does not constitute a denial of due process of law." *Id.* at 58 (1988). "The presence or absence of bad faith by the police for purposes of the Due Process Clause must necessarily turn on the police's knowledge of the exculpatory value of the evidence at the time it was lost or destroyed." *Id.* at 56.

Here, it is highly likely the requested documents, if they exist, are evidentiary and relevant. Santilli has a long history with agents Love and Bretzing and has been highly

critical of both on his Internet shows and in public. Santilli was the only journalist who was arrested and charged with a criminal offense for the conduct that occurred at the MNWR, even though there were several other similarly situated individuals. The requested information will show whether these agents selectively targeted Santilli for prosecution.

V. Conclusion

Based on this, Santilli asks the Court to order requiring BLM Special Agent Daniel P. Love and FBI Special Agent Gregory Bretzing to preserve all text messages, emails and email threads for the period from March 2014 to the present that relate to, refer to or name defendant Santilli.

DATED this 27th day of April 2016.

Thomas K. Coan

Thomas K. Coan, OSB 89173

Attorney for Defendant

A STING IN THE DESERT

SEPTEMBER 21, 2014

BY JOE MOZINGO

PHOTOGRAPHY, VIDEO BY KATIE FALKENBERG



For generations, the people of the Four Corners region have battled the federal government over collecting and selling Native American artifacts. Then agents persuaded a local dealer to go undercover.

Operation Cerberus Action was supposed to expose a lucrative trade in stolen antiquities.

Instead, it tore a hole in a Utah town.

In the high country of the Navajo reservation, a family walked through the pinyon pines, combing the earth for the remnants of a vanished civilization.

Their breath steamed in the morning air. Dr. James Redd wandered away from his wife and daughter for a few minutes, then called back: “Hey guys, come and look.”

He pointed to a white shell, smaller than a dime, lying partly exposed in the wind-scoured dirt. It had been carved in the shape of a bird, with a hole drilled through it.

Millions of such artifacts lay strewn across the region. The doctor's wife, Jeannie Redd, reveled in the way the pieces connected her to the ancient Anasazi culture.

Jim handed the shell to Jeannie, who hooked it on a safety pin and put it in her pocket, never imagining the trouble it would bring.



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Two weeks later, a man named Ted Gardiner strode up the steps to the Redds' home, high on a knoll south of Blanding, Utah.

Gardiner was 50, tall and leathery, with a mantis-like build that helped him move about the vertical world of Utah's canyons. He was a dealer in Anasazi antiquities, and he'd been visiting the Redds for about seven months, trying to buy and sell artifacts.

"How you been, sweetheart?" Gardiner asked as she opened the door.

Jeannie, 57, was the collector in the house, the one who scanned the ground with a raptor's eye. Jim, a year older, worked long hours as the main family doctor in Utah's largest county. He had little interest in collecting but enjoyed accompanying his wife and daughter Jericca as they hunted for artifacts.

"I went out to Butler Wash yesterday," Jeannie told Gardiner. "We just went off the highway. And people had hit every mound. But I found a Bull Creek arrowhead, a nice one."

Gardiner opened a cardboard box and pulled out items he had brought.

Admiring a pendant, Jeannie said, "Oh my God, that is not a small turquoise."

Gardiner told her he had found it next to Comb Ridge — a great, toothed blade of sandstone that according to Indian lore is the Earth's very backbone.

In truth, he had bought it from meth addicts living in a trailer.

Jeannie traded some small broken pendants and bits of string and rope for the turquoise piece.

"What means a lot to me is that you found it," she said.

"Well, cool," he said, and packed up his boxes. "Jeannie, thank you, sweetheart. Take care."

Jim Redd walked Gardiner to his white Jeep Cherokee.

"It's been a pleasure," Jim said. "Drive safely."

Gardiner pulled down the quarter-mile drive, listening to the Beatles' wistful "Here, There and Everywhere." Then he turned up Highway 191 and turned off the music.

Watch: Undercover Recordings

Click the highlighted text to view footage collected by FBI informant Ted Gardiner, who wore a black shirt-button camera to his meeting with Jim and Jeannie Redd.



“SU 6129,” he said aloud in the empty SUV.

A tiny video device, disguised as a black shirt button, had been recording since he first pulled up to the home.

“Eighteen hundred hours,” Gardiner said. “Dr. Jim and Jeannie Redd.”



VIDEO

Relics to Ruins

Two sons reflect on the events that tore through a Utah town and their families.



Gardiner was working for a team of federal agents trying to put an end to the illegal trade in prehistoric artifacts that was obliterating the archaeological record of the Four Corners region.

The Anasazi people had lived in the caves and mesas of the Colorado Plateau from before the time of Christ. At the end of the 1200s, they disappeared, leaving behind elegant ceramic pots, effigy dolls, turkey-feather blankets, spears and arrows.

Settlers who discovered the Anasazi ruins in the 19th century started collecting and selling the artifacts. By the 1950s and 1960s, “pot hunting” was deeply ingrained among Blanding’s 1,800 or so residents.

Families brought shovels and screens to picnics, and exchanged ancient bowls and seed jars as Christmas gifts.

By the 1970s, commercial pot hunters were digging with trenchers and backhoes, even flying to distant spots in helicopters.

Archaeologists and Native American leaders decried the destruction, and Congress made it a felony to take ancient items worth more than \$500 from public or Indian land.



Sources: Bureau of Indian Affairs, USGS, ESRI, National Park Service Lorena Elebee@latimesgraph

In 1986, heavily armed federal agents raided 16 homes and trading posts in and around Blanding. The raids swept up two of the county's three commissioners and strained relations with the federal government, which residents already regarded as arrogant and intrusive.

Utah's U.S. attorney decided not to file criminal charges, but the hostility remained. And diggers and collectors quietly kept at it.

The Bureau of Land Management, the FBI and the National Forest Service made occasional arrests, but it was rare for offenders to do prison time.

Then, in 2006, law enforcement caught a break. A BLM ranger told federal agents about someone who might be pressured into helping them infiltrate the trade.

Gardiner was from a prominent Mormon family and had owned a chain of successful supermarkets in Salt Lake City.

Like Jeannie Redd, he felt a mystical connection to the Anasazi. He and his first wife, Debbie, read everything they could find about the culture. They would whisper out of respect when they came across an ancient cliff dwelling or petroglyph; digging in the ruins was sacrilege.

Then one day in 1996, Gardiner suffered a severe panic attack during a business lunch. A doctor prescribed the anti-anxiety drug Xanax. Debbie said that not long after that, "the aliens took over."

Gardiner started drinking heavily and taking pills. He told a therapist he had been molested by a school janitor when he was 15, and that seeing his

oldest son approach that age unhinged him.

After several years and a stint in rehab, his marriage fell apart. He sold the supermarkets and moved into a cabin in the mountains east of Salt Lake.

Desperate for money, he decided to cash in on his expertise. He opened an online business trading in Anasazi items and bought private collections. When he couldn't make ends meet, he started dumping his artifacts on eBay.

His second wife took their daughter and moved out. A friend went to check on Gardiner and found him half-conscious in the dark. He was burning furniture to keep warm.



Ted Gardiner, like Jeannie Redd, felt a mystical connection to the Anasazi people. Above, he stands near the edge of Fish Creek Canyon in southeastern Utah's Cedar Mesa. (Gardiner family)

When BLM agents knocked on his door in 2006, Gardiner looked like a desert hermit, with wild blue eyes and scraggly long hair. He turned them away, but later, after sobering up and listening to their pitch on the phone, he agreed to meet with two agents from an FBI art crimes task force.

Gardiner told them of a highly organized black market in prehistoric Southwestern artifacts. He rattled off the names of well-known collectors and dealers from Phoenix to Austin to Santa Fe.

The government paid him \$10,000 for his initial information.

Special Agent Gibson Wilson, in asking superiors in Washington for

authority to put Gardiner undercover, said

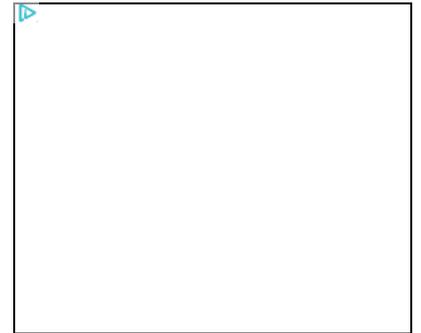
Gardiner “admittedly traded in the past in objects which were of ‘questionable’ origin and ... appears to be legitimately motivated to make amends.”

Wilson promised an investigation that would go after not only the excavators but the collectors and dealers he described as “the root cause of the problem.”

He brought in a BLM special agent, Dan Love, and a Utah state insurance-fraud agent, Ryan Cleverly. None of them had any special knowledge of Southwestern antiquities. But in Gardiner, they had a whip-smart informant with an encyclopedic grasp of the market.

They code-named him SU 6129 and promised him up to \$7,500 a month, plus expenses. The FBI leased the Jeep Cherokee for him and passed him envelopes stuffed with money to buy illegal goods.

Investigators needed the targets to say on tape that they knew the artifacts were from public or Indian land — and they aimed for transactions worth at least \$500, the threshold for a felony under federal law.



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Ted Gardiner, left, and Special Agent Dan Love of the Bureau of Land Management in Cedar Mesa. (Gardiner family)

The task force wanted to send a message: The decades of impunity were over. Agents called the operation Cerberus Action — after the three-headed dog in Greek mythology that guarded the gates to the underworld.

Gardiner contacted his old suppliers and dealers and told them he was back in business, representing wealthy European clients, including his biggest buyer, “Sergei from Liechtenstein.”

“My guys are buying like crazy,” Gardiner told them. “I’ve been snatching up anything I can get my hands on.”

Gardiner found a sense of purpose in the case and worked his client list with the duplicitous grace of a drug addict.

At the home of Loran St. Claire, whose wife had died recently, leaving him to raise their two children, Gardiner

asked St. Claire whether he was “doing all right.” Then he persuaded him to sell two seed jars, one of which his mother had bought many years ago from a Navajo woman.

Gardiner's shirt-button camera recorded it all.

As St. Claire was helping his 4-year-old daughter into her pajamas, Gardiner told her she looked “gorgeous” and, as he left, he called out, “You take care, bro. Holler if you need anything.”

Driving away, he took a call from Agent Wilson.

“Yep, that's two felonies,” Gardiner said, noting that he and Agent Cleverly had a bet for dinner at an upscale French restaurant. “So keep track.”



For every meeting with the investigation's targets, Ted Gardiner would wear this shirt-button camera to record footage the FBI could use as evidence.

With his envelopes of cash, Gardiner created his own market in San Juan County. Some clients appeared to be newcomers, digging in anticipation of Gardiner's payments. Others were longtime pot hunters. Most lived in trailers or small homes. A few were meth addicts.

The Redds were different.

Their Pueblo-style home, with six fireplaces and ceiling beams of hand-hewn Ponderosa pine, overlooked the vast tablelands descending to the San Juan River.



Jim Redd holds his grandson, Jaggard, then about 1, in 2007. Redd was the county's main physician and did everything from delivering babies to performing appendectomies. (Redd family)

For many years, Jim Redd was Blanding's only physician. He delivered the babies of mothers whom he had delivered as babies. He tended the elderly in the nursing home, performed appendectomies, worked ER shifts and drove for hours to see patients on the Indian reservations. He spoke basic Navajo and Ute, and gave patients his home number and let them stop by his house if they needed anything.

Thelma Whiskers, of the Ute tribe, would call him "Poowagudt," medicine man, trying to elicit one of his big laughs.

Redd had an avuncular way, and a quick sense of humor. But he was a serious soul. He didn't watch much television or read magazines. He read Scripture, literature and world history, scribbling down quotations from Winston Churchill, William Faulkner and the Mormon prophet Joseph Smith.

He had his sharp edges. Some people thought he was arrogant and bull-headed. He snapped at nurses and corrected younger people who did not address him as "Dr. Redd."

He had met Jeannie Hunt in high school. She was dark-haired, quiet and independent, an accomplished organist at church who wore stylish clothes hand-sewn by her mother.



Jim and Jeannie Redd met in high school. (Redd family)

They married after his Mormon mission to California and had five children.

Jeannie had a scattered energy that, combined with her artistic ways and array of offbeat pets, made her a bit of an eccentric in Blanding. People joked about arriving at their house to have her nonchalantly warn them that one of the snakes was loose.

Her obsession with Anasazi artifacts was near-legendary.

It had almost ruined the Redds once.

In 1996, a sheriff's deputy found the Redds digging on state land that maps erroneously labeled private property. They were charged with misdemeanor trespassing and felony desecration of a grave, because there were human bones at the site.

The judge, whose son had been delivered by Redd, dismissed the felony charges, concluding that state law was meant to stop people from excavating in graveyards, not make it a crime to touch 1,000-year-old bone shards that are "scattered all over this part of the country."

Prosecutors appealed, and the case dragged through the courts for five years.



Jim Redd, left, and Jeannie, far right, with their children: Jasmine, second from left, Jamaica, Jericca, Jay and Jav. (Redd family)

The charges deeply distressed Redd. He was tormented by the thought that he could be seen as a felon. "You know it's so bizarre,

I don't even like this stuff," he told his assistant, Debbie Christiansen.

Ultimately, the charges against him were dropped because, according to prosecutors, his wife "was the prime mover and the one most interested in these sorts of relics."

Jeannie pleaded no contest to a misdemeanor and was sentenced to six months probation.

The outcome infuriated archaeologists, Native American leaders, federal investigators and rangers, who believed it sent the wrong signal to pot hunters across the region.

Gardiner first rang the Redds' doorbell just after 9 p.m. on Aug. 29, 2007, a warm night, buzzing with insects. He had done business with Jeannie Redd on eBay, but they had never met in person.

Jim Redd opened the door and invited him inside.

Gardiner put a box of items on the coffee table. Jeannie popped in and introduced herself.

She immediately zeroed in on a stone pendant.

Gardiner had expected she would. He had just bought it from a local collector, who told him Jeannie had long coveted the piece, which was dug up 30 years before.

Jeannie showed Gardiner her own collection in a side room. Her best stuff fit in a single display case. She liked small, high-quality items, mostly jewelry and smaller ceramics.

"Oh, that is gorgeous, Jeannie," Gardiner said, looking at a frame filled with pendants.

"This one came just 2 miles south of here on Murphy Point," she said. "And I know it was out of a burial, and I know for sure that the Indian who wore that walked on my hill because he would have been hunting. He wore it here hunting, and now it's in my collection."

Her voice had a hint of rapture.

They talked about many of her items, and what she might trade for the pendant. Gardiner gently asked her where her items came from.

"Oh, I found that in Cottonwood Canyon at the baby cave ... Baby Mummy Cave is what they call it," she said, referring to a cave on federal land south of town.

"Five babies were buried there," she continued, as agents listened from a truck nearby. "That's where the pipe came from, and the basket."

"There still mummies in there?" Gardiner asked.

"There are still, a few.... There was a skull in there the other day."

Jeannie seemed a little nervous, and Gardiner pretended to be equally worried. "I can talk freely with you?" he asked.

"I'm quiet," she said. "I won't say anything, and I hope you won't."

Watch: Undercover Recordings

Click the highlighted text to view footage collected by FBI informant Ted Gardiner during his meetings with Jim and Jeannie Redd.



Gardiner had recorded plenty of incriminating statements. But investigators wanted stronger evidence, so they set out to catch collectors in the act of looting.

In a canyon of Cedar Mesa, west of Blanding, Agent Love and Gardiner planted motion-detecting cameras in a subterranean room called a kiva, a site of ancient ceremonies.

Gardiner returned days later with Brad Sather, a wealthy collector from Austin, Texas. Gardiner showed him a juniper bark ring that had been used to keep big ceramic vessels from tipping over.

“Why don't you take it?” Gardiner said.

Sather declined.

Gardiner offered to carry it out for him, but Sather insisted he didn't want it.



The Hovenweep Castle ruin at southeastern Utah's Hovenweep National Monument is one of several structures in the area built by the Anasazi between 1200 and 1300.

Agents tried again with Vern Crites, a retired businessman from Durango, Colo. Gardiner accompanied the 73-year-old collector and a friend to dig on a mesa in Hovenweep National Monument in San Juan County, as agents hid behind rocks and bushes, having erased their tracks with leaf blowers.

Crites and his friend broke ground and quickly found human bones and a skull. Crites suspected looters had hit the spot long ago, taking anything that was valuable. “We're in the right area, just 50 years too late,” Crites said.

They put the remains back in the hole.

Jeannie Redd never took Gardiner up on his offers to go digging. After three visits to her house, the strongest evidence he had against her was the broken pendants she had traded him for a turquoise piece. She showed no interest in selling any of her collection for cash.

The task force had nothing on her husband. Jeannie once lamented to Gardiner on tape that Jim was “not interested in this stuff.”

But as other leads failed to pan out, investigators sharpened their focus on the Redds.

Gardiner knocked on their door again in March 2008, two weeks after Jim had found the small bird-shaped shell on Black Mesa in Arizona.

As Gardiner and Jeannie looked at items, Jim Redd strolled in and pointed with mock pride at the shell.

“What do you think of that little dude there?” Redd asked.

“That is nice,” Gardiner said.

It was probably 800 years old, traded between tribes from its source in the Sea of Cortez. Items like it sold for less than \$100 on eBay.

Gardiner typically homed in on anything that seemed to be worth \$500 or more — the threshold for a felony. He made no attempt to purchase the white bird.

Gardiner returned to the Redd home in April with an exquisite item, a rare mug with a hollow handle that had a bead inside to make it rattle.

“You will never ever see another rattle mug like this again in your life,” he told Jeannie.

He wanted her to trade two high-dollar items in her display case — a gourd with a long shell necklace inside and an ax that she said someone else had taken from the Navajo reservation 30 years before. It would be her first big transaction.

She said she'd think about it.

As he drove off, he answered a call from Agent Love.

“Hey, Dan, hey, I'm still on. Jeannie needs time to think about it. I think I got her.”

But he didn't. She would pass on the mug.

Six months later, in July 2008, he again showed up at her door.

“Jeannie, beware of Greeks bringing gifts,” Jim Redd joked. “Oh hi, Ted.”

“Got any perishable stuff I can talk you out of?” Gardiner asked Jeannie.

She said no, then reconsidered. She could use some cash, she said, because her daughter Jamaica was getting married.

“If you need money for your daughter's wedding, I got cash,” Gardiner said.

Watch: Undercover Recordings

Click the highlighted text to view footage collected by FBI informant Ted Gardiner during his meetings with Jim and Jeannie Redd.



Jeannie said she had some sandals made of braided yucca fiber to sell. He offered her \$2,900 for four of the sandals. She bargained him up to \$3,000 and he pulled out his envelope of cash and started counting.

Nearly a year later, early on the morning of June 10, 2009, Jericca Redd was making breakfast with her mother when, through the kitchen window, she saw movement on the front walk.

“Holy cow,” she said. “What is this?”

Men in flak jackets moved up the steps, weapons drawn.

“Federal agents!” they yelled.

She unlatched the door, and the officers shouldered in.

“Where's the white bird?” one shouted.

Officers handcuffed Jeannie and kept asking about the white bird.

Jim Redd arrived home from his morning rounds 15 minutes later to find half a dozen SUVs in the driveway and agents crouching in the junipers. They hauled him out of his car at gunpoint, handcuffed him and took him to the garage.

A BLM special agent interrogated Redd for the next four hours, according to family members. The agent taunted him, pointing to garden tools and asking, “Which shovel do you like to dig bodies with?”

He told Redd he would lose his medical license for illegally removing an ancient artifact from the Navajo reservation.

It's unclear how the shell became so important to the investigation.

FBI reports on the undercover operation had not mentioned the white bird. One report written shortly after Jim Redd showed Gardiner the piece said the task force had evidence to indict 26 subjects. Jeannie Redd was among them. Jim was not.

FBI Agent Gibson Wilson, who launched the investigation, had ruled out Jim Redd as a target.

But as authorities evaluated whom they might arrest, they had no prominent figures. Prosecutors, Love and another FBI agent newly assigned to the case reviewed Gardiner's tapes and decided they could charge the doctor for possessing the shell.

The camera in Gardiner's shirt had not captured an image of the white bird. But based on Gardiner's description, BLM archaeologists estimated it was worth at least \$1,000. That was enough to charge Redd with theft from a tribe, a felony charge that carries five times as much prison time as theft from an archaeological site.

Agents raided the homes of diggers and collectors across the region that day, but the Redds were the prize.



Jericca Redd caught the bug for hunting artifacts from her mother. She was home when the federal agents raided the house and arrested her parents.



Then-Interior Secretary Ken Salazar speaks at a news conference in Salt Lake City announcing the raids in June 2009. (Rick Egan / Associated Press)

U.S. Interior Secretary Ken Salazar and Deputy U.S. Atty. Gen. David Ogden flew to Salt Lake City to announce the raids, which Justice and Interior, in a news release, called the “nation's largest investigation of archaeological and cultural artifact thefts.”

To commemorate the occasion, the task force minted oversized coins with the words “Cerberus Action” and an image of the three-headed hellhound.

FBI Special Agent in Charge Timothy Fuhrman told reporters the illegal trade was a multimillion-dollar industry. “They are people who know what they are doing,” he said. “There's a network.”

Forest Kuch, executive director of Utah's Division of Indian Affairs said the raids broke up “a big ring that's been operating for many years.”

“It also includes Dr. Redd and his wife, who were basically slapped on the wrist a couple years ago,” Kuch said. “A lot of us were not happy with that case, but we think it's being redeemed now.”

During the investigation, Gardiner had spent \$335,685 buying 256 artifacts — both illegal and legal. He was the only person connecting all 28 defendants. No charges were filed against the biggest collectors.

The Redds were taken to the BLM office a half-hour north in Monticello, then chained to other defendants for the ride to the courthouse in Moab. Jim Redd stared and said little. At one point he told Jeannie they might not see their 3-year-old grandson grow up.

Jeannie was charged with seven felony counts: two for selling the sandals, one for trading for the turquoise pendant and three for possessing some of the higher-value items Gardiner couldn't get her to trade or sell.

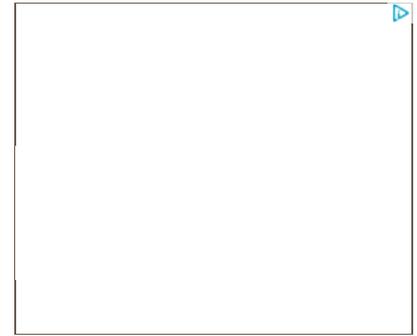
She shared the seventh count with her husband for taking the white bird.

The judge told her she faced a maximum of 35 years in prison if convicted.

The agents searched the Redds' home until late that day. Jericca said Love told her 140 agents were in and out of the house. A neighbor said snipers were perched on the roof.

They seized computers and the artifacts listed in the search warrant, all except the white bird.

When they departed, it was sitting unnoticed on the bottom shelf of Jeannie's display case.



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Jericca picked up her parents at the courthouse. On the way home, Jim Redd talked by phone to his oldest son, Jay, who lived 350 miles away in St. George, Utah.

Jay, a 34-year-old dentist, thought his dad sounded distant and noticed he hadn't saluted him with the usual "Docta."

"I can come home right now," Jay said.

"Nah, there's no reason to come home. You got to stay and work."

That night, the family sat in Jericca's room and talked. Jim recalled the stress they had gone through with the previous case, and said now that the FBI was involved, they'd never get out of this. He spoke flatly, as if muttering to himself.

Redd went to the nursing home to check on patients. He came home late, and around 1 a.m., put his hunting jacket on and walked out onto a patio in the rain.

He spoke into a little tape recorder, telling his staff all the things that needed to be done **Chapters** patients. 3 4 5 6 VIDEO

(HTTP://WWW.LATIMES.COM/)

He put in a fresh tape and talked to Jeannie and each of his five children, noting their feats and attributes, telling them he loved them. He walked through the junipers to the field below.

At dawn, Jericca found him down the hill, standing on the bank of an empty pond, his knees muddy from praying. The sun was rising behind him over Sleeping Ute Mountain in Colorado.

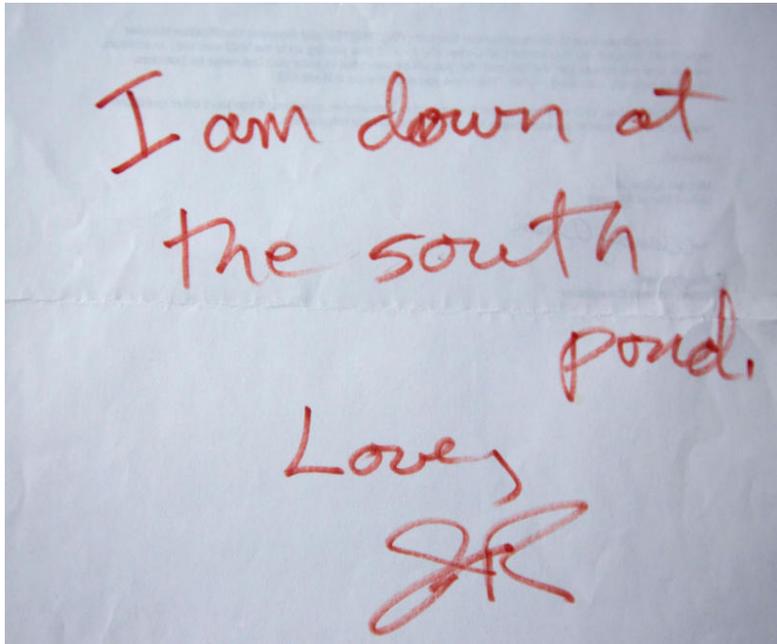
He hadn't slept all night. They talked a little. "I love you, Dad," she said. "I'm so glad you're my dad." She went back to the house to rest.

Later that morning, Jay was smoothing a filling on a patient in St. George when his family called. His dad had driven off in the Jeep, but never arrived at work.

That was so unlike his father that Jay left work and raced toward Blanding, picking up a sister along the way. He got a call from his brother saying simply, "Get home as fast as you can."

His phone started beeping with texts and calls. He turned it off.

He pulled up to the house to find cars parked all the way up the winding drive. His sister ran inside, but he couldn't.



I am down at
the south
pond.
Lovey
JR

He walked into the trees and sat next to a sage bush. The breeze sighed through the cedars. He heard his sister's screams.

Jim Redd left this note at home after midnight.



Jim Redd had parked his silver Jeep Rubicon by the pond where he'd been praying earlier. He had put a garden hose in the exhaust pipe and placed it through an open crack in the driver's-side window.

Blanding erupted. Townspeople gathered at the end of the Redds' long driveway, many weeping, cursing the feds and Washington.

Austin Lyman, 61, had gone to the Redds' house to help find his friend. Redd had saved his daughter's life after she contracted spinal meningitis. Now Lyman was inconsolable, wishing his old friend had asked him to go with him to the afterlife.

“You know he was the lifeblood of this community for years, the only doctor we had, gave his life to this community,” he would later say. “And the damn feds come and killed him.”

Archaeologist Winston Hurst cascaded into a paralyzing depression. He had been best friends with Jim as a boy, hunting birds out in the brush, and he remained a loyal friend even though they had clashed about collecting antiquities. He couldn't believe this issue could bring about his death.

“Why, Jim, why?” he gasped.

Jay couldn't fathom why his dad would do this. Devout Mormons who lived by the Scripture believed suicide was a sin that prevented them from being reunited with their families in the celestial kingdom.

How could his father squander their eternity together?

More than 900 people attended Redd's funeral in Blanding. The line for the viewing went out to the street and around the block. Annie Lee Rabbit arrived with residents of her Ute village around 6 p.m. and did not get to see him until midnight.

At the church, Jay could barely get through his eulogy.

“The situation that occurred, my dad, I know. I know he gave his life for his family. I know that.... I love you, Dad. And I'm going to see you.”

A week after Redd died, another defendant, Steven Shrader, 56, a salesman from Albuquerque and an artifact collector, visited his mother in Shabbona, Ill. He went to an elementary school late one night and fatally shot himself in the chest.

Shrader had been with two other collectors when they sold a pair of sandals and a basket. He was charged with two felonies for being involved in the transaction.



Family members watch as pallbearers carry the body of Jim Redd to his funeral service. (Trent Nelson / Salt Lake Tribune)

Blanding residents were furious with Gardiner. An ex-con with mental health problems was arrested after telling Love he would tie Gardiner to a tree and beat him with a baseball bat.

Gardiner cut his hair to change his look and started sleeping with a gun.

When his undercover work ended and the regular FBI payments stopped, Gardiner lost his cabin to foreclosure. He got a job managing a seafood restaurant. He tried to stay balanced and sober by taking trips out into the desert and writing poems.



Blanding, Utah, is home to about 3,375 people, for many of whom collecting and trading Anasazi artifacts has become a tradition.

But he started drinking again, was fired from the restaurant and then hospitalized for pancreatitis brought on by the excessive alcohol. He stopped paying child support and fell behind on his rent.

The first trial was coming in March, and Gardiner would soon have to face the people he had ensnared.

On Feb. 27, 2010, he called Tina Early, his racquetball buddy. "I'm done with this," he cried. "I can't take it anymore."

She rushed to his house to find him holed up in his bedroom, drunk and waving a .38-caliber revolver, crying uncontrollably.

"These people thought I was their friend," he yelled. "I'm such a liar. I pretended to be their friend."

She tried to tell him he had done a good thing fighting the artifact trade, but he bellowed over her.

"I caused two deaths," he said. "I killed two people."

"They thought I was their friend."

She called 911. Police took him to the hospital on a psychiatric hold, but not for long.

Two days later, on March 1, Gardiner's roommates heard a gunshot in his room. When a patrolman arrived, Gardiner pointed the .38 at him.

"You're going to have to do what you're going to do," Gardiner yelled from his bed.

The officer fired. The bullet missed. Gardiner slumped out of sight.

From behind the bed came a single crack, then silence.

Gardiner was dead from a gunshot above his right ear.

In his pocket was an operation Cerberus Action coin.

After Jim Redd's suicide, prosecutors filed felony charges against his daughter for taking three artifacts from Hoskininni Mesa in the Navajo Nation, based on photos they found on her computer. If convicted, Jericca Redd faced seven years in prison and would lose custody of her child.

She and her mom accepted a plea agreement that would keep Jericca out of prison and with her son, Sebastian. Under the deal, prosecutors recommended a sentence of 18 months for Jeannie.

U.S. District Judge Clark Waddoups, expressing sympathy for the women, gave them much lighter sentences. Jeannie was given 36 months' probation and a \$2,000 fine, Jericca 24 months' probation and a \$300 fine.

"I know this has been a terrible experience for all of you," Waddoups said.

In Jay's eyes, his dad's plan worked: His suicide saved his wife and daughter from going to prison.

Of the 25 other defendants, 11 pleaded guilty to felonies, eight pleaded guilty to misdemeanors and charges were dismissed against six, including Loran St. Claire, the widower.

No one went to prison.

The Justice Department and the BLM maintain that the operation was successful and sent a message that looting archaeological sites will not be tolerated.

Love was named BLM agent of the year and promoted to special-agent-in-charge of Utah and Nevada.

Agents eventually found the white bird in the Redd home. On its journey through the ages, it now sits in a federal storage room outside Salt Lake City.

Jay showed photos of it to Dace Hyatt, an appraiser in Arizona and Gardiner's mentor. He asked Hyatt how much it was worth.

The answer: \$75.



Jay Redd holds a photo of the white bird pendant that was valued at more than \$1,000 in the federal indictment against his parents. Several appraisers told the Times that it might be sold for as low as \$40 online, or as high as \$200 at a tourist shop or ancient art gallery.

Information about the images for each chapter:

- 1: Moon House in Cedar Mesa is one of the region's Anasazi dwellings.
- 2: Moon House is protected by exterior walls, which were common in Anasazi homes.
- 3: The Redds' house sits high on a hill in Blanding, Utah.

4: Moon House is composed of three Anasazi ruins.

5: The Redds' backyard blends into the vast tablelands of the Four Corners region.

6: A temporary marker sits beneath the tree near where Jim Redd took his life.

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This story is based on more than 200 interviews with men federal task force, defendants and their families, archaeologists, collectors, appraisers and Native American leaders. Joe Mozingo reviewed FBI investigative files, court records, historical documents, police reports and the personal papers of Dr. James Redd and Ted Gardiner. He obtained and monitored more than 100 hours of undercover video. Seven former and current federal officials granted anonymity before discussing the case. The U.S. attorney in Salt Lake City, Utah declined to answer questions.



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