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Testimony for the Committee on the Judiciary  
United States Senate

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***"Crimes Associated with the FLDS: The Need for a  
Coordinated Local, State and Federal Response"***

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Written Statement

Thank you Chairman Leahy, Senator Specter, distinguished Members of the Committee and Staff. I appreciate the opportunity to speak to you today. Investigation and prosecution of crimes in the communities controlled by the Fundamentalist Church of Jesus Christ of Latter-day Saints ("FLDS Church" or "FLDS") come with a unique set of challenges for law enforcement. The major challenges illustrate how enhanced local-state-federal cooperation and additional resources would be most beneficial.

At the outset, I want to make two things clear about Colorado City and the FLDS Church. First, we are not talking about the Church of Jesus Christ of Latter-day Saints, commonly known as "the Mormon Church." Second, the work being done by my Office in Colorado City is not about religion, culture or lifestyle. Rather, it is about protecting women and children from domestic abuse and sexual violence; combating fraud and public corruption; enforcing civil rights laws; upholding peace officer standards, and ensuring that the rule of law is applied equally and comprehensively throughout our land.

The FLDS Church emerged in the early 1900s when its founders left the Mormon Church after the Mormon Church renounced the practice of polygamy or plural marriage. At that time, the FLDS Church was headquartered in the tiny town of Short Creek, Arizona, on the Arizona-Utah border, in the isolated area north of the Grand Canyon known as the "Arizona Strip." The town of Short Creek has since expanded into the twin communities of Hildale, Utah, and Colorado City, Arizona.

During the first part of the 20<sup>th</sup> century, Arizona law enforcement officers raided the community of Short Creek three times, in 1935, 1944 and 1953. The largest of those police actions took place just before dawn on July 26, 1953, when more than 100 Arizona police officers and National Guard soldiers entered Short Creek. Most of the community was taken into custody, including 263 children who were declared wards of the state. Arizona Governor Howard Pyle had invited scores of reporters to observe the raid, but almost all the news coverage was critical of the Arizona officials. Almost a year later, 36 men pleaded guilty to conspiracy to violate Arizona law prohibiting bigamy, and each was given a one-year suspended sentence and released. Public sympathy went out to the children who were separated from their families and placed in state custody. By all accounts, public outrage over the heavy-handed Short Creek raid was largely responsible for Gov. Pyle being voted out of office in 1954.

The harsh lessons of that raid 55 years ago had at least three long-term impacts. First, governmental authorities were more inclined to ignore Colorado City and Hildale. Second, residents of those communities became highly suspicious of government at all levels. And third, leaders of the FLDS Church used the first two effects to their advantage, asserting ever-increasing autocratic control over their followers.

In 2003, Utah Attorney General Mark Shurtleff and I formed a partnership to undertake and coordinate civil and criminal investigations and provide a safety net for the victims of child abuse and domestic violence in Colorado City and Hildale. At the time, those communities had 10,000-12,000 residents, almost all of whom were FLDS members. They were geographically isolated and strictly segregated from outside influences by their leaders.

Recognizing the failure and long-term damage from the 1953 Short Creek raid, Arizona and Utah have focused on investigations and prosecutions of specific instances of child abuse, domestic violence and fraud.

Under Arizona laws, child abuse complaints cannot be prosecuted unless there is an actual victim who is willing to testify. Most women and children in Colorado City were, and in large part still are, afraid to testify against their abusers. Child abuse in the FLDS community has included physical and sexual abuse cases and unique situations that involve underage girls forced into plural marriages with much older men. In addition, the FLDS regularly expelled teenage boys from the community to reduce competition for plural wives. It is alleged that those boys were physically forced out of the community, in many instances by Colorado City-Hildale Marshals, leaving them with no education, support or hope for the future.

Over the past five years, we have expanded the partnership between Arizona and Utah law enforcement agencies to include state and local service agencies, advocacy groups and members of the communities. We have held monthly Safety Net meetings and established a permanent physical presence for law enforcement and social services in Colorado City.

One of our most significant accomplishments was the indictment of Warren Jeffs, the leader of the FLDS Church, on child abuse charges in both Arizona and Utah. Following those indictments, Mr. Jeffs became a fugitive in what turned into a two-year manhunt. Arizona and Utah put up a \$10,000 reward for information leading to his arrest and prosecution. Attorney General Shurtleff and I asked for help from the U.S. Department of Justice. Subsequently, Jeffs was placed on the FBI's Ten Most Wanted Fugitives list, and the FBI increased the reward to \$100,000. Three months later, on August 28, 2006, Jeffs was arrested in Nevada on a routine traffic stop. He was convicted in Utah in September 2007 on two counts of rape as an accomplice for ordering and performing an underage marriage in Caliente, Nevada. He was sentenced to two terms of five years to life. My office is currently assisting Mohave County Attorney Matt Smith to prepare for Jeffs' trial in Arizona on felony charges of sexual abuse of a minor.

The Arizona and Utah Peace Officers Standards and Training Boards have been vigilant in requiring the Colorado City-Hildale Marshal's Office to comply with the law and law enforcement protocols. Six Hildale and Colorado City police officers have been removed from office and decertified for failing to report numerous cases of abuse, in addition to committing crimes themselves, including bigamy. Because their first allegiance was to Warren Jeffs, those officers followed his instructions, even when those instructions contravened the officers' duty to protect public safety.

My Office has encountered many instances where the civil rights of citizens in Colorado City and Hildale appear to have been violated, but state civil rights jurisdiction is limited. Accordingly, I initiated requests beginning in August 2005 to the U.S. Department of Justice to investigate the Colorado City Marshal's Office for civil rights violations for its role in ejecting teenage boys from the community, evictions and reassignment of families excommunicated by Mr. Jeffs, and other actions of the FLDS Church. I am still waiting for a response to that request. The Department of Justice could play an important role in this effort. If the Colorado City-Hildale Marshal's Office cannot function as a viable law enforcement agency, perhaps the authority in this area should be assumed by the federal government or the county sheriffs.

The FLDS Church has property and businesses in several states other than Arizona and Utah. Those states include Nevada, Texas, Idaho and Wyoming. The FLDS also has settlements in Mexico and British Columbia, Canada. The details of multi-state business operations, which may involve non-reporting of taxable income, have eluded the reach of state investigations. Communication and coordination among local, state and federal law enforcement agencies is an important key to the successful investigation and prosecution of crimes across jurisdictions.

More than 50 federal, state and local law enforcement agencies and the IRS met on June 11, 2008 in Las Vegas. That meeting was highly productive in identifying strategies to enhance our communication and information sharing. Access to evidence is critical to investigating these cases, and state law enforcement agencies' resources are limited. For example, we are still attempting to get access to the four laptop

computers, 16 cell phones, and other records seized from the Cadillac Escalade in which Warren Jeffs was riding at the time of his arrest in August 2006. Texas authorities seized 83 computers and 400 boxes of documents from the YFZ Ranch in El Dorado, Texas, in April 2008. The processing, analysis, and sharing of such a large volume of physical and electronic evidence require more manpower than our state agencies can provide.

My Office continues to request federal cooperation in apprehending fugitives outside the borders of our state and country. We are working with the U.S. Marshal's Office to apprehend a fugitive in an FLDS-related case, who is believed to have been hiding in Mexico for more than five years.

The closing of the private schools run by the FLDS Church following the arrest of Warren Jeffs in August 2006 is a continuing cause for concern. The majority of children in Colorado City-Hildale have not attended school in the Colorado City Unified School District since 2000 when approximately 1,000 children were withdrawn from the District by then FLDS leader Rulon Jeffs. Those children were subsequently enrolled in private schools run by the FLDS in Colorado City or home-schooled, but the FLDS-run private schools have remained closed since September 2006, and it appears that hundreds of children are not receiving an education.

Reportedly, Warren Jeffs ordered FLDS parents not to enroll their children in the public school system. However, only 12 parents have filed home-schooling affidavits as required by Arizona law. Children are consistently observed in the late morning playing on the streets throughout Colorado City and Hildale. We have also received information that boys as young as 12 years of age are sent out to work on construction sites. I am enlisting the help of our state school authorities and community advocates to enforce truancy laws and persuade parents to enroll their children in school.

Our collaborative efforts have helped ensure that victims have ready access to services. We have learned that outreach and support to victims must overcome the barriers unique to these communities such as geographic isolation, historical disputes with government, transportation barriers and lack of access to victim services and legal assistance. Safety Net agencies have provided legal assistance, housing, counseling, education and other forms of support to 1,200 victims in the Colorado City-Hildale area. Those victims include plural wives with children, teenage boys forced out of their homes and child brides. Child abuse reports have also increased dramatically in the region as a result of our outreach.

As a result of the ongoing Arizona-Utah partnership, significant progress has been made:

- The Safety Net program has increased access to human services and law enforcement agencies from Arizona and Utah. In 2004, Arizona established the first state-county building in Colorado City with offices and staff from the Arizona Department of Economic Security's Child Protective Services and other public

programs along with the Mohave County Sheriff's Office and Mohave County Attorney's Office. These services are integrated with Utah state and county services based in St. George and Hurricane, Utah.

- Arizona and Utah collaborated in the development of a training curriculum (*The Polygamy Primer* and *Safety Net Directory*) to help child protection professionals better provide services to victims of domestic violence and child abuse who live in polygamous communities (available at [www.azag.gov](http://www.azag.gov)).
- Arizona established a 24-hour, toll-free helpline to provide outreach to child abuse and domestic violence victims. The SAFE TALK HELPLINE (866-9-SAFE-99) is promoted using billboards, bumper stickers, flyers and shoe cards. Calls are answered by professional counselors at Childhelp USA. Utah has established a similar toll-free helpline.
- The Arizona and Utah Legislatures have passed child bigamy statutes to give law enforcement officials better tools to prosecute crimes that involve plural marriages of underage girls to much older men.
- In February 2008, Jeffs was transferred to Mohave County, Arizona, where he awaits trial on 10 felony counts of sexual abuse of a minor, incest and conspiracy to commit sexual abuse.
- Arizona and Utah Peace Officer Standards and Training Boards (POST) continue to require the Colorado City-Hildale Marshal's Office to comply with the law and standard law enforcement procedures.
- In 2006, Mohave County secured eight indictments against a number of Jeffs' followers on charges of sexual abuse of a minor and conspiracy to commit sexual abuse. To date, five men have been convicted on such charges. One case was dismissed when a witness refused to cooperate. Another case resulted in an acquittal when there was no victim available to testify. One case remains pending.
- Two years ago the Arizona Legislature, motivated by the financial failure of the Colorado City School District, passed the Arizona school receivership law. In December 2006, on the day the new law took effect, my Office asked the Arizona Board of Education to place the district in receivership. The Colorado City School District superintendent and board have been removed and an independent receiver has been appointed.
- In 2006, the Utah courts took control of the United Effort Plan Trust (a subsidiary organization of the FLDS Church with assets worth almost \$200 million) from Warren Jeffs. The Arizona and Utah Attorney General's Offices worked together to petition the Utah probate court to replace Jeffs and his associates as trustees because they were using Trust assets to reinforce their power over followers. A

special fiduciary was appointed by the Utah court. He has been working to identify and protect the Trust's assets. For the first time, the homesites in Colorado City and Hildale, previously owned by the Trust, have been subdivided and the special fiduciary is now working with residents to allow them to assume ownership of their homes.

- We have sponsored two training sessions with experts on authoritarian groups for Arizona and Utah law enforcement and human services professionals working with victims from polygamous communities.
- Attorney General Shurtleff and I have hosted four "Polygamy Town Halls" in St. George, Utah to provide opportunities for the Colorado City-Hildale residents to meet and discuss issues with law enforcement leaders. These forums have kept channels of communication open between victim advocates and members of the communities.

For too long, Warren Jeffs and his predecessors have ignored and violated the law. We are working to restore the rule of law in Colorado City and Hildale and to aid the victims who have suffered abuse. What has taken a century to build cannot be changed overnight. Step by step, we are making important changes, but a great deal of work still lies ahead. Enhanced local-state-federal cooperation and additional resources from federal law enforcement can make a big difference in investigating and prosecuting crimes and better protecting the thousands of followers of the FLDS from future abuse.

Thank you for your consideration and willingness to help with our efforts.