



MEMORANDUM OF ACTIVITY

Date: February 18, 2017

Person Conducting Activity: ASAC Kent Kleman

Reference: Collection and review of SA Clint Wooten's Gold Butte Investigative case materials

Overview and Case Material Collection

On February 17, 2017, BLM Special Agent (SA) Larry "Clint" Wooten was removed from the Bundy investigative team at the request of lead prosecutor First Assistant U.S. Attorney Steve Myhre. Myhre stated that Wooten had made recent statements that Wooten believes that the BLM lacks law enforcement authority. Additionally, Wooten recently stated to Bundy case prosecutors that in Wooten's opinion the government withheld exculpatory evidence involving Special Agent-in-Charge (SAC) Dan Love. Myhre requested that I collect and review Wooten's case materials to identify any previously undisclosed information. Myhre specifically requested that I review Wooten's "rumor log" that Wooten implied to the prosecutors contained this withheld exculpatory information. Myhre also requested that I review any material related to Wooten's claim that Dan Love ordered BLM officers to "rough up" Bundy family members or to "kick Cliven Bundy in the teeth" that Wooten said BLM SA Rand Stover knew about.

On February 18, 2017, SAC Loren Good and I collected Wooten's electronic and hand-written case materials. I asked about this "rumor log," and Wooten said it was a list of talking points for a conference call with the prosecutors in 2016. He said these notes were in his daily calendar which he had at his residence. He agreed to provide those notes after the weekend on February 21, 2017.

At the conclusion of this February 18, 2017, meeting, I told Wooten that he has insider knowledge about an ongoing criminal investigation and that he is now removed from the case. I stated to him that from this point forward he is not to have any contact with any outside party about the Bundy case and that he cannot represent the BLM on the case by responding to any inquires he receives regarding the case. I said the only person he can discuss the Bundy case with is me, and I told him that any messages or inquires he receives must be immediately forwarded to me to handle. He said he understood and that he would not have any contact with anyone about the case. He stated that he has not given case information to any outside party.

On February 21, 2017, Wooten turned in several loose pages of hand written notes he removed from his calendars. He said the rest of his calendars contained personal medical information. With that hand-over of materials, Wooten said that he had now turned in to me 100% of his Gold Butte investigative materials.

Case Material Review for New or Exculpatory Information

Starting on February 21, 2017, I began a review of all Wooten's case materials. The notes from Wooten's calendar contained a page written in preparation for a conference call with prosecutors on October 14, 2016. The heading on the page read "Potential Issues/Critical Vulnerabilities." The sub-headings under these "Critical Vulnerabilities" read:

1. BLM was heavy handed even cruel in the enforcement of the court order.
2. BLM lacked law enforcement authority in their case.
3. BLM is a poor manager of the resources such as grazing.
4. DL (Dan Love) had a personal agenda and is immoral (jury appeal).

I found similar material that Wooten hand-wrote in preparation for a February 3, 2017, conversation Wooten had with me and SAC Good about how Wooten believes that the BLM is in violation of the law regarding its law enforcement authority. There is a specific section in those notes with the heading "BLM didn't turn over required exculpatory material/destroyed evidence." The supporting notes below that heading state that the government didn't turn in exculpatory information, but the topics listed under that heading (shredded documents at dispatch, texts and emails that make officers look unprofessional, gaps in the dispatch audio recordings, etc.) were all made known to the prosecution and the defense. This "exculpatory evidence" section in his notes didn't contain any previously undisclosed information.

I then asked Wooten about his claim that the government didn't turn over all its exculpatory material. Wooten stated that the government actually turned in 100% of all investigative findings and materials during the discovery process, but there were just some things that made the BLM look bad or couldn't be obtained because they didn't exist.

Wooten's Statement about SAC Love Ordering Officers to Harm the Bundys

I then asked Wooten about the "kick Cliven Bundy in the teeth" comment. He said that BLM SAs Kyle Gandiaga and Rand Stover would have information about this statement. I then called Gandiaga and Stover separately.

Conversation with SA Rand Stover

I called SA Stover to discuss this statement Wooten claims Stover heard Dan Love state about kicking Bundy in the teeth. Stover said that he never heard Love say that specific statement, but he told Wooten when asked in the past that a statement like that would be typical of something Love would say. Stover remembers that near the start of the cattle impound in 2014, Love told him that he had to get the officers motivated for the impound during a briefing. Love told him to say that they were going to go to the heart of the issue or into the belly of the beast and gather the cattle in the wide open rather than doing it in secret. Stover said that he remembered Wooten brought up this "kick Cliven in the teeth" statement with him during a conversation sometime in the past when Wooten called him to ask if Dan Love would make a good witness for the government's case.

Conversation with SA Kyle Gandiaga

SA Gandiaga shared an office with Wooten for at least the last year, and Gandiaga was also one of the participant officers at the 2014 cattle impound. Gandiaga said Wooten often brings up the topics of the Bundy cattle impound, Dave Bundy's arrest on April 6, 2014, and Dan Love's leadership failings. Gandiaga said that one time he relayed to Wooten that he heard Love deliver a speech meant to be motivational to all the officers at the first briefing of the impound on the morning of April 5, 2014. Gandiaga said that Stover was speaking to all the officers at the briefing, and Stover's personality is very measured, calm and deliberate. Apparently Love wanted more passion behind the message, so Love deliberately interrupted Stover in front of everyone and delivered this message to the officers. Gandiaga couldn't recall to Wooten the exact language Love said, but he told Wooten that Love told the officers that they weren't going to gather cattle on the fringes but that they were going to do it right in front of Cliven Bundy to let him know they were serious about it.

Gandiaga said Love's speech was like a halftime pep talk delivered by a coach to motivate his players. Gandiaga said that he told Wooten during this conversation that it was like Love was saying to the officers that they were not going to take any interference from Bundy and that they were going to kick him in the mouth, but Gandiaga told Wooten that exact phrase was not used by Love. Gandiaga was just trying to conceive of a phrase to tell Wooten that meant Love didn't want the officers to shy away from any opposition from the Bundys and that they were serious about gathering the cattle in the wide open light of day rather than hiding in the shadows to conduct the impound.

Gandiaga told me that at the time he was relaying this story to Wooten that Wooten was taking a lot of notes. Gandiaga at the time told Wooten not to write those exact statements down because that is not what Love said, but he saw that he continued to take notes. Gandiaga never heard Love say any statement that Love wanted the officers to specifically "kick Cliven in the teeth" or "kick Cliven in the mouth" or that Love ever ordered the officers to rough up the Bundys.

Upon completing my review of Wooten's hand-written notes and case materials, I determined that there is no new exculpatory information contained within them. There are also several sections within the notes that contain opinion statements as opposed to factual information. Wooten also detailed how he explored possible defense theories. I asked Wooten whether he turned in all investigative findings to federal prosecutors, and he stated he turned over 100% of his case information to the prosecutors during the discovery process.