

SEP 07 2010

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ELIZABETH A. SMITH, CLERK
CLERK, DISTRICT OF IDAHO

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. CR-10-183-BLW
v.)	
)	VICTIM'S OBJECTION TO PROCEEDING
LARRY FAIRFAX,)	WITH PLEA AGREEMENT
)	
Defendant.)	

AFFIDAVIT OF CYNDI G. STEELE

STATE OF IDAHO)
)
) ss.
 COUNTY OF BONNER)

The undersigned, Cyndi G. Steele, upon oath, deposes and states, as follows:

1. My name is Cyndi G. Steele. I reside at 1569 Talache Road, Sagle, Idaho 83860.
2. I am over the age of 18 years, competent to testify and make this Affidavit based on my own personal knowledge.
3. I am lodging this objection to the proposed plea agreement with Defendant, Larry Fairfax because I was not consulted as to its contents and effect as required by Congress and because FBI agents, as representatives of the U.S. Department of Justice, have stated to me that there are accomplices of Fairfax who are at large that have not been charged or arrested and who desire to kill me and members of my family; and it is my concern as a victim that by giving up the leverage presented by this pending case when entering into the proposed plea bargain, without apprehending the Fairfax accomplices, may reduce the government's ability to locate and incarcerate these accomplices who present a clear and present danger to me and my family according to the FBI.

4. I am presenting this Objection as a victim of the crimes committed by Defendant, Larry Fairfax and his accomplices who are still at large. As a victim of the defendant's crimes, I am

VICTIMS OBJECTION TO PROCEEDING WITH PLEA AGREEMENT PAGE 1

vested with the legal due process rights of a victim of a crime, especially with respect to the proposed plea agreement to be presented to this Court between the U.S. Government and the accused; especially so that I might have input as to this plea bargain as contemplated by Congress.

5. In preparing and filing this Objection, I make no statements regarding the pending charges against my loving husband, Edgar Steele, and the allegations against him, because my interest here is focused on the safety of my family from the threat posed by Larry Fairfax and his accomplices who are, to my knowledge, still at large at the time of making this Affidavit.
6. The rights I am asserting are specified in 18 USC 1512 pursuant to the Congressional findings and purposes, and the law requires that these rights shall be accorded to me before a plea agreement is entered into between the U.S. Government and Larry Fairfax, including:
 - a. The right to be informed of my role as a victim of the crimes of Larry Fairfax as his case moves through the criminal justice process because the policy established by Congress is that the U.S. Department of Justice shall protect crime victims and enhance the role of crime victims in the criminal justice process and to “ensure that the Federal Government does all that is possible within limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of the defendant.”
 - b. I have the right to be consulted by the “Attorney for the Government” in order to obtain my views about the disposition of the case against Larry Fairfax before a plea bargain is agreed upon, including my views concerning:
 - i) a dismissal of all, or a portion of the case;
 - ii) the release, or potential for release, of Larry Fairfax from custody;
 - iii) plea negotiations and other options available in this case; and

- iv) the binding effect that a plea to lesser charges that would allow for his earlier release when the defendant has admitted committing more serious crimes (such as, where Fairfax admitted that he manufactured an explosive device to be used in connection with a crime of violence and attached the same to the underside of my vehicle, then traveled interstate, from Idaho to Oregon with an unnamed accomplice to confirm that said device was in still in place).
- c. The right, as a victim or witness, to be advised as to the protection available from the U.S. Government to protect me and my family from harm and/or intimidation that may be inflicted as a result of the criminal conduct of Larry Fairfax and one or more of his unnamed accomplices who are still at large, as follows:
- i) To obtain the identity and whereabouts of such unnamed accomplices;
 - ii) To know whether such unnamed accomplices are still at large or have been incarcerated;
 - iii) To learn the types of threat such unnamed accomplices have made in the past that would cause the FBI to inform me that these unnamed accomplices who are still at large and want to harm me and my family;
 - iv) To learn the type of harm these unnamed accomplices could cause to me and my family;
 - v) To learn the type of government services available to me and my family to guarantee our protection from the dangers presented by these unnamed accomplices; and
 - vi) The methods by which I should protect myself and my family from these dangers.

- d. The right to be notified of the proceedings against and the possible punishments of Larry Fairfax, including the right to be informed in advance of any proposed plea of guilty, possible sentence, details as to incarceration, potential release date, parole options and the actual release date when it becomes known;
 - e. The right to be informed as to the effect of a plea bargain on other more serious offenses which have not been charged;
 - f. The right to protection as a victim/witness from harassment, intimidation and harm from Larry Fairfax and/or his unnamed accomplices;
 - g. The right to be notified as to any scheduling changes in the criminal process.
 - h. The right to have my property, stolen by Larry Fairfax, promptly returned to me.
 - i. The right to have the U.S. Government contact my creditors, when I am under serious financial strain, and communicate to them the reasons related to this case for such financial strain.
7. None of the rights described in paragraph 6 above have been honored by the U.S. Attorney General or the U.S. Department of Justice or its law enforcement agencies as required by law, with the exception of a single letter dated August 24, 2010 stating that the government has already entered into a plea agreement (without my input) with Larry Fairfax and that such agreement will to be presented to the Court on Tuesday, September 7, 2010 at 4:00 p.m.
8. The government's letter of August 24, 2010 states that I may call the Assistant U.S. Attorney in charge of this case, Ms. Traci Whelan, and obtain more information.
9. On August 26, 2010, immediately upon receipt of this letter, I called Ms. Whelan and was informed she was out of the office until the time of the hearing and that she would not be able to get back to me. Thus, I was not consulted before the plea was agreed upon by the government with the defendant, none of my views as a victim regarding the criminal conduct

of Larry Fairfax, his charges, plea and sentence were considered and none of my questions regarding his unnamed accomplices who are still at large were answered or even considered by the very officials that Congress intended to consider them; which is a denial of my due process rights as a victim of the Fairfax crimes.

10. I have learned more from news media accounts of said plea agreement than from the U.S. government officials who have the responsibility to provide that information to me.

11. None of the victim's rights I am asserting in this objection would infringe upon the rights of the accused, Larry Fairfax.

12. At or about the time of Larry Fairfax's arrest (my mother, who also is a victim of the crimes of Larry Fairfax) and I were told by agents of the FBI that there were additional persons at large who were accomplices of Larry Fairfax, who intended to do harm to us or to members of our family. As a result, both my mother and I have been fearful to come forward and make any statements or do anything that might attract the attention of these unnamed accomplices in order to keep from being harmed by them, based on the statements of these FBI agents who led us to believe that the U.S. Government was working to arrest these unnamed accomplices and bring them to justice; but, now we believe the Government is not.

13. My mother and I believe that it is now crucial that we come forward in order to demand enforcement of our rights as victims because we can see that the Government is ignoring the unnamed accomplices of Larry Fairfax whom these FBI agents said existed. Now we realize that a unique opportunity is about to be lost. We believe that the only time that the U.S. Government would have enough leverage against Fairfax to obtain the crucial information as to identity, whereabouts, plans and motives of these unnamed accomplices necessary to apprehend them and to determine their plans to do further harm to my family is before a plea agreement is confirmed by an order of this Court. Obtaining this information would increase

our ability to protect ourselves from these unnamed accomplices who are at large. It is apparent to us that once such a plea bargain is consummated, the incentive for Larry Fairfax to disclose needed information regarding these unnamed accomplices and thus, assist my family in protecting itself, would be lost.

14. I object to holding the proceeding to approve the proposed plea agreement on September 7, 2010 at 4:00 p.m. for the following reasons:

- a. I have not been consulted by the "Attorney for the Government" as required by law and thus, have not been able to provide my input into the plea agreement and I, as one of the victims, have significant input to provide to the prosecutor in reference to any proposed plea agreement before it is agreed to by the U.S. Government or approved by the Court. Since the U.S. Government is the entity that is supposed to be protecting my rights as a victim of the crimes of Larry Fairfax, it should be listening to me and answering my questions before it agrees to a plea bargain with him;
- b. I am extremely fearful of an attack on me and/or members of my family by the unnamed accomplices of Larry Fairfax whom I believe, based on FBI information, are still at large, and who formed a conspiracy with Fairfax to harm my family. Thus, I believe that the plea agreement is premature since these unnamed accomplices of Larry Fairfax have not been identified, apprehended, indicted or detained; it is my belief that as the system of justice proceeds toward the trial of Larry Fairfax, that the information will be developed as to who these unnamed accomplice are and what other crimes they have committed or are about to commit against me and my family, which information will help protect me and my family from future harm; and
- c. Since Larry Fairfax has not been charged with the crime of conspiracy to commit murder or attempted murder and since the FBI knows of the existence of these

unnamed accomplices who have been working with Fairfax to murder members of my family, then, before a plea bargain is approved by the Court that will allow Fairfax to be released into the society, he should be charged with criminal conspiracy to commit murder, attempted murder and other appropriate charges, such as manufacture and possession of an explosive device with the intent to commit a crime of violence. Allowing Fairfax to plead guilty to lesser charges regarding the same incident when he has admitted being a part of a conspiracy that has performed multiple affirmative acts toward the commission of such crimes, would be like letting Charles Manson off with a traffic ticket, because double jeopardy will attach and Fairfax cannot later be charged with these horrible crimes. It seems to my family that the U.S. Attorney's office is deliberately ignoring the more serious crimes and is rushing to gain court approval of lesser crimes in order to let Fairfax, the self-admitted criminal, off the hook, when he would receive a harsh prison sentence of 30 years mandatory time on top of other punishments if he was found guilty of the charge of possession of an explosive device to be used in a crime of violence.

15. I object to the U.S. Government proceeding with the proposed plea agreement until my due process rights, as a victim, have been fully and completely honored by those individuals who have been charged by Congress to protect them.

16. The factual basis upon which this objection is made is as follows:

- a. In the proposed plea agreement, Fairfax has admitted that he manufactured and attached a pipe bomb to the underside of my vehicle in late May or early June 2010;
- b. On June 15, 2010, I discovered an object attached to the underside of my vehicle that had the appearance of a bomb, during the time that my vehicle was up in the air on a

service lift-rack at an oil change garage after the automotive technician pointed it out to me;

- c. According to news reports of the plea agreement, by his own admission to the U.S. Government, some time before June 11, 2010, Larry Fairfax, while in the company of at least one of his unnamed accomplices, drove from Northern Idaho to Oregon and inspected, without my consent or knowledge, the underside of my vehicle looking for the bomb he says he placed there. In an attempt to mitigate his own culpability, he claims that he and his accomplice did not see the bomb under my vehicle at that time and thus, he claims he and his accomplice were convinced that it must have fallen off. A few days later, said device was found under my vehicle at an oil change garage.
- d. Part of the reason I was so fearful on June 15th when the bomb was discovered is that my family members have all individually received death threats whenever my husband would take political positions on various issues. Death threats occurred quite often when my husband was acting as a First Amendment defense lawyer protecting the individual's right to freedom of speech. These were death threats made against me and other members of my immediate family (including one death threat made directly to my daughter, who at that time was only nine years old). Some of these death threats were made by persons affiliated with the Anti-Defamation League, an organization that has professed a strong dislike for my husband and some of his political positions. When these past death threats were coupled with the apparent bomb under my vehicle on June 15th, it was as if the threats had become real. I became so fearful that I could hardly function. Since I have learned that the bomb was placed under my vehicle by Larry Fairfax, I believed that said bomb had the potential

to kill not only me and anyone in my vehicle, but had it exploded, it could have killed anyone outside my vehicle, such as innocent passersby in a populated area;

- e. What made me even more fearful were the statements by the FBI agents who told my mother and me that Larry Fairfax had unnamed “accomplices” who were “out there” and that they wanted to kill us. These were the same FBI agents who on June 11, 2010 were fully aware that Larry Fairfax had planted a pipe bomb under my vehicle. These were the same FBI agents who came to my mother’s house on June 11, 2010 in Oregon where I was visiting and where my vehicle was parked out in front of her house in plain sight. These FBI agents arrived in front of my mother’s barn below her house and stayed at her house for two hours unannounced, which makes it appear they were conducting some type of surveillance or waiting for a signal before they approached the house. Then, they notified me and my mother that my husband had been plotting to kill us according to a confidential informant, which sent us into immediate emotional shock. What was equally shocking is that I later learned that these same FBI agents, who knew about the pipe bomb under my vehicle, did not warn either my mother or me that there was a pipe bomb under my vehicle, nor did they say they had reason to suspect that there was a pipe bomb under my vehicle, nor did they make any effort to check to see if there was a pipe bomb under my vehicle nor make any effort to remove the pipe bomb from underneath my vehicle while they were at my mother’s house in Oregon or to impound my vehicle so that it could be inspected to see if there was a pipe bomb on the undercarriage; in fact, the FBI was absolutely silent about the existence of a pipe bomb or what should have been a reasonable suspicion of a pipe bomb under my vehicle. I was permitted by these FBI agents to drive some 450 miles back to my home in Idaho without ever being told by

them that a pipe bomb was suspected to be underneath my vehicle. It was June 13th when I arrived in Idaho from Oregon, having driven through populated areas and I continued to drive my vehicle through populated areas in Idaho for the next two days, carrying various friends and family members, including my 2 year old granddaughter, until the 15th day of June. Finally, I took my vehicle to the above mentioned oil change garage on June 15th where an object or a device that looked like a bomb was discovered. The police were immediately called and a bomb squad took possession of that object or device from underneath my car;

- f. Because I have been victimized by the criminal acts of Larry Fairfax when he planted a pipe bomb under my vehicle and because I have been victimized by him when he stole thousands of dollars of silver bullion stored at my home property, and because he has been working with another unnamed person or several other unnamed people as his accomplice(s), (which unnamed accomplices are, or may be, at large) and because of prior death threats against me and my family, my entire family is extremely fearful of another attempt to murder us.
- g. Whether wittingly or unwittingly, I do not know which, but the FBI agents who have been assigned to this case have demonstrated incompetence, gross indifference or been deliberately deceptive with me and my mother about the dangers, risks and hazards we face from Fairfax and his unnamed accomplices and I am fearful that unless new FBI agents, who are not influenced by Larry Fairfax, are assigned to this case, that my mother and I will have no meaningful protection from such unnamed accomplices who are known to the U.S. Government, but whose names have not yet been revealed to us, who are, or could be, extremely dangerous to my family. When I went to court for my husband's first appearance, I was told by a U.S. Marshal that the

government would not be providing me any protection, which I did not understand because this is their job and what they are required to do by law.

h. In addition, I believe that the Assistant U.S. Attorney, Traci Whelan, by ignoring my rights as listed in paragraph 6 above, and by grossly undercharging Larry Fairfax and failing to empanel a grand jury to indict him, has failed to serve my family as victims of these horrible crimes committed by Fairfax and his unnamed accomplices. I believe that she is guilty of dereliction of her duty in properly prosecuting this case by agreeing to a plea bargain that will allow Fairfax, an admitted co-conspirator who performed overt acts in an attempted murder (which easily could have ended up being a mass murder) plead to relatively minor offenses before the unnamed accomplices of Fairfax (still at large) have been identified, arrested, detained and indicted. We, my family and I, the victims of these crimes, demand that the US Department of Justice replace Traci Whelan as the Assistant U.S. Attorney on the case with someone who is not influenced by Larry Fairfax and who will not allow his unnamed accomplices to elude prosecution.

17. There is at least one unnamed accomplice who we believe is known to the U.S. government, and that is the person described in the proposed plea agreement (as reported in the article by David Cole, in the August 31, 2010 issue of the Bonner Bee). It is reported about said plea agreement as follows:

“Fairfax and another individual, not identified in the documents, drove to Oregon to check whether the pipe bomb was still on her vehicle. They didn’t see it and returned to Idaho assuming it had fallen off.”

18. That same article states that Larry Fairfax was the “hitman” and that he cooperated with the authorities before the arrest of my husband, Edgar Steele. If that was the case, then this statement shows that the FBI knew of the pipe bomb under my vehicle prior to June 11, 2010

and was derelict in their duty toward me and my mother in failing to inform us of the existence of a suspected pipe bomb.

19. The U.S. government has made a significant effort to demonize my husband in various statements that have been released to the news media. However, the Government has failed to provide the public with the truth regarding the details of the Larry Fairfax case, which now appears to have elements of fraud, dereliction of duty and/or gross indifference toward the victims of his crimes by the government.

20. As far as the U.S. Attorney's office in Idaho is concerned, it is significant that no grand jury was empanelled to indict Larry Fairfax, which indicates that the U.S. Government did not want to have a record of testimony against Fairfax that could be used to impeach government witnesses later because of the inconsistencies in the government's story about this case. It is also significant that the charges to which Larry Fairfax is supposed to plead guilty under the plea agreement do not include a charge for possession of an explosive device in connection with a crime of violence, a mandatory 30-year prison sentence, when he is the one who admitted making the bomb and he is the one who admitted attaching the bomb under my vehicle. It appears that the Assistant U.S. Attorney, acting in concert with the FBI agents are acting in collusion with Larry Fairfax in order to give him a "soft" deal that will allow him to get out of prison early even though he admits to being the perpetrator of this violent crime against me, my family and humanity; which crime really comes under the heading of terrorism, i.e., to put an explosive device on a vehicle where the perpetrator knows that if it explodes in a populated area it would cause significant collateral damage to innocent people. I shudder to think that if I had hit a pot hole, or other obstruction on the road surface and this device had gone off, the damage that could have been done to my family and others would be similar to what has happened so many times in the Middle East.

21. One of my questions is: What was the Assistant U.S. Attorney thinking when she made this plea bargain deal with Larry Fairfax without consulting me as a victim as required by law?
22. Another question is: Why hasn't the other individual been charged who accompanied Larry Fairfax and "...drove to Oregon to check on whether the pipe bomb was still on her vehicle. They [Fairfax and the other individual] didn't see it and returned to Idaho assuming it had fallen off." What kind of an assumption is that? Since Larry Fairfax put the bomb under my vehicle, shouldn't he have known where to look? Did he assume that this explosive device was in the middle of the road somewhere between Idaho and Oregon, ready to explode? The U.S. Government knows who this individual is. If this other individual was not involved in the scheme to murder, why was he/she checking on the pipe bomb? It says: "They didn't see it...." which means that the other person and Fairfax looked for the pipe bomb, so that "they" meaning: the other individual and Fairfax, were fully aware of the murder plot and the other individual is a co-conspirator and should be brought to justice. If not brought to justice, the other individual is a danger to me and my family! So, what was Traci Whelan thinking when she did not indict this other individual whom the FBI and the U.S. Government has full and complete information about, even though the U.S. Government has not as yet identified such person according to the article by David Cole. In fact, I must ask: Why is the U.S. Government protecting the identity of a co-conspirator who has complete knowledge of the entire scenario and was physically present when a very important part of the crime was being committed; isn't the definition of a co-conspirator, one who offers assistance, such as helping Fairfax check on the bomb? And that person, according to the article, helped in formulating the assumption that the pipe bomb had fallen off, which means that person was a participant in the decision making process of the conspiracy to murder me and my family. So, I must

ask, why isn't my family, and the public, being protected from this individual by both the FBI and Traci Whelan? What does it take to get them to do their job?

23. Another question is: What were the FBI agents thinking when they allowed me to travel over 450 miles through populated areas without even mentioning the pipe bomb under my vehicle?

24. A more compelling question is: Why is the Assistant U.S. Attorney being so soft on Larry Fairfax who manufactured the pipe bomb and attached it as an explosive device to my vehicle, with all the potential repercussions that could have occurred if it had gone off? Is the U.S. Attorney Office in Idaho soft on terrorism?

25. I believe that the FBI agents involved in this case have been trying to intimidate me as a witness by telling me that Larry Fairfax is the "good guy" who tried to save my life, and insisting that my husband is a "bad guy" which I do not understand, because it is Fairfax who was deeply in debt and about to lose his house and who stole thousands of dollars in silver bullion from me and then put a bomb under my vehicle. That same FBI agent keeps telling me what a horrible person my husband is, insisting that he is guilty of the crimes committed by Larry Fairfax, when I have known from the beginning that my husband is not. This FBI agent has been telling me that my husband is going to be convicted and will spend the rest of his life in prison, and that FBI agent becomes defensive when I tell him his tape recorded evidence is untrustworthy. They also refuse to listen to my fears of the past threats to my family and my concerns over the manipulation of charges against Larry Fairfax so that he will get-off with virtually no serious punishment. It has been implied by the FBI that if I do not go along with what they want me to say, such as their view of the disputed tapes, they will cause problems for me. Every time that I have told the FBI that I did not trust those tapes, the agent becomes defensive and insists that they are authentic and his demeanor is

overbearing and he insists that I should agree with him. This is witness tampering perpetrated by the U.S. Government.

26. If this Court proceeds with the plea agreement as contemplated by the Attorney for the U.S. Government, then I am informing the Court that such plea agreement will be adopted without the input from the crime victims as required by Congress because neither my mother nor I have been consulted and neither of us will be physically able to attend said hearing on Tuesday, September 7, 2010


27. While I was given notice of the hearing on September 7, 2010 in the letter dated August 24th, I will be unable to attend this hearing to consider the plea agreement with Larry Fairfax as scheduled on September 7th and I am asking that said hearing be postponed so that I can be present and attend said hearing. The specifics of the reasons I cannot attend are:

- a. The first reason I cannot attend the hearing next Tuesday is based on my mother's health, which is declining. She has had multiple surgeries to correct a series of very serious health conditions and she has just undergone another CT scan on September 2, 2010 to determine if she must have emergency surgery in the next few days;
- b. The second reason I cannot attend the hearing next Tuesday is that I must be with my mother in Oregon on Tuesday, September 7, 2010, over 400 miles from the Federal Courthouse as I am a part of her health care treatment team as she faces what could be life and death health care decisions; and
- c. The third reason I cannot attend the hearing next Tuesday is that my rights as a victim have not been protected by Traci Whelan, the Assistant U.S. Attorney, who is the individual acting in the capacity of the "Attorney for the Government" as mentioned in 18 USC 1512, congressional findings and purposes, and thus I have not been able to express my views regarding the proposed plea bargain for Larry Fairfax as

contemplated by Congress. Therefore, I must conclude that my participation as a victim is apparently not considered necessary by the very government officials who are charged with the responsibility of protecting my crime victim rights.

FURTHER AFFIANT SAYETH NAUGHT.

Respectfully submitted this 4th day of September, 2010.


Cyndi G. Steele

SUBSCRIBED AND SWORN TO before me this 4th day of September, 2010 by Cyndi G. Steele known or identified to me to be the affiant named herein.


NOTARY PUBLIC FOR THE STATE OF IDAHO

Residing at BAYVIEW

My Comm. Exps. 12-17-2013

[SEAL]

