

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
(Wichita Docket)

**FILED**  
U.S. District Court  
District of Kansas

SEP 7 2007

**UNITED STATES OF AMERICA,**

Plaintiff,

vs.

**MALCOLM L. WEBBER, a/k/a**  
Grand Chief Thunderbird IV "Webber,"

Defendant.

Clerk, U.S. District Court  
By *[Signature]* Deputy Clerk

Case No. 07-M-6282-01-DWB

**CRIMINAL COMPLAINT**

This complaint alleges that between about April 2006 and about August 2007, in the District of Kansas and elsewhere, the defendant, Malcolm L. Webber, and others, knowingly and intentionally conspired to defraud the United States, in violation of Title 18, United States Code, Section 371 (Count 1); knowingly harbored illegal aliens, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii) (Count 2); and knowingly and intentionally possessed false identification documents with the intent that they be used to defraud the United States, in violation of Title 18, United States Code, Section 1028(a)(4) (Count 3).

In support, Rick L. Moore, special agent for the Immigration and Customs Enforcement (ICE), United States Department of Homeland Security, deposes and states as follows:

1. I have been employed by ICE as a special agent since February 22, 2003.
2. ICE special agents are authorized to investigate violation of federal criminal statutes including those found at Titles 8 and 18 and of the U.S. Code.
3. In April 2007 ICE received information that an organization called the "Kaweah Indian Nation" (KIN) was selling false and fraudulent documents purporting to be Native American tribal documents to foreign nationals seeking to establish themselves as citizens of the United States. ICE Senior Special Agent Robert W. Visnaw began investigating the allegations, ultimately receiving investigative assistance from other ICE agents; the Social Security Administration Office of Inspector General; the Wichita, Kansas, Police Department; the Diplomatic Security Service of the U.S. Department of State; the Bureau of Indian Affairs (BIA) Office of Inspector General; the United States Postal Inspection Service; and other law enforcement agencies.
4. During the course of his investigation, Agent Visnaw ascertained from official BIA documents and reports; law enforcement reports and other public sources that a person named Malcolm L. Webber, the defendant herein, who calls himself "Grand Chief Thunderbird IV 'Webber'," had been associated in the 1980s with another self-proclaimed Indian tribe, the United Lumbee Nation of North Carolina. He broke with that entity, moved to California and created what he

called the "Kaweah Indian Nation," most of the members of which also were members of the so-called United Lumbee Nation.

5. BIA documents indicate that Webber applied to the BIA for federal recognition of the KIN, and that BIA reviewed and investigated the application. On June 13, 1984, the BIA issued a letter of denial of Webber's KIN application, noting that Webber was a "non-Indian" and that the KIN had "no characteristics of an Indian tribe which has maintained tribal relations from historical times." The letter also concluded that "[N]o evidence was submitted by the petitioner or found by the staff which indicate the organization ever had a political existence prior to or after its founding in 1980."

6. In April 2007 Agent Visnaw encountered a Mexican national having no lawful status in the United States in Olathe, Kansas. The person possessed a "Certificate of Citizenship" indicating he was a member of the KIN as well as a laminated ID card stating he was a full-blood member of a KIN tribe. The person said a Spanish ministries pastor at a local church had told him about the KIN, and that he proceeded to obtain the documents for \$220. He said he was assured by an unidentified KIN representative the documents entitled him to establish United States citizenship and that his name and appropriate paperwork had been submitted to U.S. immigration authorities as proof that he was a United States citizen.

7. Later in April 2007 Agent Visnaw contacted the Spanish ministries pastor at the church the Mexican national had identified. The pastor confirmed that he had learned through another pastor that a "Pastor" Malcolm Webber had offered to assist undocumented aliens by adopting them into the KIN as "full-blooded" members. The pastor told Visnaw that he, himself, obtained the "tribal" documents after a personal meeting with Webber at 3031 W. Pawnee, Suite 100, Wichita, Kansas, during which Webber specifically told him the process was completely legal and that once all the paperwork was completed, the pastor would be able to get a valid Social Security number and other benefits associated with being a member of a Native American Indian tribe.

8. The pastor said he also called Webber, also in April 2007, after the pastor learned Agent Visnaw had interviewed the Mexican national the pastor had referred to the KIN. During that conversation, Webber again told the pastor the entire process was legal and that the pastor could not be deported from the United States if he was a member of the KIN.

9. During the period May through July, 2007, federal agents from various agencies received dozens of reports from Social Security offices, drivers license bureaus, and law enforcement agencies from Kansas, Nebraska, Oklahoma, Missouri, Texas, Michigan, California and other states that foreign nationals, most

of whom appeared to be unlawfully present in the United States, had submitted the KIN membership certificate, ID card, and, in some cases, a “verification” letter signed by “Chief Thunderbird IV Webber,” in attempts to obtain legitimate identification documents, including driver licenses, Social Security cards, state-issued ID cards, and United States passports. The Social Security office in Wichita reported through SSA OIG that more than 300 sets of KIN documents had been submitted in connection with attempts to obtain Social Security cards and account numbers by persons signing SSA forms indicating, in most cases, that they were not born in the United States but claiming on the forms to be United States citizens. Copies of those documents now are in the possession of the federal investigators working on this case. ICE checks of those documents and SSA applications indicate that most appear not to be citizens or nationals of the United States; some of the applicants appear to have lawful status in the United States but are not United States citizens, as they claim on the SSA application forms.

10. In July 2007 the Wichita Police Department (WPD) conducted a routine “store inspection” of a business at 2243 S. Meridian, Suite 108, that appeared to be offices of the KIN. Upon entering that address, the officers observed people who appeared to be employees of the business tucking items under their legs and making other furtive movements with their hands. They also observed boxes

labeled by state on the floor of the offices filled with file folders. About a week later, WPD detectives searched a public trash receptacle near 2243 S. Meridian and found about 60 KIN membership applications, as well as gold seals used on the KIN membership certificate.

11. In August 2007, Agent Visnaw and Special Agent Bruce McKimens of SSA OIG interviewed another pastor at his residence in Wichita, Kansas, who also said he had learned about the KIN through other Spanish-speaking pastors. The Wichita pastor said he met with Malcolm L. Webber in late February or early March 2007 at Webber's offices on West Pawnee (which now have been relocated to 5512 W. Central, Suites A and C, as confirmed during the execution of search warrants on September 6, 2007). Webber again told the Wichita pastor the "tribal" documents were valid and that upon acceptance into the KIN, an individual automatically became a United States citizen.

12. The Wichita pastor told the agents that during a later meeting with Webber (after March 2007), he questioned Webber about the legitimacy of the selling of "tribal" documents as a way to establish U.S. citizenship. The Wichita pastor said Webber became visibly angry when the questions were raised and stated emphatically that the KIN was in the process of being recognized and that

acceptance into the tribe conferred immediate U.S. citizenship status to the member.

13. ICE agents, trained in immigration law and having access to agency immigration attorneys, have confirmed that only under highly limited and specific circumstances can genuine tribal membership potentially confer a right to U.S. citizenship, and that none of those circumstances are present in this case.

14. According to other interviews of persons who have paid for KIN documents, KIN representatives sell the documents for various prices ranging from \$50 to \$1,200. News reports quote a person named Manuel Urbina, who says he is a chief and spokesman for the KIN, stating that the tribe has in excess of 10,000 members. A search warrant executed on September 6, 2007, suggests that the KIN has, in fact, sold thousands of members, which also is consistent with KIN financial records obtained and reviewed by Agents Visnaw and McKimens. Also on September 6, 2007, federal agents seized \$300,000 from a bank account bearing the name of Kaweah Indian Nation and for which the signatories include "Malcolm Chief Thunderbird IV Webber."

15. Further indication of the financial scope of the selling of the KIN members occurred in June 2007 in Long Beach, California, when the local police seized \$12,700 cash from the residence of a person who said he had been selling

KIN memberships to illegal aliens. That cash is the subject of an ICE administrative forfeiture pending in the Central District of California.

16. Initial review by federal agents of various materials seized September 6, 2007, pursuant to a federal search warrant, confirm that the KIN is actively marketing KIN memberships throughout the United States through dozens of persons affiliated with KIN for the purpose of selling the membership. Several thousand completed applications with photographs and money orders ranging in amounts from \$50 to \$500 were seized, as were membership certificates, laminated KIN identification cards, currency, laminating equipment, and other records and documents associated with the selling of the KIN memberships and documents.

17. In addition, those and other items seized, including correspondence, files, lists, and other records, confirm that defendant Webber was utilizing 5512 W. Central, Suites A and D, as his primary office.

Based on the foregoing, there is probable cause to believe that the defendant violated the federal criminal statutes listed above, as follows:

Count 1

That between about April 2006 and August 2007, in the District of Kansas and elsewhere,

**MALCOLM L. WEBBER,**  
a/k/a Grand Chief Thunderbird IV "Webber,"

knowingly and intentionally conspired with others to defraud the United States, and did one or more of the following acts, among others, to effect the object of the conspiracy, which was to lead agencies of the United States to believe that the KIN is a legitimate, federally recognized Native American Indian tribe so that the agencies would confer federal benefits to persons possessing KIN membership documents:

1. Created an organization called the “Kaweah Indian Nation;”
2. Solicited and employed others to sell KIN membership documents;
3. Communicated with Hispanic pastors and other Spanish speakers telling them that membership in the KIN entitled its purchasers to obtain official U.S. government accounts and documents reflecting that they are United States citizens;
4. Communicated to various persons that KIN membership conferred to them United States citizenship;
5. Established offices for the purpose of selling and processing KIN membership applications; and
6. Set up financial accounts to process and receive payments for the false and fraudulent documents,

In violation of Title 18, United States Code, Section 371.

**Count 2**

That between about April 2006 and August 2007, in the District of Kansas and elsewhere,

**MALCOLM L. WEBBER,**  
a/k/a Grand Chief Thunderbird IV “Webber,”

knowingly and in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, harbored and attempted to harbor such alien at any place, and conspired and aided and abetted such harboring,

In violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii) and (v)I and II.

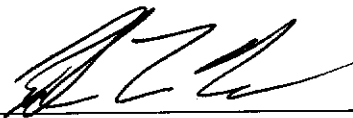
**Count 3**

That between about April 2006 and August 2007, in the District of Kansas and elsewhere,

**MALCOLM L. WEBBER,**  
a/k/a Grand Chief Thunderbird IV “Webber,”

knowingly and intentionally possessed false identification documents with the intent that such documents be used to defraud the United States,

In violation of Title 18, United States Code, Section 1028(a)(4) and 2.



---

Rick L. Moore, Special Agent  
Immigration and Customs Enforcement  
U.S. Department of Homeland Security

Subscribed and sworn to before me this 7<sup>th</sup> day of September, 2007.



---

DONALD W. BOSTWICK  
United States Magistrate Judge  
District of Kansas