

72 F.3d 1518, 43 Fed. R. Evid. Serv. 723
(Cite as: 72 F.3d 1518)

United States Court of Appeals,
Eleventh Circuit.

UNITED STATES of America, Plaintiff-Appellee,
v.

Robert Louis BEASLEY, Jr., a/k/a “Dan Israel,” Rufus Pace, Sr., a/k/a “Ahaz Israel,” Ernest Lee James, a/k/a “Ahinadad Israel,” Richard Ingraham, a/k/a “Job Israel,” Linda Gaines a/k/a “Judith Israel,” Walter Lightburn, a/k/a “Amri Israel,” Yahweh Ben Yahweh f/k/a “Hulon Mitchell, Jr.,” a/k/a “Hulon Shah,” & “Moses Israel,” Defendants-Appellants.

No. 92-4773.
Jan. 5, 1996.

PER CURIAM:

In a superseding indictment, a federal grand jury in the Southern District of Florida charged appellants Robert Louis Beasley, Jr. (“Beasley”), Rufus Pace, Sr. (“Pace”), Ernest*1521 Lee James (“James”), Richard Ingraham (“Ingraham”), Linda Gaines (“Gaines”), Walter Lightburn (“Lightburn”), Yahweh Ben Yahweh (“Yahweh”),^{FN1} and 12 codefendants with a RICO conspiracy, under [18 U.S.C. § 1962\(d\)](#) (count I). Count I listed 19^{FN2} racketeering acts of murder, extortion, and arson. Appellants Yahweh, Gaines, Lightburn, Beasley, James, Pace, and five codefendants were also charged with a substantive RICO count under [18 U.S.C. § 1962\(c\)](#) (count II). Count III charged appellants Yahweh and Gaines with extortion under [18 U.S.C. § 1951](#).

^{FN1}. The record shows that Yahweh Ben Yahweh has been called by a number of names throughout his lifetime. Although his birth name is Hulon Mitchell, Jr., he rejects that name as a slave name. For clarity's sake, we follow the practice in the district court and refer to this defendant as “Yahweh.”

^{FN2}. Count I originally contained 19 racketeering acts; however, the government dismissed racketeering act 6 prior to trial, and

the district court dismissed racketeering act 19 and count III pursuant to [Federal Rule of Criminal Procedure 29](#).

After a trial that lasted approximately five months, appellants were found guilty of the RICO conspiracy (count I). The jury acquitted Pace, James, and Beasley of count II. Yahweh, Gaines, Lightburn and Ingraham received mistrials as to count II. Appellants filed various opposed post-trial motions which were all denied.

The appellants were all sentenced pre-guidelines.^{FN3} Gaines and Ingraham were each sentenced to 16 years' imprisonment and a \$5,000.00 fine. Beasley was sentenced to 15 years' imprisonment and a \$5,000.00 fine. Pace received a 15 1/2 year sentence and a \$5,000.00 fine. Lightburn and James were each sentenced to 16 1/2 years in prison and a \$5,000.00 fine. Yahweh was sentenced to 18 years' imprisonment and a \$20,000.00 fine. Appellants then perfected this appeal.

^{FN3}. The United States Sentencing Guidelines (“U.S.S.G.”) became effective November 1, 1987.

I. BACKGROUND FACTS

In 1979, Yahweh and Gaines moved to Miami, Florida, and laid the foundations for a religious cult later to be known as the “Yahwehs” or “Black Hebrew Israelites.” Yahweh taught that blacks are the true Jews, that God and Jesus are black, and that he had been chosen by “the Terrible Black God, Yahweh” to lead blacks from years of oppression to the promised land of Israel.

Yahweh's followers were required to give up their legal or slave names and to adopt Hebrew names, all of which had a last name of Israel. Societal norms were discarded as Yahweh established his own laws, which were purportedly based upon the Bible. Yahweh's followers grew, and by late 1980, he had the financial means to buy a building in Miami known as the “Temple of Love.” Many of Yahweh's followers chose to be full-time workers who were required to give all of their possessions to the Temple. Businesses

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were established inside the Temple, including a printery, a grocery store, and a beauty salon.

Between late 1981 and 1982, Yahweh instituted profound changes in the administration of the Yahweh religion. First, Yahweh announced that he was the son of God and renamed himself Yahweh Ben Yahweh (God, the son of God). He encouraged his followers to break from the "immoral world" and to give up their outside jobs and move into the Temple. Clothing changed from street clothes to African apparel and then to white robes and turbans. Yahweh taught his followers to avoid their birth families, because they were not "true" families.

When Yahweh's followers moved into the Temple, families were often separated. Tight security was established at the Temple; all who entered were searched. Yahweh established a trusted group of male bodyguards called the "Circle of Ten" who protected Yahweh and stood guard at all Temple entrances with 5 to 6 foot wooden staffs, swords, or machetes. Yahweh taught that uninvited entrants to the Circle would lose their lives.

Gaines became Yahweh's companion and "right hand man." Among her duties, Gaines collected money and possessions from full-time workers and handled the Temple's finances. Gaines had special privileges, including a bodyguard. Yahweh sought to *1522 spread his influence nationally by sending out specially trained and trusted elders to establish satellite temples, distribute Yahweh literature, and spread his teachings. Between 1982 and 1985, temples were established by a group of 40 or so elders in several large metropolitan areas in the United States.

Between 1981 and 1984, Yahweh's power and influence grew, as did the Temple's finances. Yahweh demanded total loyalty and almost total control of the members' lives, which he achieved by "teaching against" members who disagreed with or failed to follow his spiritual teachings. Yahweh forced dissidents to stand at meetings and openly face his ridicule. He directed cult members to administer severe beatings to those who violated his rules. Followers feared for their lives if they did something wrong, spoke out against Yahweh, or left the Temple. In an effort to totally control his followers, Yahweh carefully regulated their food, sleep, and medical care. All members were required to work long hours to further the Tem-

ple's financial interests. Although Yahweh preached brotherly love, he also directed members to commit murder. Yahweh required that his followers publicly state that they would die and kill for God Yahweh, two requirements that he routinely propounded in teaching sessions, during which the members literally shouted in unison their willingness to do so.

As Yahweh's power and influence continued to grow, his teachings became black supremacist and violently racist. Yahweh prophesied war between the black and white races and called "white America" a country cursed by God Yahweh and harboring God's enemies. Yahweh taught that one day, his group would chase white men, whom he referred to as "white devils," from the face of the earth by killing them. Yahweh referred to God Yahweh as a "Terrible Black God" of war and violence and taught that death to his enemies would be at the hand of his "death angels."

At Yahweh's direction, many murders and attempted murders in the Miami area occurred. One of the most violent members of the group, Robert Rozier ("Rozier"), ^{FN4} testified at trial that an ultra-secret group called the "Brotherhood" was established within the cult. This group was to perform any task that Yahweh directed, including murder. Yahweh conducted separate meetings for Brotherhood members, which were to be kept secret under penalty of death. Among those present at Brotherhood meetings were Rozier and defendants Dexter Grant, Pace, Beasley, Ingraham, Maurice Woodside, James, Yahweh, and sometimes Gaines. To become a member of the Brotherhood, one had to kill a white person and bring proof of the kill to Yahweh in the form of a head, an ear, or some other body part. Between April and October 1986, Yahweh sent his death angels into the Miami community on multiple occasions to kill white people randomly and to commit acts of retribution against blacks who interfered with the Yahwehs' sales of products and collection of donations. Yahweh also directed the killings of white people as retribution for 400 years of oppression and for specific acts of alleged police brutality against blacks occurring at the time.

^{FN4}. Rozier was the key witness for the government. The record demonstrates that he attended college at Berkeley in California, but did not complete his education there because he was drafted by the St. Louis Cardinals to play professional football in the

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National Football League.

At the trial of this case, Yahweh took the stand and testified in his own behalf. Additionally, Ingraham called Paul George (“George”), a historian, as an expert witness to testify that the Yahweh religion is a true religion.

We now briefly summarize each racketeering act.

Racketeering Act 1: Attempted Homicide of Eric Burke.

When Burke broke away from the group, Yahweh preached that he should be killed. The plan failed, however, notwithstanding Yahweh's directions to his followers to get machetes and “roll Burke's head.”

Racketeering Act 2: Homicide of Aston Green.

Green was a member of the cult who attempted to leave. Green returned to the Temple to retrieve his Bible, at which time he was taken to a back room where 10 or so *1523 members beat him almost to the point of death. Semiconscious, Green was taken to a remote construction area by Ingraham, John Foster, and Ricardo Woodside, where Green, still alive, was decapitated with a machete. Upon learning of the murder, Yahweh was delighted and worked the crowd in the Temple into a frenzy where they all stood and clapped.

Racketeering Acts 3 and 4: Homicide of Carlton Carey; Attempted Homicide of Mildred Banks.

Carey was shot several times and died at the scene. Banks was also shot, and she sustained a deep gash in her neck during an attempt to decapitate her with a machete. She survived but was unable to identify her assailants.

Racketeering Act 5: Homicide of Leonard Dupree.

Because Dupree was known to be a karate expert, Yahweh openly challenged him to fight Lightburn, the Yahwehs' resident martial arts expert. The two men squared off in front of about 30-60 Yahweh onlookers. Dupree quickly knocked Lightburn down, at which point Yahweh ordered all present, including Ingraham and Maurice, to attack Dupree. Ingraham struck Dupree in the face with a tire jack. Dupree was literally beaten to death. During the struggle, Gaines locked the doors of the Temple at Yahweh's request. Yahweh allowed no one to leave and made everyone, including children, strike and kick Dupree's lifeless body. Du-

pree's body has never been found.

Racketeering Acts 7 and 8: Homicides of Glendell Fowler and Kurt Doerr.

Yahweh told Rozier (who murdered six people at Yahweh's direction) to kill a white devil, cut his head off, and become a son of God Yahweh. Rozier walked around the Coconut Grove area of Miami, spotted an intoxicated white man, followed him into an apartment, told the man he was an angel of Yahweh, and then stabbed him to death. Upon leaving the apartment, Rozier noticed a second white man inside the apartment. Rozier also stabbed him to death.

Racketeering Act 9: Delray Beach Arson.

The people in the Delray Beach neighborhood of Miami had attacked several of the Yahweh members. Yahweh selected 15-20 people to firebomb the area so that similar incidents would not occur in the future. An altercation occurred between the residents of the area and the Yahwehs. Notwithstanding the fact that the police arrived, the Yahwehs threw dozens of firebombs. Yahweh ordered the arsonists to stand in front of the residences and use their swords and machetes to murder anyone who tried to exit the burning houses. The residents were too terrified to come out and face Yahweh's “death angels.”

Racketeering Act 10: Homicide of Clair Walters.

Walters was found in an abandoned hotel with his throat cut and his left ear removed. Yahweh member Ardmore Canton later showed Rozier the ear that he had cut from Walters's lifeless body.

Racketeering Act 11: Homicide of James Myers.

James M. Littlejohn (“Littlejohn”) told Rozier about killing a white man. Littlejohn said that he had been taught by Yahweh to stab the victim in the kidney area to cause the victim to go into shock. When police found Myers, he had been stabbed in the back and kidney area, and although both ears had been cut, neither had been severed from his body.

Racketeering Act 12: Homicide of Lyle Austin Bellinger.

Carl Douglas Perry (“Perry”) told Rozier that he had killed a white man who had been wearing a Star of David tee shirt sold by the Yahwehs. Perry stabbed the victim several times after which the victim fled and fell near a canal. The police found the body of a white man, Bellinger, lying near a canal.

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Racketeering Act 13: Homicide of Raymond Kelly.

Yahweh ordered Rozier and Perry to kill several white devils during a single night in September 1986. They rode the metrorail south and followed potential victims in Coconut Grove before walking south to the University of Miami in Coral Gables. Rozier and Perry later found two white victims *1524 whom they stabbed to death, severing both ears from one of the victims.

Racketeering Act 14: Homicide of Cecil Branch.

Branch was stabbed over two dozen times, and one of his ears was severed. The police found Branch face down on the floor of his house; he was bound and gagged with strips of bed sheets. A latent fingerprint on the frame of Branch's front door matched Rozier's prints.

Racketeering Act 15: Homicide of Harry Byers.

Anthony Murphy ("Murphy") had never killed a white devil and decided that he would look for a white child, thinking a child would be easier to kill than an adult. Instead, he found Byers, whom he stabbed several times in the abdomen before cutting off his left ear.

Racketeering Act 16: Homicide of Reinaldo Echevarria.

Brian K. Lewis ("Lewis") stabbed and killed Echevarria, a white Cuban male, but sustained severe injuries himself when his hand slid down the knife blade during the stabbing. Lewis almost lost his fingers, but they were saved through surgery. Echevarria had been stabbed so severely that medical experts described the murder as "overkill."

Racketeering Acts 17 and 18: Homicides of Anthony Brown and Rudy Broussard.

In October 1986, the Yahwehs tried to buy an apartment complex located in Opa Locka, Florida, which consisted of five buildings occupied by drug dealers and families with several children. Brown and Broussard stood up to the Yahwehs, at which time Yahweh ordered Rozier and Perry to kill them. Both were later shot in the head at point-blank range.

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IV. ANALYSIS

A. Sufficiency of the Evidence to Prove RICO Conspiracy.

Appellants were each convicted of violating [18 U.S.C. § 1962\(d\)](#), which makes it unlawful for any person to conspire to violate a substantive RICO provision. Appellants challenge the required elements of (1) an enterprise, (2) a pattern of racketeering activity, and (3) an effect on interstate commerce.

First, we are persuaded that the government's naming of the Yahweh Nation as the RICO enterprise was proper. Substantial legal precedent permits a wide range of legitimate enterprises to be named as the vehicle through which racketeering acts are committed. See [United States v. Turkette](#), 452 U.S. 576, 580, 587, 101 S.Ct. 2524, 2527, 2530, 69 L.Ed.2d 246 (1981); [United States v. Zielie](#), 734 F.2d 1447, 1463 (11th Cir.1984), cert. denied, 469 U.S. 1189, 105 S.Ct. 957, 83 L.Ed.2d 964, and cert. denied, 469 U.S. 1216, 105 S.Ct. 1192, 84 L.Ed.2d 338 (1985). A variety of entities can be enterprises, including benevolent and nonprofit organizations such as unions and benefit funds, governmental units, courts and judicial offices, police departments, and motorcycle clubs to name a few.

Second, we are convinced that the government properly proved a pattern of racketeering by showing the required relatedness and continuity of the criminal acts as well as the required relationship between the racketeering acts and the enterprise. In order to prove the required two predicate acts, the government must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity. [H.J. Inc. v. Northwestern Bell Telephone Co.](#), 492 U.S. 229, 239, 109 S.Ct. 2893, 2900-01, 106 L.Ed.2d 195 (1989). The acts were related in that they all revolved around the simple purposes of silencing*1526 dissent, retaliating for community resistance, and making the "death angels" a reality. The acts showed the required continuity, because they continued over an approximately five-year period. The acts also affected the enterprise and/or the enterprise facilitated the racketeering activities. The racketeering acts affected the Temple by eradicating dissent, eliminating opposition from the community, and confirming the members' belief in "death angels" and Yahweh's prophecies. The acts bolstered members' morale and commitment to the group and reinforced the members' hostility to the outside community.^{FN7}

^{FN7}. Not all of the members of the Temple

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supported or were engaged in the homicidal activities that are the subject of this case. Indeed, not all of the members took Yahweh's fierce injunctions literally. As the hub of the conspiracy, the Brotherhood did follow those injunctions sometimes to the letter; and so did some others. But there is a distinction between the conspirators in this case and the general population of the Temple. We recognize and stress this difference. This case involves a prosecution of specific people for their unlawful conduct. The case is not the prosecution of a religion. The religion had adherents who never became involved in illegal activity and who were not implicated in this conspiracy.

Third, the appellants assert that the government did not prove that the predicate acts affected interstate commerce. To satisfy the interstate commerce requirement, only a slight effect on interstate commerce is required. *See, e.g., United States v. Norton*, 867 F.2d 1354, 1359 (11th Cir.), *cert. denied*, 491 U.S. 907, 109 S.Ct. 3192, 105 L.Ed.2d 701, and *cert. denied*, 493 U.S. 871, 110 S.Ct. 200, 107 L.Ed.2d 154 (1989). The testimony at trial was undisputed that the Yahweh Nation reached out to other states and indeed to other countries in an attempt to spread its influence. Yahweh publications and tapes were distributed throughout the United States in Yahweh trucks or by mail and were sent to foreign countries. Given this concerted effort to establish national and international influence and the Yahweh membership's extensive travel in interstate commerce, the effect of the Nation on interstate commerce is more than "slight."

* * * * *

V. CONCLUSION

The arguments appellants present in this appeal are all meritless. We affirm their convictions in all respects.

AFFIRMED.

C.A.11 (Fla.),1996.
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