

# PATTERNS OF HARASSMENT, III\*

EIGHT JAILED AND ONE KILLED BY THE FOLKS WHO ARE SUPPOSED TO PROTECT US.

## BUNDY PART I: THE OCCUPATION

# A Dead Bill of Rights?

*Violence, fear, and death at the hands of the government. By Judy Boyle*

Regardless of the media and government spin, the “takeover” of the Malheur National Wildlife Refuge was a peaceful exercise of Americans’ First Amendment rights to “freedom of speech,” “peacefully assemble” and “petition the government for a redress of grievances.” These rights were established in America long before the War of Independence.

When the American colonists’ petitions to England for elimination of punitive laws were ignored and even harsher measures taken by a government in which the colonies had no elected representation, events like the Boston Tea Party occurred. It was not a violent or militant event, but an exercise of protest, speech, and assembly to send a strong message to a distant government. England responded with the blockade of Boston in an effort to break the American spirit with starvation through lack of supplies. England’s next move was to house

British soldiers in American homes where they often carried off daughters and personal property, and generally abused citizens. (Protection against these actions is found in our Third, Fourth, and Fifth amendments.) The ever-increasing escalation resulted in the Declaration of Independence and the American Revolution.

As a lifelong student of American history and the U.S. Constitution, I understand and strongly support American rights given to us by God and enumerated in the U.S. and Idaho constitutions. Those rights must be defended whenever the state or federal government oversteps the restrictions placed upon them. A vital component of my job as an elected state representative of Idaho’s 9th District is to stand firmly in defense of those rights and be a buffer between the citizens of Idaho and the government. This responsibility was clearly discussed by Alexander Hamilton, who said: “The State legislatures, who

will always be not only vigilant but suspicious and jealous guardians of the rights of the citizens against encroachments from the federal government, will constantly have their attention awake to the conduct of the national rulers, and will be ready enough, if anything improper appears, to sound the alarm to the people and not only to be the VOICE, but, if necessary, the ARM of their discontent.”

I carefully watched the events unfolding in Burns, Ore., in early January. First, the citizen march to protest the resentencing of local ranchers Dwight and Steve Hammond, who were ordered to return to federal prison for a full five years. The Hammonds had already served their original sentence under a wrongful application of “federal terrorism” for a backburn of less than 200 acres of public land to protect their private property from a wildfire. Next, citizens from throughout the United States went to the public Malheur National Wildlife Refuge to protest the federal actions against the Hammonds and to educate Americans on western land issues.

I received phone calls from Idahoans who planned to join the protest, but I urged caution. After receiving an invitation to go to Burns on a fact-finding mission with representatives from four states, I agreed. The goal was to find answers, hopefully develop a solution, and prevent a repeat in our states.

A meeting on January 9 was arranged with three Harney County commissioners and the Harney County sheriff at the courthouse in Burns. Instead, the chairman of the county commission, the Marion County sheriff, the Harney County district attorney, the Harney County undersheriff (who never said a word), an FBI agent, and the commissioner’s wife (who was introduced as working for the BLM) met with us.

Of the hundreds of elected officials’ meetings I have attended through the years as a citizen, planning and zoning commissioner, director of natural resources for Idaho Congresswoman Helen Chenoweth-Hage, lobbyist for the Idaho Farm Bureau Federation, and state representative, this one was the most bizarre. It immediately took a hostile and aggressive tone when the commissioner demanded we get out of “his” town and “his” county, repeatedly called the



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*Ammon Bundy, center, addressed the media at the Malheur National Wildlife Refuge near Burns, Ore., Jan. 4, 2016. Ammon, LaVoy Finicum, and other leaders of a group of militiamen who had taken over the refuge headquarters a few days earlier, said that they were protesting the federal government’s role in governing federal lands. Bundy’s group named itself “Citizens for Constitutional Freedom” and was trying to restore individual rights. They were also protesting the Hammonds’ sentence for “domestic terrorism.”*

protesters “terrorists,” announced that our presence threatened his reelection, forbid us to travel to the refuge, claimed that if we did go there we would be just like “those terrorists,” and said those at the refuge would pick us off as we approached. (I took this to mean we would be shot.) He also threatened if we did go to the refuge and something occurred, we were on our own, and no assistance would be sent. I understood the commissioner was upset with the situation at the refuge, but his anger and aggression toward elected representatives, who had citizens at the refuge, was completely out of line. The situation in Harney County required a steady, calm presence, not someone who appeared to be escalating it by using inflammatory language.

We began asking questions and learned that the only negotiation offered to the protesters by the FBI was safe passage to the Idaho or Nevada borders. However, it wasn't made clear what would occur at those borders. The Marion County sheriff said the protesters had not broken any state laws. The FBI told us that the U.S. Department of Justice was determining what federal laws the protesters might have broken. Clearly no arrest warrants had been issued. The meeting ended and we left to meet elsewhere in Burns.

After discussions with local citizens and those who had been at the refuge, we determined that the only way to truly assess the entire situation was to go there, talk with the protesters, and receive their petition of grievances. As we worked toward a decision, the same county commissioner separately called two state representatives. To one, he demanded we immediately leave his county. To the other, he yelled that 20 vehicles of armed men had surrounded the courthouse. At that point it had been snowing for several hours. A few citizens went to assess the situation. They called from the street in front of the courthouse (five minutes from where we were meeting) to report no vehicles and no tracks in the snow. It was apparent the commissioner was attempting to frighten us into leaving Harney County. Instead, we sent a group of citizens to the refuge to ask if we would be welcome to visit. The reply was affirmative.

We were welcomed and thanked by the group at the refuge gate. Approximately 12 people warmly greeted us in one of the larger buildings. Soon Ammon Bundy arrived, shook everyone's hand, and looked us squarely in the eye. I saw kindness reflected



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Arizona cattle rancher LaVoy Finicum talks to the media at the Malheur National Wildlife Refuge near Burns, Ore., Jan. 5, 2016. Saturday's takeover of the refuge 30 miles south of town marked the latest protest over federal management of public land in the West, long seen by conservatives in the region as an intrusion on individual rights.

and was immediately at ease. I have lived with ranchers all my life and never felt any threat from the people we met that night. In fact, I was more threatened at the courthouse meeting. At one point I felt we might be put into “protective custody” to prevent us from going to the refuge.

Ammon opened the meeting with a prayer and told us what they learned during

**“When government fears the citizens, there is Freedom but when citizens are fearful of their government, there is Tyranny.”**

—THOMAS JEFFERSON

the week they had been at the refuge. Local citizens arrived each evening telling of federal agencies that made “willing sellers” of the ranchers adjoining the refuge. One by one over 100 ranches were sold, sometimes at pennies on the dollar. With the economic vitality of each ranch destroyed, the federal government became the only buyer. The citizens at the refuge documented these cases believing if those with constitutional power became aware of the injustices, intervention would occur.

I have personally seen government take private property in this manner throughout America. First, the government or a non-profit environmental group offers to buy your place, which usually hasn't been for sale. When you refuse, the harassment begins. Western ranches with Bureau of Land Management or U.S. Forest Service grazing per-

mits suddenly face AUM (animal unit month) reductions, additional allotment restrictions, water sources fenced off, requirements to build miles of fence, and other ploys.

There is little private land available as an alternative since the majority of western land is controlled by the federal government. Nevada is 87 percent federally managed and numerous western rural counties are 90 percent and more. Harney County is one of the largest counties in America. It has more than 10,000 square miles, with 7,590 square miles—or 75.9 percent—managed by federal government agents.

The last few years, huge destructive western wildfires have raged unchecked, injuring and killing cattle and wildlife and blocking allotment use for years. Without access to their legally adjudicated preference grazing rights, ranches cannot survive. The fear of federal retaliation against their grazing permits prevents ranchers from speaking publicly. They are living Thomas Jefferson's warning, “When government fears the citizens, there is Freedom but when citizens are fearful of their government, there is Tyranny.”

The protesters discussed that federal lands should be given to the western states to fulfill the promises of the Constitution, states' Admission Acts, and federal laws. The Equal Footing Doctrine of 1798 declared that all future states would be admitted into the Union “on an equal footing with the original States in all respects whatever.” This wording is also in the Admission Act contracts between the states and Congress and is

the basis of Utah's pending lawsuit against the federal government.

We returned home to discuss this with our colleagues and constituents. America watched as the protesters traveled into Burns for meetings, shopping, and church. They went to the courthouse to meet the absentee sheriff and to FBI headquarters at the Burns airport twice. Not once were they stopped or even approached by the roving bands of federal and state law enforcement. However, federal agents were stopping and harassing residents who lived and worked near the refuge. Local citizens were forced from their vehicles with hands in the air while their vehicles were searched. This included families taking their children to school and ranchers feeding their cattle. Locals were not afraid of the group at the refuge, but were afraid of the federal agents. The county fire marshal discovered that the reported "militants" frightening locals were actually FBI agents. He was so outraged he quit his position and joined the local Committee of Safety which Ammon Bundy helped start.

Meanwhile, those at the refuge held regular press conferences to discuss their grievances and teach the public about western issues and the Constitution. They held classes around the area and scheduled meetings in Ontario, Jordan Valley, and Boise.

On Jan. 26, 2015, Ammon Bundy and others were traveling in two vehicles to a scheduled public meeting in John Day. They were stopped by a large federal and state law enforcement contingent on an isolated section of U.S. Highway 395 within the borders of Harney County. Ammon Bundy and Brian Cavalier were arrested from the vehicle driven by Mark McConnell, who was quickly released and driven back to Burns. He immediately made a video falsely claiming to have seen LaVoy "charging the officers." McConnell could not have seen the incident where Finicum was killed as it was beyond several turns and a steep gully from the first stop. McConnell's statements immediately raised suspicion by using terms of "vehicle two" rather than "LaVoy's pickup" left the scene, and the "HRT immediately went after it." HRT stands for Hostage Rescue Team—not a term that quickly rolls off the tongue.

At the first stop, Ryan Payne left LaVoy's vehicle after officers shot at him as he leaned out the passenger window and was arrested. The four who remained in the pickup decided to continue towards John Day, unaware of the deadly roadblock ahead in a gully with no

cell service available to call for help.

This second stop is recorded on a grainy, low-visibility aerial FBI video showing the shooting death of LaVoy Finicum by law enforcement. LaVoy had purposely left his ever-present .45 pistol at the refuge that day—a gun given to him as a 12-year-old by his grandfather. The FBI claims he had a stolen 9mm in his left jacket pocket, which it says he was reaching for when they shot him. However, Finicum was right-handed and numerous videos from the refuge show he wore his .45 on his right hip. LaVoy had no police record and had never even received a speeding ticket.

Two of the three surviving witnesses in LaVoy's vehicle have stated that the vehicle was fired upon many times before and after LaVoy's death as they were trapped inside where Ryan Bundy was wounded.

Oregon Gov. Kate Brown, who called in the FBI at the urging of the county commission chairman, congratulated agents for ending "the siege," ignoring that it: ■ killed a

military-style operation.

The only other person not arrested was the teenage girl who was scheduled to sing at the John Day event. The FBI dumped her off by herself that night in the snowy Safeway parking lot in Burns. She called a friend to record her chilling eyewitness account of the killing of LaVoy and other events of the day as another friend drove her to safety in another state.

At LaVoy's funeral, thousands from across the nation arrived including many on horseback to pay tribute to a family man. His daughters hand-dug his grave as "the last thing we could do for our father." LaVoy's family had a private autopsy done and are waiting to release the results. In mid-March, LaVoy's widow, Jeanette, was finally given his belongings left behind at the refuge, including his .45-caliber pistol.

After the rancher's death, protests were held at the county courthouse demanding that the commission chairman and sheriff resign. Candidates for both offices have sur-



citizen with multiple shots while his hands were in the air; ■ made numerous attempts to kill the other passengers; ■ shot and killed a citizen with multiple shots while his hands were in the air; ■ shot at a fleeing vehicle; ■ shot at an approaching vehicle; ■ shot at a stopped vehicle at the deadly roadblock in which no occupant exhibited a firearm; ■ this type of roadblock has been ruled illegal by the U.S. Supreme Court; ■ had no outstanding arrest warrants for anyone in the vehicles; and ■ used massive firepower, multiple vehicles, and snipers in the trees in a

*This FBI video image shows Robert "LaVoy" Finicum, with hands up, surrounded by federal agents (several hidden in the trees). He was fatally shot on Jan. 26, 2016. On March 8, authorities ruled the killing, including all eight bullets, as "justified." LEFT: Protesters taken without warrants from the Hwy. 395 ambush, and later, with warrants. Top row, from left: Ammon Bundy, Ryan Bundy, Brian Cavalier and Ryan Waylen Payne. Bottom row, from left: Peter Santilli, Joseph O'Shaughnessy, Shawna Cox and Jon Eric Ritzheimer. Mark McConnell offered himself to Ammon Bundy as a "driver and bodyguard" a few days before the arrests and was only in shackles for a few minutes. He was apparently an undercover federal informant.*

faced and the chairman has announced he will not run again. The sheriff will run for the first time as he was appointed to the office by the chairman.

Seven weeks after the killing near Burns and arrests of five citizens in the two vehicles and 14 arrested for participating at the Bundy Ranch standoff in southern Nevada in 2014, the FBI released another video. This time it was from Shawna Cox's cell-phone camera,

including audio and video of the conversation inside the pickup throughout the event and the gunshots raining upon them. LaVoy clearly and insistently told the agents they were going to see the Grant County sheriff in John Day. The FBI has yet to release any of the body/helmet cameras and audio from the many officers at the scene of the original stop and at the second lethal roadblock. These cameras and audio will clearly show what really occurred that day.

A county prosecutor cleared all involved Oregon State Patrol officers of wrongdoing. The Department of Justice announced an investigation into the conduct of at least six FBI agents for lying about the number of shots they fired. A picture of the midcenter of the roof of LaVoy's pickup shows a hole from a bullet fired by an FBI agent.

This terrifying show of violence by law enforcement exhibits the lack of respect for the rule of law and human life. Again, Thomas Jefferson sums it up correctly: "Experience has shown, that even under the best forms of government, those entrusted with power have, in time, and by low operations, perverted it into tyranny." ■

*Judy Boyle is a fourth-term Idaho state legislator who was director of natural resources for U.S. Rep. Helen Chenoweth. She lives peacefully near Midvale, Idaho, and is facing a primary election challenge from a retired Oregon state policeman.*

*\*Check the original "Patterns of Harassment" at [www.rangemagazine.com](http://www.rangemagazine.com), Fall 2014 issue.*

## A Hundred Years of Hell

*The West is treated like a colony.*

The differences and disagreements between the West and the federal government have occurred from the time of the early settlers. Bill Hanley ranched in the area of the Malheur National Wildlife Refuge, running a large operation starting in the late 1890s. Writing in his 1930 book, "Feeling Fine," Hanley tells of his encounter with the federal government as he sought to improve the Blitzen Valley through an irrigation project in 1910. Hanley designed and operated a dredge using the available juniper trees for power. A U.S. marshal arrived with an indictment against him for cutting the federal government's "forest reserve." Hanley writes: "Seems there was a law enacted back in 1837 that it was unlawful to take, cut, or use cedar from government land, save and except for use in the United States Navy.... The minds of the special agents had mixed juniper wood with cedar."

Hanley went to Washington, D.C., where he met with his congressmen and senators along with the secretary of the Interior. He was offered a settlement: plead guilty and pay \$5,000, or face a larger fine and prison. He writes: "It passed through my mind: that sounds like blackmail.... Well, I would rather be fined."

A year later, the U.S. district attorney in Portland stated before a federal judge: "The United States Department of Justice has no right to prosecute individuals for trespass upon timberlands or for cutting timber upon

government land unless more than \$50 worth is cut in one year or if it is used for other than mining, agriculture or domestic purposes. Mr. Hanley had no criminal responsibility whatever and should not have been indicted."

Hanley continues: "Government was too far away to handle the internal affairs of Western states intelligently. The finished end of our country was trying to regulate the far end where things were just beginning. We were trying desperately hard to do constructive work, and government interference was destroying our efforts. The tension caused by so much regulation chilled enthusiasm."

Hanley further writes: "The Eastern states, in the early history, had all the use of their native wealth to develop themselves with—their coal, timber, water power, and lands—but the government was asking us in the far West to go ahead and develop and settle our country without the use of our own riches to help do so. They were saying that the natural resources belonged to all the people not seeming to realize that all the people were in the East and the natural resources in the West. This policy had brought Western growth to a standstill, and left good citizens stranded through no fault of their own."

Those words are as applicable today as they were over a hundred years ago. The western states are still treated like colonies by an uncaring and distant government filled with unelected bureaucrats whose rules are not based in the reality of the West. The only solution is for western states to reach full statehood by taking control of all federal lands within their borders.—*Judy Boyle*

## BUNDY PART II: THE PUNISHMENT

# Bundy Scares the Feds

*Who was it who initiated the wrongful use of "force, fear and violence" in Bunkerville? By Vin Suprynowicz*

In a criminal complaint filed Feb. 11, 2016, federal prosecutors charge Nevada rancher Cliven D. Bundy with "assault on a federal law enforcement officer," "conspiracy to commit an offense against the United States," "obstruction of the administration of justice," and "use and carry of a firearm in relation to a crime of violence" in the standoff at his ranch east of Las Vegas two years ago.

Interesting timing. They wait two years, then gin up a warrant when they catch Cliv-

en stepping off a plane to see about his son's arrest in another case of nonviolent resistance to these federal landgrabs, this time in Oregon. (Well, the Bundys were peaceful, as ever. The federals shot to kill.)

The complaint contends: "Beginning in at least March 2014" Cliven Bundy, "aided and abetted by others, did use a dangerous and deadly weapon to forcibly assault, resist, oppose, impede, intimidate," etc., "federal law enforcement officers" who were "guarding

and protecting government personnel and equipment located at the Impoundment Site at or near Bunkerville, Nevada, while executing federal orders to remove cattle from federal public lands," blah blah blah, with the result that the federal rustlers backed down and released their stolen cattle.

All very interesting, given that I never saw Cliven Bundy carrying a firearm, either during the federal siege or at any other time I've visited his ranch. I wonder at what hospital the "assaulted" federal troops were treated. Oh, wait: Not one of the federals, many dressed in full combat gear with M-16 rifles, was injured or even inconvenienced.

Seems these brave federals don't like it when the folks they intend to oppress show up with more guns than the occupying army thought to bring—kind of like the way the redcoats responded when George Washing-

ton showed up with his cannon on the ridge-line above Boston in 1776.

Cliven Bundy's real crime was to just stand around calmly answering questions from the press while the federals spent about a million taxpayer dollars making themselves look like incompetent idiots, rounding up cattle by panicking them with helicopters in the springtime, the season when such actions were most likely to—and did—result in the deaths of many young calves. They also shot most of the bulls they encountered, bulldozing them into shallow graves.

And how were the federals "caring" for the cattle they hadn't bothered to shoot, given reliable reports that no one in the four-state area would sell them any feed, nor that any other state would accept shipment for auction of that stolen herd, marked with brands registered to the Bundys, who alone hold the grazing property right to those Nevada public lands, as adjudicated in state

off the land during the spring rains (the only time cattle can be fattened out here in the desert), supposedly to prevent them from "stepping on little desert tortoises," just like the other 50 ranching families who had applied for such "permits" to graze public land in Clark County by the 1950s.

Well, for starters, studies show that tortoises in arid southern Nevada are most numerous per acre on urban golf courses in Las Vegas, and second most numerous on lands grazed by cattle, while they struggle to survive at all in the fire-prone wilderness that's created when the federals drive ranchers and their cattle off the land, allowing all the brush to dry out. Meantime, increasingly restrictive and economically nonsensical federal "grazing permit" restrictions have put every single one of those other 50 Clark County ranching families—the ones who "played by the rules"—out of business, which is precisely the federal goal. *Every one.*

problem here? You can now be jailed—*before trial*, and *without bail*—for telling truths that government agents contend are "lies."

For that matter, why did the Federalists assure us we'd never have to worry about the central government taking away our liberties? Didn't James Madison and Alexander Hamilton and the gang tell us not to worry, since any attempt by the federals to usurp powers not *specifically delegated* to them would be met by a "citizen militia many times larger than any force" the government in Washington City could ever hope to field, "armed with every terrible instrument of the soldier"?

Does the Constitution grant the federals any power to "issue or withhold permits" for ranchers to graze their cattle inside the borders of a sovereign state, or any power to round up and steal said cattle if the rancher declines to participate in their extra-constitutional "permitting" scheme? Of course not. So how can it be a crime to do precisely what the Founders said we were supposed to do in such cases—show up with our guns, in order to "demand a redress of grievances" and guarantee ourselves and our children "the security of a free state"? Do you really think a polite letter to Barack Obama or Harry Reid would have done the job?

When the collectivists now running things in Washington were in college in the 1970s, they didn't mind trespassing to stage their sit-ins in the dean's office, demanding whatever absurd concessions their far-left professors dreamed up. Heck, some of Barack Obama's far-left friends and supporters went a lot further than that, joining groups that built bombs intended to blow up police stations. Is there a different standard when it comes to conservative ranchers?

### Not Federal Land

The first thing any attorney worth his salt would ask about this criminal indictment is: "Federal public lands? Wow. Did my client do all this inside some federal arsenal or dockyard or Air Force base? No? Well then, the first thing the prosecution has to establish before this goes any further is that he *was* on federal land. Can we see their deed, please, their bill of sale, a true copy of the vote in the state Legislature in Carson City authorizing the federal government to *buy* the lands in question (as required by Article 1, Section 8 of the Constitution, which all federals including this judge and this prosecutor have sworn an oath to protect and defend), and



Cliven Bundy rode horseback to LaVoy Finicum's funeral. Two of his sons couldn't attend, even though they were with LaVoy in Burns, because they were in jail in Portland. Two weeks later, Cliven was arrested at Portland's airport while trying to visit his sons. Cliven was transferred to jail in Las Vegas, Nev., with the suggestion that he get "life imprisonment" for standing up for his rights. OPPOSITE: Given the lack of shoulder patches, there was no way to be sure which agencies were represented among these combat troops sent to guard cattle seized from the Bundys on April 12, 2014. Bundy and members of Congress insist that the BLM has "no police powers."

courts, which have jurisdiction over grazing rights here in the West?

### Every Other Ranch Destroyed

Bundy, contends the FBI agent who wrote this masterpiece of whining, "had trespassed his cattle on federal public lands for over 20 years, refusing to obtain the legally required permits or pay the required fees to keep and graze his cattle on the land."

Now why do you suppose Cliven didn't just keep renewing his federal permit, allowing the federals to order him to get his cattle

What this indictment claims, when you come right down to it, is that the Bundy family went on the Internet and invited members of America's citizen militia to come join them in a show of force, standing together in nonviolent resistance against this federal exercise of grossly unconstitutional force, "flooding the Internet with false and deceitful images" and "deliberately lying" by claiming the federals were "stealing his cattle," when in fact all they were trying to do was, you know...steal his cattle.

Does anyone see a First Amendment

for good measure maybe 10 or 20 years' worth of receipts showing the federal government has been paying *property taxes* on those lands, as any 'owner' would have to?

"What? They don't have *any* of those things? Well if these remain *state* public lands, on which the Bundy family holds adjudicated grazing rights, then who was the trespasser? Look at these photos of government troopers in full combat gear with automatic rifles. These people were 'afear'd' of a peaceable 70-year-old rancher? Doesn't it seem more reasonable to conclude they were trying to make *him* afraid...and were deeply puzzled and chagrined when they failed? Isn't that what this case is really all about?

"Your Honor, just to create a level playing field, ask all these federals if—should this verdict go against them and the Bundys get acquitted on the most serious charge facing each of them—these federals will agree in advance, right now, to give up in perpetuity the right of *their* agencies to keep and bear and deploy arms, and to claim ownership or control of any public lands in Nevada and Oregon not purchased from the state as required by the Constitution. Shouldn't both sides have the same amount of 'skin in the game?'"

But of course none of that will happen. Some political flunky appointed to the court by Harry Reid will rule that the land is federal land, no debate about that permitted, no opposing position may be raised as part of the defense; defense disallowed; if you try to bring up that topic in open court the judge will hold the defense attorneys in contempt and jail *them*.

Nor will the press cover that ruling—all part of the boring preliminary maneuvering—and no one wants to read about *that*.

The last thing the federals want is to give Cliven or Ammon Bundy a televised pulpit to explain all these issues—any more than they ever gave Irwin Schiff a real "day in court"—a chance to spend days cross-examining IRS agents on their contradictory, extralegal regulations, trying to explain how on earth they can reconcile them with Supreme Court rulings which Schiff knew

backwards and forwards, rulings *not* rendered void by the income-tax amendment—with all America looking on.

No, their strategy is to overcharge till the defense attorney has to advise the Bundys: "If we go to trial, now that all our best defenses have been disallowed, given that they won't allow any ranchers or 70-year-old Mormons—any of your real peers—on the jury, but will instead use *voir dire* to stack your jury with young Green activists from Las Vegas who will swear in advance to follow the judge's orders, I have to warn you you'll probably get 20 years, doubled because someone in proximity to you 'had a gun at the time the felony crime of showing disre-

**Not one of the federals, many dressed in full combat gear with M-16 rifles, was injured or even inconvenienced.**



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spect was committed.' So your best option is to quietly plead guilty to a lesser charge [like the Hammonds on their "domestic terrorism" rap], serve 18 months at a minimum-security country club, maybe even get probation, as long as you agree to never own another firearm, to never speak out in public, and also to sign here on the dotted line, agreeing that you were wrong and the federal government owns and controls all the lands and you're out of the cattle business."

#### **All They Respect Is Force**

I don't think most Americans today even realize what a modern trial looks like. In old movies like "To Kill a Mockingbird," the whole town showed up, hundreds of people sitting in the courtroom with even the balconies full. Today armed bailiffs turn me away from coroner's inquests into Las Vegas police shootings in little 12th-floor court-

rooms with empty seats despite the fact such brand-new courtrooms are now designed to hold 32 people. (I counted!) Hands on their sidearms, two abreast, these shaved-head goons snarl, "This isn't open to the public." And this is after I've gone through all their metal detectors and strip-search rigmarole! I go back to my office, call the court administrators, identify myself as a newspaper editor, and the court administrators say: "Oh, they must have misspoken. Of course it's *open* to the public, but there's assigned seating and you weren't on the list, see."

Meantime their real goal is to see that these last ranchers left standing are driven to bankruptcy. The cases never end, even when we think there's been a victory for private property rights, as in the Wayne Hage case, where a federal judge actually recommended indicting the *federals* for racketeering and persecution and organized crime. In reality, the government keeps appealing and refileing, long after the all-too-mortal principals on the other side of the case are in their graves.

As I've said before, if all they know is violence, if all they respect is force and the threat of force, once these federals have eliminated any viable way to peacefully resist and seek a redress of grievances, where do they think it will end?

The day will come when dead federals litter the desert, coyotes picking at the bones in their bleached fancy uniforms lying next to their rusting SUVs,

when federal agents won't dare travel anywhere outside their urban fortresses except in armed convoys, like Napoleon's troops in the mountains of Spain in 1812. The day will come when these federals will *wish* they were still facing opponents as calm and polite and straightforward and respectful—and as peaceful—as Cliven and Ammon Bundy.

Then they will finally know what it is to be *afear'd*. And who will have made it so? ■

*Vin Suprynowicz was for 20 years an award-winning columnist and editorial writer for the daily Las Vegas Review-Journal. He is the author of the essay collection "Send in the Waco Killers," as well as the RANGE Fall 2014 Special Report on the siege of Bundy Ranch, "Patterns of Harassment," which can be found at [www.rangemagazine.com](http://www.rangemagazine.com). He blogs at [www.vinsuprynowicz.com](http://www.vinsuprynowicz.com).*

## BUNDY PART III: THE SHADOW FORCE

# The Professionals

*A militia of amateurs confronts an army of paid operatives, and loses.*  
“Opinionanalysis” by Dave Skinner

**B**y all accounts, the Malheur National Wildlife Refuge standoff in Oregon ended in utter disaster—one man dead, with major participants either arrested or under threat of future arrest, with their public credibility destroyed, forever branded as “Y’all Kayda.”

But the protesters didn’t only sabotage themselves. Clemency now for unjustly persecuted Harney County ranchers Dwight and Steven Hammond? Slim chance. Reform of federal land management? Forget it. But the Malheur fiasco was a huge win for environmental groups, a public-relations and political bonanza.

Prior to the standoff, Environmentalism Inc. and other defenders of bad federal-lands policy were on the political defensive. But within hours of the Bundy takeover, professional Greens went on full-bore offense. Green cash and people poured into Harney County while home-office staff lit up the wires to news outlets nationwide. Their goal: Yank the political hanging rope handed them by the occupiers as hard as possible.

The result? Those of us who support the “western cause”—of a West in charge of its own destiny—need to be careful what we say, or risk being tarred and feathered as card-carrying members of “Y’all Kayda.”

### Rules of Engagement

How could this happen? Simply put, the refuge occupiers didn’t have a clue when and how to fight a war of words on America’s media battlefield. Most people don’t, so here’s your Political Hack 101 lesson for today:

**Rule 1—Don’t Ever Waste a Crisis:** Political “message management,” no matter how expensive or clever, always fails if citizens aren’t paying attention. Crises get attention. Therefore, for political hacks, “crisis” is

their most cost-effective opportunity to further their agenda, whatever it is. A classic example of not wasting a crisis is the rote calls for more gun control after every notorious shooting murder.

In a western sense (sorry, but federal-lands policy in the West is pure politics), most Americans think of forest policy only when a raging fire creates a crisis. Then the rains come, the crisis passes, and Americans think of football, not forests.



*While words matter, pictures matter more. RANGE sought to buy print-use rights from several “major” media outlets so readers could visualize activist Barrett Kaiser in his true context as a hired gun. RANGE’s requests were either ignored or refused outright. For links to much-better originals, all starring Kaiser and well worth a close look, please visit “The Professionals,” Image is Everything link at [www.rangemagazine.com](http://www.rangemagazine.com).*



**Rule 2—Emotion Wins Over Facts Every Time:** Many years ago, your intrepid reporter attended a deceptively billed “human rights” conference in Colorado featuring famed Clinton-era Democratic poll-

ster Celinda Lake. Lake explained how to deliberately manipulate public opinion through the use of emotional or “value-laden” words. Match “good” words with your side (children, safety, reasonable, compromise) and “bad” words with the other guys (extremist, radical, extreme, dangerous, extreme). Did I mention extreme?

Lake’s bottom line: Dumb down or ignore facts. Use sleazy word tricks (don’t forget extreme) to crank up the emotion and you’ll win every time.

**Rule 3—Go Where the Reporters Are:** Robbers go to banks to steal free money. Want to steal free media coverage? Go where the reporters are.

**Rule 4—Stay on Message:** Carefully establish your narrative beforehand. Once set, don’t ever deviate or get spontaneous.

Now that you have memorized these rules, let’s tag along with some professionals who followed these nauseating “rules” brilliantly.

On Jan. 2, 2016, the Bundy occupation began, riveting national



media attention and generating hundreds of headlines. Within hours, environmental groups launched a classic, crisis-driven, Lake-style, scorched-earth campaign of emotion-driven Astroturf character assassination—not at the refuge, but everywhere else reporters were: in the motels and cafes of Burns, in snug national TV studios, and in major-paper newsrooms in big cities. Rules 1 and 3, right?

While many environmental groups made hay in Malheur, we’ll study the actions of one

outfit in particular—the Center for Western Priorities (CWP), which conducted an absolutely textbook Astroturf messaging operation, not only in Burns but also on the national media stage.

Let's begin by admiring CWP's name—a "Center" that promotes "Western Priorities." The name was obviously carefully chosen by professionals familiar with Ms. Lake's word tricks. What might these western priorities be? Whatever the fiscal backers want, of course, backers who can't be easily identified.

CWP doesn't even legally exist. It is a mere "project," first run by the New Venture Fund, a Washington, D.C., "philanthropic advisor" that *RANGE* has covered. In 2014, however, CWP oversight was transferred to the California-based Resources Legacy Fund. Like NVF, RLF functions as a glorified money laundry for the secret funders of various political Astroturf projects.

Significantly, CWP was already involved in the "Bundy game." After the 2014 Bundy Ranch confrontation, CWP produced and promoted an anonymously written white paper entitled "Going to Extremes," purportedly about "the extremist origins and foundations of the movement to seize American lands."

Six of the paper's eight topical headings contain the word "extreme" or "extremist." One section is dedicated exclusively to "Rep. Ken Ivory and the American Lands Council: The Bridge from the Extreme to the Mainstream." Extremist, extremist, extremist: Rule 2, to the extreme.

In essence, events at Malheur presented a low-cost second chance for CWP to recycle trash, to again flog supporters of "transfer of public lands" from federal to state control, a prospect that terrifies environmental groups.

### The Time Line

On January 4, less than 48 hours after the standoff began, CWP executive director Jennifer Rokala (see "Y'all Kayda" sidebar) was interviewed about the Malheur standoff by that great "western" expert, MSNBC's Rachel Maddow.

Sure enough, the interview rehashed CWP's "Going to Extremes" report. Did I mention extreme? While Rokala alluded to concerns that "seem to be driving" the "uprisings," she quickly turned to pushing the report's narrative, "some politicians" who "support the seizure of public land"—specifically Utah state legislator Ken Ivory, who Rokala said represented a "bridge from



Staging a perfect Astroturf "media availability" in front of a convenient TV van on January 16, Center for Biological Diversity executive director Kieran Suckling (left) waves signs at the gates of the Malheur National Wildlife Refuge with "grassroots" Washington-state birder Cody Martz and CBD public lands campaigner Taylor McKinnon (right). None mentioned the real reason they were in Oregon: to protest the protest by Ammon Bundy and friends against the unjust federal punishment given local ranchers Dwight Hammond and his son Steven.

the extreme to the mainstream."

Bridge? Extreme! Rules 1, 2, 3 and 4, followed to perfection. Good job, Jennifer.

But Rokala's TV interview was not the last America would hear from CWP about the standoff. On January 7, Bend, Oregon-based TV reporter Wanda Moore's TV copy was sent nationwide by Associated Press, published by at least 100 news outlets. Moore reported that not everyone present at the refuge "is a supporter, such as Barrett Kaiser, a Montana resident with the Center for Western Priorities, a conservation group based in Denver. 'I'm an American too—I love my country,' Kaiser said. 'You want to talk about the Constitution? I feel like my rights are being violated here.'" A beautiful Rule 2 "good" word-association jiu-jitsu move, eh?

By January 8, videotape by *Portland Oregonian* videographer Dave Killen went public with Mr. Kaiser's full performance. The 90-second video shows a dressed-down public relations professional pushing his tightly controlled message out under pressure—the best Astroturf money can buy. Kaiser began saying, "Let me offer an opposing point of view," then introduced himself representing CWP, a "public lands advocacy organization out of Colorado." He then got right to brass tacks, declaring that the standoff was "furthering a right-wing extremist agenda." Bingo, Rule 2! Good job, Barrett!

The Bundys "shouldn't be allowed to

steal a refuge," and "shouldn't just go home, they should go to jail" because they "owe me and you and you a million dollars in taxpayer money."

Best violins-and-roses sound bite? "This must not be allowed to happen in the United States of America! Thank you!" Then, the always professional Kaiser deliberately moved off camera before any questions. Picture perfect.

Furthermore, Kaiser and CWP didn't take the chance that the media might ignore him completely. CWP had its own front-and-center camera, posting *that* tape of Kaiser's scripted presentation to YouTube and Facebook. Oregon Wild also helpfully posted CWP's video on its website.

On January 12, Kaiser was again in the news. Oregon Public Broadcasting (OPB) reported, "Concerned that a privatization message is picking up steam, conservation groups have dispatched public relations teams to Burns in an effort to counter that message." Oh, you mean CWP and Barrett Kaiser, following Rule 3?

To its credit, OPB honestly pinged CWP as a "left-leaning conservation group," yet allowed Kaiser to further build his narrative with an attack on "the dirty little secret of the land seizure movement." Not land transfer... "seizure." Rule 2. More: "There's just no way to make it work without selling these lands off, restricting access for Americans." No mention of grazing restrictions, road clo-



asures, roadless areas, unilateral national monuments, or other trivial stuff, of course. That's Rule 4, stay on *your* message.

On January 19, environmental groups held counterprotests in Oregon's major cities: northeast Portland (Oregon Wild), Bend (Oregon Natural Desert Association), Medford (Klamath-Siskiyou Wildlands Center), plus Boise, Idaho (100 "sportsmen,"

sponsor indeterminate), with CBD hosting a token Burns event. Again, Rule 3—go where the reporters are!

On January 26, of course, came the take-down and arrests, with police then sealing off the refuge headquarters, which was cleared of the last four holdouts on February 12.

The net result? Here's some: *The Los Angeles Times* reported on February 13 that "Mem-

bership in the Friends of Malheur has soared in recent weeks, as has the number of people offering to volunteer with the [anti-ranching] Oregon Natural Desert Association."

### After the Fight, Bayonet the Losers

CWP and the other groups continue to milk the Malheur fiasco (Rule 1). On February 4, CWP's Jennifer Rokala was again featured on an online-only MSNBC "Greenhouse" segment entitled "How Land Grabbing Could Affect Parks." Joining Rokala for the seven minutes with host Tony Dokoupil was Barrett Kaiser. Dokoupil introduced both as "representing" CWP, but Kaiser's crawl bar read: "Partner, Hilltop Public Solutions." (See The "Y'all Kayda" sidebar.)

Again, the segment was a Rule 4 rehash, glued to the "Going to Extremes" narrative, with some new frills including Mr. Kaiser's assertion that the occupiers were backed by a "very large, well-funded, extremely sophisticated movement...that has put this way of thought into the mainstream."

Seriously? This "movement" is the American Lands Council, which had total 2013 revenues of \$209,000 and three employees. While CWP's finances are secret, we can compare the Center for Biological Diversity's paltry 2013 revenues of \$8.6 million and 87 employees. Kieran Suckling's salary and benefits alone totaled \$206,807, just three grand less than an entire movement.

Also straight out of the playbook, Rokala took pains telling viewers that "any politician who embraces this movement [pregnant pause] *will* be tainted with their association with the Bundy family." Rules 2 and 4.

By far the craziest part of the interview was the end. Host Dokoupil went off on a riff (to huge smiles from Rokala and Kaiser) about the standoff being "20 miles outside a city which is itself three *hours* from the nearest airport!" Dokoupil chuckled and continued: "Why couldn't they pick a more convenient, media-friendly area? They could have gotten more attention for their issue."

Yep.

Dokoupil's monologue explains not only Rule 3, but rules 1, 2 and 4...and why the hacks who understand and use such manipulative and slimy tactics are winning the media war against those who don't. ■

*Having grown up in Montana, Dave Skinner has learned there are many different kinds of bull----. Some kinds can't be smelled, but still stink.*

## "Y'all Kayda"

Expert bomb throwers.

Many other environmental groups parachuted into the Burns, Ore., arena, including none other than Kieran Suckling, former EarthFirst'er and Walmart shoplifter, now the six-figure-salaried boss of Swiss-billionaire-funded Center for Biological Diversity. Suckling made the news from Bend, Ore., starting on January 15, when *Outside* reported he and a CBD staffer "had flown up from Arizona and Colorado, respectively, with a plan to attend Friday night's meeting in Burns and then to go confront the Bundys in a more direct nature."

Suckling did so. There was a "shouting match" and Suckling's comments—"We're here to speak up for public land, which belongs to the people"—made national news. Mission accomplished, Suckling departed, leaving behind his phone number. Later he was able to tell reporters how the occupation had "terrorized Burns" and how environmentalists "must bear witness to this great injustice"—not that done to the Hammonds, of course. [Check "Enemies of the State" at [www.rangemagazine.com](http://www.rangemagazine.com).]

### The Operatives

Even the most secretive Astroturf operations need a human touch. Current CWP executive director Jennifer Rokala has a degree in broadcast journalism but never worked as a reporter. She instead worked *on* reporters—as a Democratic Party political operative,

joining CWP after her boss of 14 years, former U.S. Sen. Mark Udall (D-CO), was voted out in the 2014 election.

Barrett Kaiser, CWP's "human touch" in Burns, is a Senate staff veteran, too, having worked his way up to communications director for Sen. Max Baucus (D-MT). Kaiser left the Senate before Baucus, however, becoming a partner at Hilltop Public Solutions in 2010.

What does Hilltop do? According to its Missoula Chamber of Commerce listing, Hilltop is a "national political consulting firm specializing in grassroots and grassroots campaigns, coalition building, strategic communications, political campaigns, and social and new media."

For whom? Besides CWP, other Hilltop clients include New York mayor Bill de Blasio and the League of Conservation Voters. Get the idea?

What was a Hilltop partner (sorry, a CWP representative) doing in Burns? Well, as a January 21 *Missoula Independent* opinion piece by "former journalist" Caitlin Copple (lo and behold, another Hilltop partner!) reveals, on "January 4, CWP sent my [two] colleagues" and Copple to Burns in order to "connect the dots between anti-government extremists and the 'land transfer' movement" (Rules 2 and 4) and how "my boss, Barrett Kaiser, stepped up to the tree of mics facing video cameras from around the world" (Rule 3)—including Hilltop's "insurance" camera.

One more howler from Ms. Copple: "[W]hen the threat of violence is involved, as it is in Burns, the ability to have a conversation or a competition of ideas is severely limited." Then why were you and your "colleagues" there? Well, as Hilltop's website explains, Hilltop "grasstop campaigns apply quality pressure where it matters." For a quality price, of course.—*Dave Skinner*



CBD PRESS RELEASE

ABOVE: Suckling helps the Occupy Wall Street mob in 2011. RIGHT: The \$206,000 yearly earnings man models in Tucson for "Playing Outside the Rules," RANGE, Winter 1999.



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