

THE JACKBOOT FILE: LOOKING FOR JUSTICE

The real story of LaVoy Finicum has yet to be told.
By Patricia Aiken

The mainstream media has had nearly four years to correct the lie that rancher and therapeutic foster parent LaVoy Finicum was reaching for a loaded handgun when he was gunned down by government agents on U.S. Hwy. 395 outside Burns, Ore. In the snow, with his hands in the air, LaVoy was shot three times in the back. Yet the false narrative persists, with Wikipedia the ugliest and rejecting numerous corrections. *RANGE* readers will recall that the occupation of the Malheur National Wildlife Refuge by Ammon Bundy, LaVoy Finicum and others was in response to the federal government sending ranchers Dwight and Steven Hammond back to prison. Their crime? Burning less than 150 acres of brush on land they have range rights to in order to save their ranch and range from a wildfire. The Hammonds were convicted under the Antiterrorism and Death Penalty Act of 1996. [Check “Enemies of the State,” rangemagazine.com.]

LaVoy’s widow, Jeanette, and eldest daughter, Thara Tenney, have spent the years since attempting to maintain his honor and integrity. Jeanette is on the road two to three weeks a month touring the country speaking and showing the documentary “LaVoy: Dead Man Talking,” produced by filmmaker Mark Herr, the president for the Center for Self-Governance. With assistance from Mark, she’s raising funds to take her husband’s wrongful death case to trial. Defendants are the United States, FBI, BLM, Daniel P. Love, Salvatore Lauro, former Nevada senator Harry Reid, FBI agent in charge Greg Bretzing, Officer Joseph Astarita, Gov. Katherine Brown, Sen. Ron Wyden, Harney County Sheriff David Ward and Commissioner Steven Grasty, plus the Center for Biological Diversity and John Does 1-100, to cover unnamed officers. The suit

alleges: “These defendants were mentally predisposed and committed to using excessive lethal force, to solve a political dispute. The result has been both haunting and tragic,” contending the defendants engaged in “widespread and systemic corruption” and “premeditated targeting.”

The preliminary hearings are being held in Portland; however, Finicum lawyers have been successful in moving the trial venue from the liberal stronghold to more rural Pendleton. A judge has yet to rule on which



© THE ASSOCIATED PRESS. ALL RIGHTS RESERVED.

defendants will be dismissed. Jeanette expects the court to open discovery and possibly set an upcoming trial date in January 2020.

FBI elite forces member Joseph Astarita has already been tried and acquitted on charges of lying about firing his weapon. The FBI stated there were only six lethal shots fired. It wasn’t until the Deschutes County Sheriff’s Department conducted an independent investigation, syncing the FBI videos with Shawna Cox’s video, that two other lethal shots were found which pointed to Astarita. Astarita testified he couldn’t recall if he fired and another officer lied that he may have fired and also couldn’t recall, which put reasonable doubt in the minds of the jurors.

“I spent an entire month at that trial,” Jeanette says. “Of the 30 officers who testified, only one went off their script and told the truth. But I learned a lot. I learned that the FBI was in charge of the entire operation. It was the FBI who ordered no body cameras, no audio and no video. The FBI’s 40-year trainer testified that multiple protocols were broken on multiple levels of government that night. An FBI supervisor who was in charge at the first stop when LaVoy’s truck and Ammon Bundy’s driver were pulled over testified that the occupants of the truck were in compliance with the orders being given to them. Then ‘Oregon State Police Officer #1’ fired a round into LaVoy’s truck.”

Jeanette continues: “The supervisor testified that shot escalated the entire situation. It was at that time that Shawna Cox turned on her camera. I also learned that ‘Officer #1’ radioed ‘Officer #2’ a mile ahead at the kill zone: ‘You’re going to have to kill Finicum.’ There wasn’t even a warrant. A warrant wasn’t signed the next morning after LaVoy was murdered. My husband was never given due process, which is every American’s right.”

Even so, this grandmother of 35 is cautiously optimistic about her wrongful death suit. “Faith in people” and the jury system is what she’s counting on. “This isn’t just about LaVoy. Due process matters to each of us.”

The occupants of LaVoy’s truck that fateful night were Shawna Cox, Ryan Bundy and Victoria Sharp. Shawna and Ryan do not share any optimism about the federal court system. They were terrorized by likely more than 100 rounds of ammo fired into the truck that are now known to have been non-lethal. Ryan took a bullet in his shoulder. Both Shawna and Ryan have withdrawn from their civil cases. In spite of an epic win in Portland, Shawna explains: “We just can’t get any evidence admitted. I don’t feel like we can win.”

Thara has written “Liberty Rising: One Cowboy’s Ascent: The murder of LaVoy Finicum as told by his daughter.” Her intention was to preserve the history for her children’s future adult questions, provide a works-cited resource for people who have questions, and finally, the most pressing matter, to fund-raise for the obligatory fees of the



VIA INTERNET

Aerial video released by the FBI on Jan. 28, 2016, shows Robert LaVoy Finicum stepping out of his white pickup truck in heavy snow, hands up, at a state police/FBI roadblock on January 26, near Burns, Ore. Authorities said the 54-year-old Arizona rancher, who acted as a spokesman for the occupiers at the Malheur National Wildlife Refuge, was reaching for a weapon when he was killed. His friends in the car said he was shot in the back and only reaching for the pain on his left side. Finicum was right handed. OPPOSITE: Robert “LaVoy” Finicum, center, a rancher from Arizona, talks to reporters at the refuge near Burns, Ore., on Jan. 5, 2016.

civil case. Thara says her siblings “are each healing in their own ways but feel traumatized whenever they go to the ranch” which is located on the Arizona Strip, 50 miles north of the Grand Canyon. The wedding of youngest daughter Tean (te-ann) last year stirred mixed emotions. Tean, 21, and her husband, Philip Cluff, work the ranch while Jeanette is away.

“Before my husband was killed, in September of 2015, he sent a statement to the U.S. Department of Interior notifying them that he was no longer going to sign a contract with the BLM. The current contract was in force until May of 2019. They refused to acknowledge the regulation that heirs have a two-year period to acquire the permits. They told me, ‘That permit died with your husband. Mrs. Finicum, you may own it but you can’t run your cows on it.’ I continued to graze my cattle until that July but my children pled with me, ‘Mom, we don’t want to lose you too.’

“Initially, I moved the cattle to a feedlot which, of course, was expensive. Had it not been for so many Americans sending me truckloads of hay, I wouldn’t have been able to survive that time. I am forever grateful. After that I was able to move them to my sister-in-law’s range. The change in the administration following President Trump’s election put Ryan Zinke at chief of the Department of

Interior. I feel this change allowed me to get the grazing permit back. I had to pay fines they’d levied against LaVoy and there was an issue with a water permit. When we purchased the property the deed included 50 per-

“You’re going to have to kill Finicum.” There wasn’t even a warrant.



VIA INTERNET

cent of the water in a spring. The BLM tried to say that we only had 50 percent of the water for seven months. I own this water 12 months out of the year. I’m glad I stuck to my guns and they took the seven-month language off the permit.”

Although LaVoy agreed with Bundy’s constitutional stance and had notified the government that he would no longer contract with the BLM, Jeanette feels that LaVoy would not have wanted her to take on the BLM.

“Even back in 2004, one of our daughters wanted to go to Bunkerville with LaVoy, but

he quietly left without her. He explained later that he had left her at home for her safety. When I went to Oregon, after LaVoy hugged and thanked me for coming, he immediately took me upstairs and showed me where to stay if there was any trouble. Our children went to Oregon to spend a few days with him but after hearing that a raid was being planned, LaVoy sent them

home for their safety within two hours of their arrival. He never wanted women on the front line.”

With LaVoy murdered and the Bundys and their supporters in prison shortly after, a stand against the BLM would have been neither prudent nor practical. Everyone must choose their battles. The Finicums have chosen the wrongful death legal battle to preserve due process for everyone.

Dwight and Steven Hammond served three years and four years, respectively, in federal prison until they received a full pardon from President Donald Trump. This restored their 10-year grazing permit; however, several environmental groups quickly filed suit against the BLM in federal court opposing the reinstatement. A federal judge ordered no grazing on so-called federal land known as the Mud Creek Allotment, but allowed for cattle to “quickly and methodically trail through” that area to the Hardie

Jeanette Finicum speaks during a rally at the Utah State Capitol in Salt Lake City, March 5, 2016. Her husband, LaVoy, was killed at a roadblock on January 26 of that year in Oregon. She rejects the finding by authorities that the shooting was justified.

summer allotment, where cattle can graze at a 30 percent utilization standard. That's lower than that allowed in the ranchers' permit, on four of five pastures. The judge's ruling said no further grazing is allowed beyond those restrictions.

Environmental groups are launching seemingly indiscriminate attacks against many ranches. This undeclared war has sabotaged costly equipment, opened cattle gates for dozens of miles, destroyed water sources, and emptied precious water from tanks onto the ground depriving animals of water (and anything else they can think of) to disrupt and destroy western ranching.

On a happier note, Jeanette met



© AP PHOTO/ROCK BOWMER. ALL RIGHTS RESERVED.

“Immediately after LaVoy was killed, the Bureau of Land Management took our grazing permit. They refused to acknowledge the regulation that heirs have a two-year period to acquire the permits.”

and married widower Steven Skinner last December. Thara says, “We’re happy that she’s found a companion.” ■

Patricia Aiken has been writing about the Bundy cases since the BLM raid in Bunkerville on April 12, 2014. Last fall she traveled the glorious West with Brady, her Wonder Aussie, and says that it’s no surprise that the feds and environmentalists want the West all to themselves—it’s so spectacular. For 16 stories on Bundy and Finicum, check rangemagazine.com and “Tyranny.” Jeanette thanks RANGE readers for their support and asks for continued help. If you would like to show the documentary, “LaVoy: Dead Man Talking,” in your community, contact Jeanette directly at 928-925-2621. Or go to the website, <http://onecowboystand-freedom.com>, where you can find Thara’s book as well as LaVoy’s and sign up for a monthly newsletter that will include trial updates.

Bundy Ranch Update

The Finicum and Hammond names will always be inextricably linked to the Bundy family. Cliven Bundy’s 15-second defense is, “I graze my cattle on Clark County, Nevada, land and I have no contract with the federal government.” Even the \$8,000 invoice from the BLM was not for grazing fees but for counting his cattle. Of course, Cliven objected, saying, “I can count my own cattle.”

The BLM’s war on the Bundy Ranch obviously has never been about money. “The government has already spent more than \$330 million and is still spending, pushing the 9th U.S. Circuit Court of Appeals to make a decision to put us back in jail.”

The Bundys are disappointed that ranchers continue to kowtow to regulations they view as unlawful. Ammon Bundy says: “It is hard to stand for other people when they will not stand for themselves. The ranchers who continue to allow the federal government to control their property and will not stand on the Constitution are not just hurting themselves, they are hurting our

country.”

On Labor Day weekend, Ammon, who does not have even a misdemeanor record, was denied the purchase of a rifle with zero explanation. Clearly sore losers, the government has also failed to comply with a court order to return Ammon’s possessions including several weapons and his wedding ring. Once again, the law doesn’t apply equally to everyone, especially the government.

You can follow Bundy Ranch and Ammon Bundy on Facebook.

Political Prisoners

Todd Engel and Greg Burleson are the only two men convicted from the first Bundy trial, confusingly known as Tier 3. However, government malice continues with rampant corruption in the courts, apparent in Todd Engel’s appeal. The appellate court’s ruling makes the preposterous claim that the Brady violations were about situations before Engel arrived in Bunkerville and didn’t affect him. The Brady violations and whistleblower memos from former BLM agent Larry Wooten make it clear that full disclosure to

the grand jury would have never resulted in an indictment. Todd’s sister, Kelli Cooper, maintains several Facebook sites about Todd and gives updates on Greg there as well.

Dan Love, BLM special agent in charge of the attack on the Bundy Ranch, after criminal investigation for other matters within the agency, has been given a full retirement. It was Love’s falsified threat assessment, contradicting the FBI’s own, which said the Bundys were no threat in Nevada that gave the government carte blanche to run the full militarized operation against the protesters in Oregon. That operation ended in LaVoy Finicum’s death and incarceration for many, with the first group which included Ammon and Ryan Bundy being fully acquitted. Is Love’s retirement buying his silence, insurance that he doesn’t become another whistleblower?

NOTE: Both Todd and Greg very much appreciate mail: Todd Engel #18427-023, USP Lompoc, U.S. Penitentiary, 3901 Klein Blvd., Lompoc, CA 93436. Gregory P. Burleson #56875408, USP Coleman II, U.S. Penitentiary, P.O. Box 1034, Coleman, FL 33521.