

Right-wing extremists acquitted following armed standoff in Oregon

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9 November 2016

In a debacle for federal prosecutors, a jury acquitted seven right-wing extremists who had participated in an armed provocation at a visitors' center in a wildlife refuge in Oregon. In a decision reached on October 27, the jury found that the government had failed to prove its case "beyond a reasonable doubt" against Ammon Bundy, Ryan Bundy, Shawna Cox, Jeff Banta, Kenneth Medenbach, David Lee Fry and Neil Wampler.

In January of this year, around two dozen militia members brandishing assault rifles and other military accoutrements occupied the visitors' center at the Malheur National Wildlife Refuge. The rag-tag group was led by Ammon Bundy, the son of Cliven D. Bundy, who had staged a similar confrontation in Nevada in March 2014.

The refuge in question was created in 1908 under the administration of President Theodore Roosevelt to protect waterfowl and migratory birds. Harney County, the remote and sparsely-populated corner of Oregon where the confrontation took place, has a ratio of 14 cattle per person.

Once they had ensconced themselves at the refuge, the group was treated by the American media to extensive and generally favorable coverage. Notwithstanding the backward sentiments, racism, and often plain incoherence expressed by the militia members, they were almost universally depicted in the media as "patriotic" ranchers from the American West. For the first few weeks, the authorities permitted the militia members to come and go from the refuge as they pleased.

This treatment contrasts with the virtual media blackout and brutal police repression with respect to the recent anti-oil pipeline protests in North Dakota. (See: "Popular support grows for anti-oil pipeline protesters in North Dakota")

At the refuge in Oregon, the reactionary militia raised a jumble of demands, most of which purported to be based on the grievances of local ranchers. These included demands that the lands comprising the federal bird sanctuary be turned over the state or divided among local residents. The actual local ranchers sought to dissociate themselves from the militia's actions. The militia members staged various

provocations, including vandalizing the site and breaking into a locked storage room containing Native American artifacts.

During the occupation, the militia members christened themselves the "Citizens For Constitutional Freedom." This group, later also known as "People For Constitutional Freedom" (P4CF), advances a number of pseudo-legal and historically false conceptions associated with the so-called "sovereign citizen" movement. Echoing the positions of the Confederacy, this tendency claims that the federal government has no legal right to exist and that all authority therefore belongs to the states. Terry Nichols, a conspirator in the 1995 bombing of the Oklahoma City federal building that resulted in the deaths of 168 people, also adhered to the "sovereign citizen" notions.

The militia that occupied the bird refuge numbered from a handful of individuals to a few dozen. An ad-hoc combination of extremely backward and far-right elements, some of the militia members had already been traveling in extremist circles. During the standoff, the militia members posted videos of themselves and solicited support online.

Most were not even ranchers, as was claimed in the press. At least two members were former Marines. Ammon Bundy, a celebrity in far-right circles following a similar 2014 provocation in Nevada, was a valet car fleet manager. Another "rancher" turned out to be a talk radio host, another a computer repair shop owner, another a tattoo artist.

Expressing the political attitudes that predominate in such circles, Cliven D. Bundy wondered out loud in a 2014 interview whether African Americans were "better off as slaves, picking cotton and having a family life and doing things."

On January 27, the authorities decided to arrest a group of the leaders as they traveled in a convoy. One militia member, LaVoy Finicum, was shot and killed after he nearly ran over an officer while attempting to flee, challenged officers to shoot him, and reached into his pocket for his loaded handgun. Finicum's family has questioned the official account of the shooting, claiming that he was

“executed.”

The authorities ultimately brought criminal charges against 26 individuals in connection with the standoff, including charges based on improper use of firearms, theft of government property, and conspiracy to impede federal employees. Eleven of those indicted have already pled guilty. The trial of the remaining defendants is set to begin in February 2017.

The prosecution’s case suffered a major setback when it was revealed that the government had sent as many as nine informants into the Bundy camp during the standoff, out of 15 confidential informants the FBI apparently employed in connection with the incident. The government emphatically sought to prevent this information from coming to light. One informant, who used the name “John Killman,” provided military training to the group.

Given the tiny size of the militia involved, which never numbered more than a few dozen individuals, defense attorneys questioned whether the informants did not, in fact, play a substantial role in the progress and outcome of the confrontation. The defense lawyers questioned how the government could prove the existence of a “conspiracy” while it sought to conceal the fact that as many as nine of the “conspirators” were government agents.

Central to the prosecution’s case was the charge that the defendants had conspired to prevent federal employees from performing their duties—a vague charge with a long history of use against left-wing and environmental protesters. According to one of the jurors who emailed the press anonymously, the jury felt that the prosecution had failed to prove that any of the defendants had actually come to an agreement with respect to any specific illegal objective, especially in light of the presence of so many informants.

The juror stressed that the verdict was not an expression of political support for the defendants or a finding that they were innocent. Indeed, the juror expressed concern that the verdict would encourage similar actions by others. However, in the final analysis, the juror felt that the government failed to prove its case.

Responding to critics of the verdict, the juror wrote, “Several questions immediately percolate in my mind: do these folks even know what it took to arrive at a verdict on any one of these counts? How could 12 diverse people find such agreement unless there was a colossal failure on the part of the prosecution? Don’t they know that ‘not guilty’ does not mean ‘innocent’? The juror also criticized the arrogant “triumphalism” of the federal prosecutors given the absence of evidence to support their case.

For their part, Bundy and his supporters turned the trial into a retrograde political circus. Bundy spent 10 hours on the stand discussing his political views, his Mormon

religious faith, and his own tendentious and absurd “interpretations” of the US Constitution. At one point his attorneys filed a motion to permit him to wear “cowboy attire” in court (which was denied). After the acquittal, Bundy’s attorney began shouting at the judge and refused to stop, following which the courtroom had to be cleared and, in a bizarre spectacle, the attorney was restrained and tasered.

The verdict was clearly a surprise to the authorities, who had apparently believed they had an open-and-shut case. It cannot be denied that the verdict will encourage and embolden far-right elements whose methods include armed provocations. David Fry, one of the acquitted defendants, happily declared that “there are more federal buildings to occupy.”

A 2014 standoff perpetrated by Ammon Bundy’s father was initially supported by leading figures in the Republican Party and the right-wing media, many of whom later sought to distance themselves from the family once media interviews exposed the extremist, racist, and often unbalanced dispositions of the individuals involved.

The presence of government informants in the Bundy camp raises a number of questions with respect to the extent of their involvement in encouraging, organizing, or shaping the confrontation. Who were the informants? When did they become involved? What were their respective roles in the confrontation? What information did they provide to the authorities? What instructions did they receive?

Such questions are entirely appropriate under the circumstances. In Germany, recently disclosed documents have demonstrated close connections between the domestic intelligence agencies, the police, and a neo-Nazi terrorist group that perpetrated ten murders, bomb attacks and a series of bank robberies. (See: “Further evidence of ties between German neo-Nazi group and domestic intelligence agency”).

While he was acquitted with respect to his actions in Oregon, Ammon Bundy is still awaiting trial based on the similar 2014 standoff at his father’s ranch in Bunkerville, Nevada.



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