



Congress Should Confront the Rise of Violent Extremism on America's Public Lands

By Matt Lee-Ashley March 24, 2016

On January 1, the National Park Service kicked off its centennial celebrations honoring the 1916 creation of the national park system as the star of the Rose Parade. Colorful floats decorated with faux grizzly bears and waterfalls rolled past cheering crowds in Pasadena, California.¹ Documentary filmmaker Ken Burns, serving as the Rose Parade's grand marshal, observed that setting aside lands "for everybody and for all time" is a "spectacular, utterly American idea."²

The next day, anti-government gunmen took aim at that idea. A group of armed militants, led by the sons of Nevada rancher Cliven Bundy, stormed the Malheur National Wildlife Refuge, or NWR, in Oregon demanding that the U.S. government dispose of the national forests, wildlife refuges, monuments, and other lands that belong to all Americans. "This refuge, from its very inception, has been a tool of tyranny," declared the group's leader, Ammon Bundy.³

Through dangerous, illegal, and absurd means, the Bundy brothers' stand—which lasted 41 days—brought into focus the most powerful philosophical and political attack on America's parks and public lands since they were established.⁴ Bolstered by the rhetoric of sympathetic politicians, the anti-government anger of so-called patriot militias, and the financing of billionaire brothers Charles and David Koch, the Bundys and their allies seek to divest U.S. taxpayers of their public lands.⁵ They promise that, with the U.S. government out of the way, Western states could enjoy vast riches from unfettered mining, logging, livestock grazing, and energy extraction.⁶

Neither the law, economic reality, nor most Westerners support the fantastical—indeed, fictional—tale that Ammon Bundy, U.S. Rep. Rob Bishop (R-UT), Utah state Rep. Ken Ivory (R), and other leaders of the movement are telling to promote the seizure and sale of public lands.⁷ Yet the vision they articulate is so compelling that its true believers will stop at nothing in its pursuit. Anti-government extremists are intimidating—and perpetrating violence against—public servants, destroying public property, desecrating the cultural resources of tribal nations, and leading armed insurrections against federal law enforcement officials. Within the political system, they are pressuring state legislators to pass unconstitutional copycat bills that demand the turnover of national public lands to state control.⁸

The U.S. Congress has been a compliant witness to the rise of violent extremism on America's public lands. The inflammatory rhetoric of some members of Congress has signaled to so-called patriot militias and anti-government activists that their complaints are legitimate and their goals justified. Congressional committees, meanwhile, have held only one hearing, organized no investigations, and enacted no policies to help reduce the growing risk that violent anti-government activists pose to public employees, public lands, and American communities.⁹ With its failure to act, Congress is tolerating a culture of violence, terror, and intimidation that has no place in American society.

It is time for Congress to confront the dangers of anti-government extremism on America's public lands, defend the rule of law, and reaffirm a set of shared values that will guide the stewardship of the nation's parks, wildlife, and waters for the next century. As a first step, Congress should investigate the individuals and groups responsible for this wave of anti-government standoffs and attacks on public lands. The investigation should inform the development of new policies and investments to help law enforcement and U.S. land management agencies better protect public servants, Native American cultural resources, and public lands.

A congressional investigation

Congress has the power and responsibility to investigate the threat of anti-government extremism to America's public lands, public servants, and nearby communities. Since 2014, when Cliven Bundy led hundreds of anti-government militants in an armed standoff with federal law enforcement officials near Bunkerville, Nevada, anti-government activists have organized and led at least four other armed confrontations on public lands.¹⁰

- In May 2014, militia members from the Bundy standoff in Nevada traveled to San Juan County, Utah, to participate in an armed show of force against the federal government and to illegally ride all-terrain vehicles through Recapture Canyon, an area of public lands containing Native American archaeological sites.¹¹
- In April 2015, members of Oath Keepers and the Pacific Patriots Network, both anti-government militia groups, convened on the Sugar Pine Mine in Josephine County, Oregon, to provide an armed defense of the mine's owners amid unfounded fears that the Bureau of Land Management, or BLM, was preparing to close the mine.¹²
- In August 2015, Oath Keepers led a similar armed occupation of U.S. Forest Service land in Montana, blocking access to public lands and the White Hope Mine.¹³
- In January and February 2016, dozens of armed militants participated in the seizure of the Malheur NWR in Oregon.¹⁴

A Center for American Progress review of media reports indicates that at least 20 of the individuals involved in the armed occupation of the Malheur NWR in Oregon also participated in the Recapture Canyon, Bunkerville, Sugar Pine Mine, or White Hope Mine actions.¹⁵ Two of the participants in the Bunkerville standoff, Jerad and Amanda Miller, shot and killed two police officers, a bystander in a Wal-Mart, and themselves shortly after leaving the Bundy ranch.¹⁶

During these armed standoffs and in separate individual incidents, public servants working for the BLM, the U.S. Forest Service, and other land management agencies have been the targets of violence. An independent review of BLM records found 14 incidents of violence against BLM employees in 2014 alone, ranging from attempted murder to threats of physical assault.¹⁷ During the armed takeover of the Malheur NWR, militants reportedly harassed, intimidated, and threatened federal employees, prompting the U.S. Fish and Wildlife Service to relocate the refuge's entire staff out of the area for the duration of the standoff.¹⁸

Congressional leaders have failed to conduct any meaningful oversight or investigation of anti-government extremism on public lands. Neither the chair of the U.S. Senate Committee on Energy and Natural Resources, Sen. Lisa Murkowski (R-AK), nor the chair of the U.S. House of Representatives Committee on Natural Resources, Rep. Bishop, have held a single hearing on the topic. Chairman Bishop has instead held three hearings on “threats, intimidation, and bullying by federal land management agencies.”¹⁹ Eight separate committees held more than 20 hearings on the 2012 Benghazi attack, but since the Bundy standoff in 2014, the House Committee on Homeland Security has held only one hearing that included a discussion of the threat of domestic right-wing extremism; that hearing was prompted by the June 2015 shooting massacre in Charleston, South Carolina, allegedly committed by white supremacist Dylann Roof.²⁰ The Senate Committee on Homeland Security and Governmental Affairs has held no such hearings in the past two years.²¹

Congress should begin to fulfill its oversight responsibilities by launching an investigation into the rise of violent confrontations organized by anti-government extremists on public lands. This investigation could be conducted by a special or select committee or through the committees responsible for homeland security, natural resources, and Indian affairs. The review—to which the U.S. Government Accountability Office, or GAO, could provide investigative support—should focus on at least the following three areas of public policy concern:

1. Ensuring that those responsible for the rise of anti-government violence on public lands are being held accountable
2. Examining the financing of anti-government groups on public lands to determine if they are in compliance with federal laws and not misusing taxpayer dollars or other funds

3. Identifying the policies and investments that are needed to help law enforcement and U.S. land management agencies better protect public servants, Native American resources, local communities, and public lands

Accountability for perpetrators of violence on public lands

Since January 26, the Federal Bureau of Investigation, or FBI, and state law enforcement agencies have arrested 25 anti-government militants on federal conspiracy charges for their participation in the armed takeover of the Malheur National Wildlife Refuge.²² Law enforcement officers shot and killed one additional militant, LaVoy Finnicum, after he fled arrest, nearly ran over an FBI agent with a vehicle, and appeared to reach for a loaded 9 mm handgun after refusing to follow police commands.²³

On February 10, law enforcement agents also arrested Cliven Bundy at the Portland International Airport in Oregon as he was reportedly traveling to visit his sons, Ammon and Ryan, in jail.²⁴ Cliven Bundy is among the 19 individuals that a federal grand jury indicted in early March on charges of conspiracy, assault, and making threats during the 2014 standoff in Nevada.²⁵ Six of these individuals also face charges for their role in the armed takeover of the Malheur NWR.

The arrests of Cliven Bundy, Ryan Bundy, Ammon Bundy, and other anti-government militants who seized the Malheur NWR are a major step toward restoring the rule of law and guarding public safety on America's public lands in the West. "Illegal acts, such as occupying federal property in a violent manner, armed, to deprive employees or citizens access to those facilities will not be tolerated in the United States," said Greg Bretzing, the FBI special agent in charge in Oregon, after the surrender of the final four militants occupying the refuge. "I hope that message has gotten out clearly. That kind of activity has consequences."²⁶

Law enforcement officials and federal prosecutors have more work to do, however, to hold accountable those responsible for the five armed takeovers of public lands in Nevada, Utah, Oregon, and Montana since the beginning of 2014. A CAP review of these incidents indicates that there are still at least 30 individual militants at large who, according to media coverage, may have committed federal crimes during these confrontations, including conspiring to prevent federal employees from discharging their official duties.²⁷ These militants include two of the architects of the Sugar Pine Mine takeover in 2015; a white supremacist who joined the Malheur NWR and Sugar Pine Mine takeovers; and a member of the Southern Nevada Militia who was involved in the Malheur NWR takeover and allegedly took up a sniper position above federal law enforcement officers in Nevada in 2014.²⁸

Examining the financing of violent anti-government extremism

Since Cliven Bundy summoned militias and anti-government activists to Nevada in 2014, a complex web of extremist groups has been actively organizing and carrying out the recent armed takeovers of public lands, including the assault on the Malheur NWR. These groups include the III Percent Patriots; the Constitutional Sheriffs and Peace Officers Association, or CSPOA; the Pacific Patriots Network; Oath Keepers; People For Constitutional Freedom, or PFC; and Operation Mutual Aid.²⁹ According to experts who study right-wing extremism, the goals of the III Percenters, the CSPOA, and Oath Keepers, respectively, include mobilizing “would-be combatants in a ‘second American Revolution’”; establishing county sheriffs as “the highest legitimate law enforcement officials in the land”; and swearing an oath to guard Americans against “imaginary threats from the government—orders, for instance, to force Americans into concentration camps, confiscate their guns, or cooperate with foreign troops in the United States.”³⁰

Following the armed takeover of the Malheur NWR, this militant arm of the land seizure movement has strengthened its ties with the movement’s political arm, led by the American Lands Council and the conservative Koch network. In early February, for example, the American Lands Council—a Utah-based group that has been the driving force behind legislation seeking to transfer control of U.S. public lands to the states—selected as its new leader Montana state Rep. Jennifer Fielder (R).³¹ Fielder has deep ties to the Militia of Montana and is a member of the Sanders Natural Resource Council, an anti-government group led by white supremacist John Trochmann.³² Meanwhile, former head of the American Lands Council Rep. Ivory announced that he will advocate for the state seizure of public lands through his new position with a group called Federalism in Action, which is funded by the Koch brothers.³³ The Koch brothers also partly finance the American Legislative Exchange Council, which has helped Ivory and the American Lands Council disseminate copycat land transfer bills in state legislatures around the country.³⁴

A CAP review of the fundraising efforts of the land seizure movement reveals several financial irregularities that merit federal or state review. In particular, several of the previously mentioned groups seek donations from the public as if they were charitable organizations, yet the contributions they receive appear to go to for-profit entities or individuals. People For Constitutional Freedom, the anti-government organization that Ammon Bundy created during the takeover of the Malheur NWR, accepts donations through the PayPal account of Bundy’s truck rental business, Haybo Truck Leasing LLC.³⁵ Contributions to the CSPOA—which is closely allied with the Bundys, Oath Keepers, and other militia groups involved in the recent standoffs—go to the personal PayPal account of the organization’s leader and only staff member, Richard Mack.³⁶ Likewise, the III% United Patriots, a national organization with state-level patriot group chapters—several of which sent members to participate in recent armed actions on

public lands—routes its donations to a Colorado knife company called The Finest Edge LLC.³⁷ “The Finest Edge offers knives and bladed merchandise from all name brand manufacturers (sic),” reads its entry in an online business directory. “We also supply Tactical and Self Defense equipment.”³⁸ According to the records from the Colorado secretary of state’s office, The Finest Edge’s corporate status has been delinquent since 2011.³⁹

TABLE 1
Financial irregularities among anti-government groups

Where donations to land seizure militias actually go

Group requesting donations	What the group stands for	Where the donation is routed
People for Constitutional Freedom	Created by Ammon Bundy to help finance the armed occupation of the Malheur National Wildlife Refuge	Haybo Truck Leasing LLC, Ammon Bundy’s truck rental business in Phoenix, Arizona
Ill% United Patriots	Provides national coordination of Ill% Patriot groups; members have participated in and organized armed occupations of U.S. public lands.	The Finest Edge LLC, a Colorado-based knife company with delinquent corporate status
Constitutional Sheriffs and Peace Officers Association, or CSPOA	Believes that county sheriffs are the United States’ supreme law enforcement authority and denies the federal government’s authority over U.S. public lands	Personal PayPal account of Richard Mack, leader and sole staff member of the CSPOA

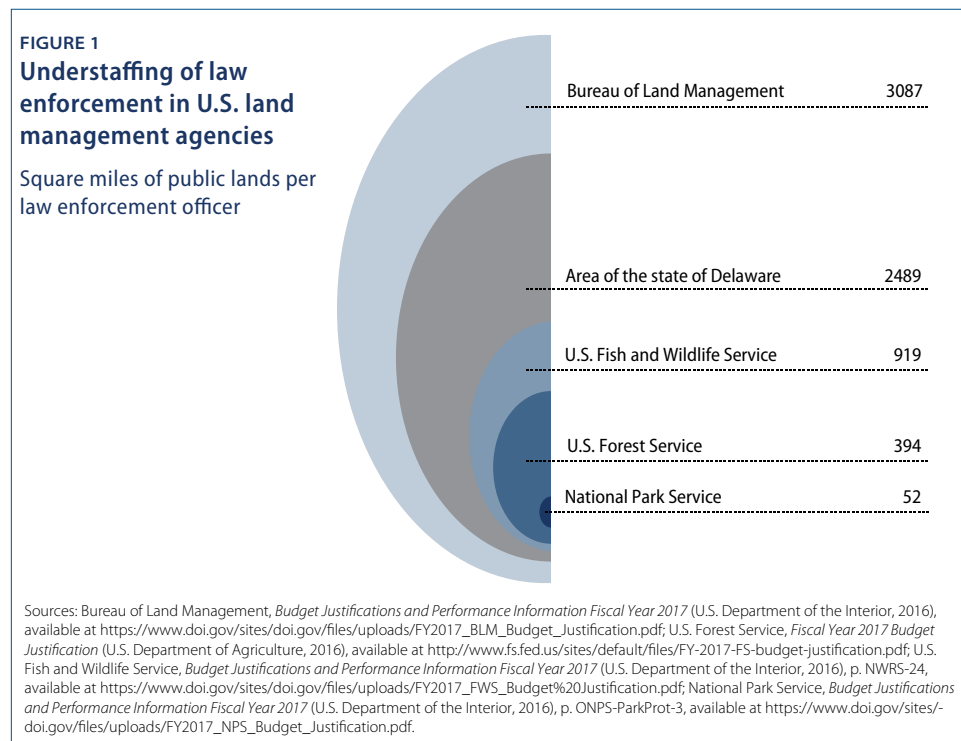
Source: Center for American Progress review of donation records for People for Constitutional Freedom, Ill% United Patriots, and the Constitutional Sheriffs and Peace Officers Association. See endnotes 35–38 for more information.

If contributions to these groups are going to for-profit businesses or individuals, the donations are likely subject to state and federal taxes. If these groups are instead claiming that the donations they receive are tax-exempt, however, then they must comply with state and federal laws for nonprofit organizations. 3% of Idaho, a patriot group that sent members to the Malheur NWR standoff, for example, claims on its website that it is a registered nonprofit organization and that donations to it are tax deductible, yet a CAP review found no record of the group in publicly available federal databases of tax-exempt nonprofits.⁴⁰ As part of its investigation, Congress should ask the Internal Revenue Service to verify that each of these extremist groups is in compliance with federal tax laws.

Congress also should verify that none of these groups is improperly using taxpayer dollars to advance their anti-government agendas. The activities of Ammon Bundy’s PFC, for example, raise concerns. According to the Arizona Republic, Bundy took a \$530,000 federal loan from the Small Business Administration to start a company called Valet Fleet Service LLC. The loan cost U.S. taxpayers \$22,000.⁴¹ The Arizona Republic reported that Valet Fleet Service is related to Haybo Truck Leasing, the organization that Bundy uses to collect money for PFC.⁴² Congressional investigators should verify that none of the federal loan money that Bundy collected for Valet Fleet Service was channeled through Haybo Truck Leasing or PFC to finance criminal activities at the Malheur National Wildlife Refuge.

Resources and policies to better protect communities and public lands

The federal agencies that manage U.S. public lands have too few rangers and law enforcement officers to adequately combat criminal activities in the vast swaths of national forests, national parks, and public lands with which they are entrusted. The U.S. Forest Service, for example, is stretched thin: Its 765 full-time law enforcement officials are responsible for 193 million acres in 44 states.⁴³ The Bureau of Land Management's 124 law enforcement rangers have even more ground to cover: They are responsible for patrolling 245 million acres of public lands. This means that there is only one law enforcement officer for every 3,000 square miles of BLM lands—an area bigger than the state of Delaware.⁴⁴ In addition to confronting the threats posed by anti-government extremists, the BLM is combating large-scale marijuana cultivation on public lands in California, the looting of Native American artifacts in the Four Corners region, and thousands of incidents of theft and vandalism of natural and cultural resources.⁴⁵ Congress should provide resources for the BLM and the U.S. Forest Service to expand their teams of law enforcement rangers.



Some members of Congress, however, have been working to undercut the ability of land management agencies to uphold the rule of law. Rep. Jason Chaffetz (R-UT), for example, recently promised to introduce legislation that would eliminate all BLM and Forest Service law enforcement personnel and would instead give more power and resources to county sheriffs.⁴⁶ Rep. Chaffetz's proposal would fulfill a major objective of the radical "county supremacy" movement, led by Richard Mack and the CSPOA, which argues that county sheriffs are the highest law enforcement authorities in the United States, with constitutional powers that supersede those of the federal government.⁴⁷

It is worth noting that, in addition to its members' efforts to hamstring U.S. law enforcement authorities, Congress has slashed the budgets for land management agencies' natural resource management programs. These cuts further weaken the agencies' ability to protect the public and public resources by reducing the presence of traditional rangers and natural resource professionals in the field. Funding levels for resource management at the BLM and the U.S. Fish and Wildlife Service, for example, were lower in 2015 than they were in 2010.⁴⁸ Congress should reverse this trend by providing agencies with the funding they need to hire natural resource professionals who can strengthen partnerships in communities, improve services for the public, and better execute the agencies' core mission of resource stewardship.

In addition to providing law enforcement officials with the resources they need to confront the threat of violent extremism on public lands, Congress should ask the GAO to conduct a review of the agencies' preparedness and response policies for armed confrontations on public lands. The U.S. Department of Justice's nearly two-year delay in arresting Cliven Bundy and his co-conspirators in the 2014 Nevada standoff allowed several of these same militants to organize and carry out the Recapture Canyon, White Hope Mine, Sugar Pine Mine, and Malheur NWR actions. The inconsistent responses of the FBI and federal land management agencies to the five armed takeovers since the beginning of 2014 suggest that federal law enforcement officials have no clear policy or strategy for how to respond to armed assaults on public lands.

Rejecting the tactics and goals of violent extremists

If Congress is to effectively respond to the rise of violent extremism on public lands, it must also confront its own members who are inciting the anti-government rage of militants and endorsing the radical ends that they pursue. Congress should be asserting its role in the democratic management of public lands, not abdicating its duties by selling them off. Yet instead, at least seven members of Congress emerged as powerful and vocal apologists for the militants during the Malheur takeover.

Rep. Greg Walden (R-OR), whose district includes the Malheur NWR, distanced himself from the tactics employed by the militants but embraced their willingness "to defend what they view as their constitutional rights" and carried their message to the floor of the House of Representatives.⁴⁹ "The point I want to make at the outset is

for people in this Chamber to understand what drives people to do what is happening tonight in Harney County,” Walden told his colleagues. “I have seen the impact of Federal policies from the Clinton administration to the Obama administration. I have seen what happens when overzealous bureaucrats and agencies go beyond the law and clamp down on people.”⁵⁰

Like Rep. Walden, Rep. Bishop blamed the armed takeover on public servants who work for U.S. land management agencies. “I want it to end without violence, but I also understand the frustration and feelings people have working with land agencies,” said Bishop. “They have been very heavy-handed.”⁵¹ Reps. Scott Tipton (R-CO), Steve Pearce (R-NM), Mark Amodei (R-NV), Cynthia Lummis (R-WY), and Raúl Labrador (R-ID) echoed Rep. Bishop’s argument that U.S. natural resource agencies are to blame for the militants’ anger.⁵²

Notably, several of these members of Congress are seeking to pass legislation that would meet the militants’ demands for the federal government’s divestment of public lands. Less than two weeks after the end of the Malheur NWR takeover, the House Committee on Natural Resources, chaired by Rep. Bishop, took up three bills that would turn over millions of acres of national forests and public lands to private and state control.⁵³

Conclusion

A congressional investigation alone will not stop the rise of violent extremism on public lands. Anti-government activists and militants have shown that they will use any means available to divest U.S. taxpayers of national forests, monuments, and other public lands. But Congress’ intervention would send a powerful signal of support to the law enforcement officials and prosecutors working to restore the rule of law and bring those accountable to justice. Investigators could also help shed light on the dark network of patriot militias, financiers, and special interest groups that are currently fighting to seize control of U.S. public lands.

Just as importantly, Congress should provide park rangers, wildlife professionals, and U.S. natural resource agencies with the resources and tools they need to safely guard the natural and cultural resources with which they are entrusted and to continue to build the partnerships with local communities that are indispensable to sound public land management. By choosing to confront the dangers of anti-government extremism on public lands, Congress can reaffirm the nation’s shared commitment to the public ownership of U.S. lands, waters, and wildlife as the country enters a second century of American conservation.

Matt Lee-Ashley is a Senior Fellow and the Director of Public Lands at the Center for American Progress.

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