

**Testimony Submitted to the House Committee on Natural Resources Democratic Forum:
Countering Extremism on America's Public Lands**

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The Center for Biological Diversity thanks Ranking Member Raúl M. Grijalva and members of the Committee for the opportunity to provide testimony on the role of extremist anti-government paramilitary entities in the movement to seize federal public lands in the United States.

My name is Taylor McKinnon. I am a campaigner with the Center for Biological Diversity. The Center for Biological Diversity (“the Center”) is a nonprofit environmental organization dedicated to the protection of imperiled species and their habitats through science, education, policy, and environmental law. The Center has over 1 million members, supporters and activists dedicated to the conservation of endangered species and wild places, including federal public lands. The Center submits this testimony on its own behalf and on behalf of its members and staff, with an interest in protecting federal public lands and myriad intergenerational social and environmental values therein.

The public land seizure movement in the United States aims to seize federal public land from the American public and place it under state, county, or private control. The public land seizure movement consists of state and federal legislative and litigation advocacy; elected officials; legislative and litigation advocacy; non-profit advocacy organizations; and extremist anti-government paramilitary entities who undertake extra-legal armed actions challenging federal authority. Though affiliations among these entities range from direct to non-existent, they share a common goal of relinquishing federal public land to state, county, or private control. This testimony focuses primarily on extremist anti-government paramilitary entities in the land seizure movement.

Extremist anti-government paramilitary entities pose an increasing threat to federal public lands and values, indigenous lands and values, federal and other public servants, and the general public. The merging of extremist anti-government paramilitary entities and “sagebrush” criminals like Cliven Bundy creates a new, dangerous, and violent alignment of anti-government extremism in the American west. This threat manifests as actual and implied violence that is intended to influence federal public land policy. Recent notable examples include:

- The 2014 standoff in Bunkerville, Nevada, wherein armed militants aimed assault rifles at federal officials during a federal round-up of Cliven Bundy's cattle illegally grazing on federal lands and in protected endangered species habitat. Standing down to rightfully prevent bloodshed, federal officials abandoned the round up. Illegal grazing continued, subverting public policy and the public interest. Events leading up to, during and after the standoff caused damage to federally protected public lands, endangered species

habitat, and cultural sites. Two law enforcement officers and one civilian were killed in a murder-suicide in Las Vegas by two people who had been at the Bundy ranch. They reportedly draped a Gadsden flag and swastika over the victims.

- The 2016 armed seizure of Malheur National Wildlife Refuge. There, armed militants led by Ammon and Ryan Bundy, LaVoy Finicum, Pete Santilli, Ryan Payne, and others, attempted to seize control of the refuge in a 41-day long standoff. Their stated purpose was to transfer control of the refuge to the county and private extractive industries. Members of occupation threatened to kill public servants. Events during the standoff led to damage to federal facilities, damage to federal public land, wildlife habitat, and damage to and desecration of Burns Piute Tribe cultural values and sacred sites. Because the occupation delayed or disrupted land management activities at the refuge, harm to some wildlife conservation programs is ongoing. Notably, the Malheur occupation was the first step in a coordinated, failed plan to orchestrate standoffs challenging federal authority on grazing allotments in New Mexico, Idaho, Arizona, Utah and other states.

For purposes of this testimony, I will bring to the Committee's attention the following information about extremist anti-government paramilitary entities of the public land seizure movement:

1. Extremist anti-government paramilitary entities of the public land seizure movement employ violence or threats of force or violence to influence federal public land management and policy. When effective, this subverts basic tenants of American democracy, wherein federal public land is administered according to federal laws that reflect society's prevailing social values. Resulting changes in public land management can harm public lands, habitat for endangered species, Native American sacred sites and other values. Examples of those threats, which should be considered in the context of domestic terrorism and 18 U.S. Code § 2331, are well-documented in litigation now pending against Bunkerville and Malheur militants, but include other instances too.

See:

2015. Armed militias celebrate victory in Montana mine stand-off with federal govt. RT. Hyperlink accessed June 10, 2016: <https://www.rt.com/usa/312329-oath-keepers-montana-mine/>

David Neiwert. 2015. Oath Keepers descend upon Oregon with dreams of armed confrontation over mining dispute. Southern Poverty Law Center. Hyperlink accessed June 10, 2016: <https://www.splcenter.org/hatewatch/2015/04/23/oath-keepers-descend-upon-oregon-dreams-armed-confrontation-over-mining-dispute>

Paul Rosenberg. 2014. "You need to die": Cliven Bundy and violent militias still terrorizing Utah and Nevada. Salon. Hyperlink accessed June 10, 2016: http://www.salon.com/2014/05/14/you_need_to_die_cliven_bundy_and_violent_militias_still_terrorizing_utah_nevada/

Ryan Hass. 2016. LaVoy Finicum supporters threatened to burn Qurans, kill police and Oregon Governor. Oregon Public Broadcasting. Hyperlink accessed June 10, 2016: <http://www.opb.org/news/series/burns-oregon-standoff-bundy-militia-news-updates/finicum-supporters-threaten-to-kill-cops-because-they-are-cops/>

Kirk Siegler. 2016. Utah sheriffs threaten to arrest rangers if they try to close public lands. National Public Radio. Hyperlink accessed June 10, 2016: <http://www.npr.org/2016/05/31/480100279/utah-sheriff-threatens-to-arrest-rangers-if-they-try-to-close-public-lands>

2. Extremist anti-government paramilitary entities of the land seizure movement often assert that, under Article I, Section 8, Clause 17 of the Constitution, the federal government is severely limited or entirely prohibited from owning or administering federal public land. Two-hundred years of Constitutional interpretation, practice, and precedent to the contrary render this assertion legal fantasy.

See:

John D. Leshy. 2016. Lands transfer to states? It would take another Dred Scott decision. Salt Lake Tribune. Hyperlink accessed June 10, 2016: <http://www.sltrib.com/opinion/3463803-155/op-ed-lands-transfer-to-states-it>

3. Extremist anti-government paramilitary entities of the public land seizure movement come from a diversity of backgrounds. They often identify as “sovereign citizens,” a belief system defiant of federal and state authority, and can be engaged in, affiliated with or have roots in various anti-government, white supremacist, anti-Semitic, county-supremacist, or anti-Islamic movements.

See:

J.J. MacNab. 2014. What Las Vegas police killings show about evolving sovereign movement. Deathandtaxes.com. Hyperlink accessed on July 10, 2016: <http://www.deathandtaxes.com/?p=58>

FBI. Sovereign citizens, a growing domestic threat to law enforcement. 2011. Hyperlink accessed on July 10, 2016: <https://leb.fbi.gov/2011/september/sovereign-citizens-a-growing-domestic-threat-to-law-enforcement>

Sunshine, Spencer. 2015. Patriot movement paramilitaries in Oregon. Rural Organizing Project. Hyperlink accessed on 9 June 2016: <http://www.rop.org/patriot-movement-paramilitaries-in-oregon/>

Anatomy of a Standoff. Anti-defamation League. Hyperlink accessed on June 9 2016: <http://www.adl.org/assets/pdf/combating-hate/Anatomy-of-a-Standoff-MalheurOccupiers.pdf>

State of New Jersey Office of Homeland Security and Preparedness. 2016. Militia Extremists. Hyperlink accessed on June 10, 2016: <http://www.njhomelandsecurity.gov/analysis/militia> and <http://static1.squarespace.com/static/54d79f88e4b0db3478a04405/t/574de6a4d210b8bdf5fdc6e7/1464723109888/Militia+Extremists.pdf>

State of New Jersey Office of Homeland Security and Preparedness. 2016. Sovereign Citizen Extremists. Hyperlink accessed on June 10, 2016: <http://www.njhomelandsecurity.gov/analysis/sovereigncitizens> and <http://static1.squarespace.com/static/54d79f88e4b0db3478a04405/t/574ddac32b8dde3a288a93dc/1464720067854/Sovereign+Citizens+Extremists.pdf>

4. Actions by extremist anti-government paramilitary entities to seize control of federal public land, especially those associated with the Bundy crime family, often result in the desecration of Native American sites and other protected public lands.

See:

Friends of Gold Butte. 2015. Damage in Gold Butte, Nevada November 2014-July 2015. Hyperlink accessed on June 10, 2016: http://www.friendsofgoldbutte.org/wp-content/uploads/2015/08/Final-Gold-Butte-Damage-Report_FINAL-FOR-RELEASE_August-2015.pdf

Jacqueline Keeler. 2016. Burns Paiute Tribe responds to Oregon militia video. Indian Country Today. Hyperlink accessed on June 10, 2016: <http://indiancountrytodaymedianetwork.com/2016/01/26/burns-paiute-tribe-responds-oregon-militia-nuts-video-163198>

Jacqueline Keeler. 2016. ‘It’s so disgusting’ Malheur militia dug latrine trenches among sacred artifacts. Indian Country Today. Hyperlink accessed on June 10, 2016: <http://indiancountrytodaymedianetwork.com/2016/02/17/its-so-disgusting-malheur-militia-dug-latrines-trenches-among-sacred-artifacts-163454>

Brian Maffly. 2014. Tribal groups dismayed by recapture ATV protest. Salt Lake Tribune. Hyperlink accessed on June 10, 2016: <http://archive.sltrib.com/story.php?ref=/sltrib/news/57919721-78/amp-blm-ride-canyon.html.csp>

5. Extremist anti-government paramilitary entities are part of a larger public land seizure movement that may include state and federal elected officials, non-profit groups, and litigation and legislative advocacy. Though affiliations among these entities range from direct to non-existent, they share a common goal of relinquishing federal public land to state, county, and/or private control.

See:

Weiss, Aaron. 2016. Going to Extremes. Center for Western Priorities. Hyperlink accessed on June 10, 2016: <http://westernpriorities.org/wp-content/uploads/2015/08/Going-to-Extremes.pdf>

John Sepulvado. 2016. GOP politicians planned and participated in key aspects of refuge occupation. Oregon Public Broadcasting. Hyperlinked accessed on June 10, 2016: <http://www.opb.org/news/series/burns-oregon-standoff-bundy-militia-news-updates/republican-gop-politicians-coalition-western-states/>

David Safier. 2014. Republican legislators caravan to the Bundy Ranch. Tucson Weekly. Hyperlinked accessed on June 10, 2016: <http://www.tucsonweekly.com/TheRange/archives/2014/04/16/republican-legislators-caravan-to-the-bundy-ranch>

Under its oversight responsibilities, Congress should investigate the rise of violent armed confrontations organized by extremist anti-government paramilitary entities of the public land seizure movement. This investigation should be conducted by a special or select committee or through the committees responsible for homeland security, natural resources, and Indian affairs. The U.S. Government Accountability Office, or GAO, could provide investigative support. It should examine at least four areas of public policy concern:

- Whether those responsible for the rise of anti-government armed violence on public lands are being held accountable;
- Whether and how federal land managers are changing federal land management in response to actual or implied threats of violence or armed standoffs by land seizure entities, elected officials or sympathizers;
- Whether the financing of extremist anti-government paramilitary entities or their affiliates complies with federal laws;
- Whether and how elected officials or other entities coordinated with extremist anti-government paramilitary entities to plan or execute standoffs on public lands;
- Whether policies and investments are needed to help law enforcement and federal public land management agencies better protect public servants, Native American resources, local communities, and public lands.