



## **OREGON STANDOFF:**

### **DOJ drops hammer on Bundys, occupants -- and copycats**

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The FBI's top official in Oregon yesterday had a clear message to anyone who tries to copy Ammon Bundy's illegal occupation of a national wildlife refuge: You will be punished.

The Justice Department over the past month has arrested or indicted more than two dozen people involved in the 40-day occupation of the Malheur National Wildlife Refuge.

And on Wednesday night, FBI agents arrested Bundy's father, Cliven Bundy, at the Portland International Airport. They charged him with six counts in connection with his armed standoff in Bunkerville, Nev., in 2014 against the Bureau of Land Management's roundup of Bundy's illegally roaming cows. The criminal complaint alludes to four other "co-conspirators" who are in custody and may also see charges stemming from their involvement at Bunkerville.

The co-conspirators are not named, but details in the complaint suggest they are Malheur leaders Ammon and Ryan Bundy, Montana militia leader Ryan Payne, and journalist Pete Santilli.

To some observers, the crackdown signaled a potential turning point in how the government deals with individuals who violate laws protecting federal lands and employees.

"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," Greg Bretzing, the FBI's special agent in charge in Oregon, said during a news conference yesterday. He spoke in Burns, Ore., just hours after the final four refuge occupants surrendered peacefully, bringing a close to a tense, 40-day ordeal.

"I hope that message has gotten out clearly," Bretzing said. "That kind of activity has consequences."

The recent arrests soothed conservationists and former BLM officials who feared Cliven Bundy would be left off the hook for refusing to pay his grazing fees, ignoring multiple court orders to remove his cows and marshalling hundreds of armed activists to threaten BLM into backing away from the April 2014 roundup.

Swifter justice for Bundy would have sent a signal to his sons and their followers that Malheur could not be seized with impunity, many argued.

Yet the recent events suggest DOJ is taking a deliberate, but firm, posture against Bundy and other extreme anti-federal-lands activists.

This week's arrests come months after a federal judge in Utah sentenced San Juan County, Utah, Commissioner Phil Lyman to 10 days in jail and three years of probation and ordered him to pay close to \$100,000 in fines and restitution for his role leading an illegal all-terrain vehicle ride through Recapture Canyon Canyon in defiance of BLM's closure of those lands.

Bob Abbey, who served as BLM director during the first half of the Obama administration, said Nevada U.S. Attorney Dan Bogden built an impressive case against Bundy and deserves praise.

"Delayed justice is still justice," Abbey said. "I do believe that the arrests and prosecutions of Cliven Bundy and those who occupied the wildlife refuge do send a clear signal ... that people will be held accountable for breaking the law."

Some critics remain skeptical that the tide has turned.

"Whether this is a turning point, it is impossible to say," said Randi Spivak, a public lands advocate at the Center for Biological Diversity who had accused the Obama administration of a lax response to the Bunkerville standoff. "One point of new data does not a trend make."

But Abbey and others have praised DOJ for its patience and restraint during the Malheur occupation in the face of intense pressure from local elected officials including Oregon Gov. Kate Brown (D) to take a more aggressive posture. The FBI allowed the occupation to continue unimpeded for more than three weeks before it arrested Ammon and Ryan Bundy and three other leaders on a remote highway north of Burns and laid siege to the remaining refuge occupants.

The strategy severed the occupants from their leaders. Most who were left behind on the refuge fled, and several who spent time at Malheur were arrested once they were far from their cohorts. The occupation was essentially divided and conquered.

The FBI's delayed response also allowed the occupants to film their actions and stream them to the world, which they did, and which may offer prosecutors a buffet of evidence to use against them in court.

"Patience is virtue," said Pat Shea, a former BLM director under President Clinton who is a defense attorney in Utah. "We saw with Waco and we saw with Ruby Ridge that if you don't act in a patient way, violence can happen."

While Oregon State Police did shoot and kill occupation leader LaVoy Finicum during the Jan. 26 arrest of the Bundy brothers, no shots were ever fired at the refuge.

## **Next steps**

In the end, DOJ arrested and charged not only the kingpins of the occupation, but also roughly a dozen smaller players who did not appear to have any leadership role.

That might have been a strategy to get the underlings to incriminate their bosses in exchange for a plea bargain, experts said.

"It's called turning them," said Jeff Ruch, executive director of Public Employees for Environmental Responsibility. "You get the foot soldier to turn on the lieutenant, the lieutenant to turn on the capo and the capo to turn on the don."

PEER has criticized DOJ's response to the Bunkerville standoff. And while Ruch lauded the government's arrest of Cliven Bundy, he noted that the criminal complaint against him did not target his grazing violations. It instead cited assault on federal law enforcement officials, use of weapons and obstruction of justice, among others.

It's unclear whether Bundy's arrest or the crackdown at Malheur will deter public lands users who oppose federal land management from flouting natural resources protection laws in protest, he said.

At least nine ranchers in Utah and New Mexico in the past month have vowed to stop paying their grazing fees or to comply with BLM or Forest Service restrictions.

"They will feel emboldened," Ruch said, "knowing that BLM will feel reluctant to even impose light regulation for fear of creating confrontation."

But the FBI's decision to arrest Bundy after he landed in Portland, Ore., when he was sure to be unarmed, was smart, Ruch said.

In the days ahead, as extremists seethe over the death of Finicum and as some conservative activists lionize the refuge occupants, the government needs to keep a watchful eye for violent anti-federal activities, Ruch said.

Ammon Bundy this week issued statements from jail warning Oregonians that federal lands agencies "will suck your resources dry" and urging elected officials to "hold federal agencies at bay."

But he didn't prescribe a specific course of action, Ruch noted.

"The people who are being attracted to this, as evidenced by the last holdouts, I think are fairly described as part of the lunatic fringe," he said. "It's going to require increased law enforcement vigilance, because the next round will involve violence."

But Fish and Wildlife Service Director Dan Ashe vowed yesterday in a [message](#) to employees and the public that federal officials would not have to put up with the "threats and intimidation" they faced during the Bunkerville, Malheur and other flashpoints.

"It is unacceptable, and criminal, for any Service employee to face threats of violence for doing his or her job," Ashe wrote. "And it will not be tolerated."