



# Violent Words, Violent Crimes

Anti-Government Extremism and Gun Violence in Nevada

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By Chelsea Parsons, Annette Magnus, and Jordan Jones    September 2016

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# Preface

In March 2014, after decades of illegally grazing his livestock on restricted public lands in the Gold Butte area of Nevada, years of litigation, and refusing to pay more than \$1 million in fines, the Bureau of Land Management, or BLM, notified Nevada rancher Cliven Bundy that they were planning to begin impounding and auctioning any cattle still illegally grazing on the land.<sup>1</sup> In the weeks that followed, Bundy and his supporters put out a call for anti-government sympathizers across the country to come aid his efforts to resist this enforcement action. More than 1,000 people heeded this call and joined Bundy at his ranch, many of whom were armed with assault weapons and other firearms.<sup>2</sup>

Tensions between federal agents and armed Bundy supporters continued to build, culminating in an armed standoff on April 12, 2014, during which a number of anti-government extremists took sniper positions and trained assault rifles on BLM agents.<sup>3</sup> Deciding that the risks to its agents and civilians were too great in light of the number of armed individuals enabling Bundy's obstruction, the BLM ended the operation.<sup>4</sup>

Bundy and his supporters claimed victory and boasted of the violent tactics used to fend off federal agents. One participant, Ryan Payne, a member of a militia unit in Montana who was a leader of the standoff, credited his plan to place snipers in strategic positions aimed at BLM agents as a crucial element in their success that amounted to “overwhelming tactical superiority.”<sup>5</sup> Another participant in the standoff, Richard Mack, head of the Constitutional Sheriffs and Peace Officers Association, told reporters that he had planned to use women as human shields if the incident turned violent so that, if the BLM started shooting, people around the world would see women “getting shot by these rogue federal officers.”<sup>6</sup>

This incident drew national attention to a small but growing movement of anti-government extremists who use threats of violence—primarily over the barrel of a gun—to interfere with federal law enforcement's management of federally owned public lands in the West. This extreme movement gained national attention for the

second time in January 2016, when members of the Bundy family and their supporters illegally occupied the Malheur National Wildlife Refuge outside of Burns, Oregon, and engaged in a 41 day armed standoff with federal law enforcement.<sup>7</sup>

The standoff at the Bundy ranch also served as inspiration for another act of violence against law enforcement. Just two months after visiting the ranch and participating in the 2014 standoff, Jerad and Amanda Miller, a married Las Vegas couple who had a history of extreme anti-government views and had expressed a willingness to commit violence against law enforcement officers while on the ranch, ambushed two police officers while they were eating lunch, fatally shooting both and killing a third person before they were killed in a stand-off with police.<sup>8</sup>

# Introduction and summary

The United States has been undergoing a dramatic demographic shift over the past 30 years, with exponential growth in communities of color, particularly in African American and Latino communities.<sup>9</sup> One state that exemplifies this demographic shift is Nevada, which has seen a huge expansion of the Hispanic population and, as a result, an increase in progressive policymaking on some issues, including increasing access to bilingual education in the state.<sup>10</sup> However, this view of Nevada as an example of increased diversity's promise has been marred in recent years by the rise of violent, anti-government extremism that has been incubated in the state.

With its roots in a movement to seize the country's public lands and dramatically distort the U.S. government's role in protecting western lands for public use, this growing anti-government extremism in Nevada and other western states is characterized by unlawful attempts to take control over nationally owned or controlled lands and terroristic threats against law enforcement officers. This movement has been personified by Cliven Bundy, the cattle rancher who led an armed standoff with federal agents in April 2014 and who is currently facing federal charges for his role in that incident. But this violent extremism has not been limited to Bundy: While he and his supporters may be credited with the genesis of the most recent bout of violent anti-government extremism at the Malheur National Wildlife Refuge outside of Burns, Oregon, this activity has spread beyond just Bundy and his supporters and has had an impact in states outside of Nevada, inspiring other adherents to and sympathizers of these extreme anti-government sentiments to take violent action against government targets. And a common thread connecting all of these incidents is the prolific use of guns as a tool of threats and intimidation.

This report examines the rise of violent anti-government extremism in the United States, its connection to efforts to seize public lands, and the growing use of guns as the weapon of choice for violent extremists and domestic terrorists. It also discusses how support for these efforts and violent tactics has emboldened the most extreme adherents of anti-government ideologies to commit egregious acts of violence, often targeting law enforcement. The report will consider how Nevada has

served as an incubator for anti-government extremism around public land seizure efforts, as well as the role of guns as a tool in those efforts. Finally, it addresses how weak gun laws allow some violent extremists who are prohibited from possessing guns to continue to have easy access to deadly weapons. It also highlights a number of policy proposals that would help alleviate the risks posed by violent extremists with guns, chief among them closing the private sale loophole and requiring a background check for every gun sale.

## Glossary of terms

**Anti-Defamation League, or ADL:** One of the nation's leading organizations fighting bigotry and anti-Semitism in the United States, the ADL engages in education, advocacy, and awareness-raising efforts to protect the civil rights of all Americans.<sup>11</sup>

**Center for Western Priorities, or CWP:** The CWP is a nonpartisan organization dedicated to conservation of the American West by advocating for responsible and sustainable policies to protect the unique Western ecosystem.<sup>12</sup>

**Constitutional Sheriffs and Peace Officers Association, or CSPOA:** Founded by former Arizona Sheriff Richard Mack, the CSPOA is an extremist group of law enforcement and public service officials who believe that local sheriffs are the highest governing authority in the land. Members of the CSPOA take a pledge to “uphold, defend, protect, and serve” the U.S. Constitution and are encouraged to resist any regulation imposed by the federal government that undermines their interpretation of the constitution.<sup>13</sup>

**Council of Conservative Citizens, or CCC:** Founded by attorney and activist Gordon Baum, the CCC has been determined by the Southern Poverty Law Center to be a white supremacy organization dedicated to the separation of whites from all other races. Espousing theological and supposed scientific evidence for their racist doctrines, this organization hopes to stem nonwhite immigration to the United States.<sup>14</sup>

**Gadsden flag:** The Gadsden flag is the Revolutionary War flag used to represent freedom in the United States. It is bright yellow with the image of a coiled snake and the words “Don’t Tread on Me” written across the bottom. Today, the flag is often displayed with anti-government memorabilia, and the Equal Employment Opportunity Commission has recently deliberated whether the flag is a racist symbol.<sup>15</sup>

**Oath Keepers:** An association of current and former members of the military, police officers, and first responders who “pledge to fulfill the oath all military and police take to ‘defend the Constitution against all enemies, foreign and domestic.’” One of the reasons that the Oath Keepers are considered to be an extreme anti-government group by the Southern Poverty Law Center is their fervently held belief that the government is trying to disarm the American people and impose martial law.<sup>16</sup>

**Southern Poverty Law Center, or SPLC:** The SPLC is a civil rights organization founded by Morris Dees and Joseph Levin Jr. in 1971 that “is dedicated to fighting hate and bigotry and to seeking justice for the most vulnerable members of our society.” The SPLC uses a combination of advocacy, communication, awareness, and legal action to work toward an equal opportunity society. The SPLC monitors and publishes information about various hate and extremist groups across the United States.<sup>17</sup>

**Sovereign citizens:** The sovereign citizens movement is described by the SPLC as an extreme anti-government movement that believes that no agency of the state—including judges, juries, or elected officials—can determine which laws must be obeyed. The sovereign citizens believe that individuals have the power to decide which laws to adhere to and which to ignore. The movement has roots in racist and anti-Semitic sentiments.<sup>18</sup>

**Three Percenters:** Also known as the Ill%ers, this group of anti-government extremists call themselves members of the patriot movement. In the words of Three Percenters co-founder Mike Vanderboegh: “There will be no more free Wacos and no more free Katrinas. For we are the Three Percent. We will not disarm. You cannot convince us. You cannot intimidate us. You can try to kill us, if you think you can. But remember, we’ll shoot back. We are not going away. We are not backing up another inch. And there are THREE MILLION OF US. Your move, Mr. Wannabe Tyrant. Your move.”<sup>19</sup> The Three Percenters Club, founded by Michael Graham III, is a branch of the Three Percenters organization. The club espouses anti-government ideology and threatens a second Revolutionary War if the government tries to regulate their firearms.<sup>20</sup>

# Violent anti-government extremism in the United States

While the intensity and scope of anti-government organizations in the United States have waxed and waned over the past few decades, there has been a consistent presence in nearly every state of organized groups with a shared ideology ranging from antipathy toward the government to extreme anti-government views and conspiracy theories. The Southern Poverty Law Center—an organization that tracks hate and extremist groups—takes an annual census of such organizations and found that the number of anti-government extremist groups operating in the United States rose dramatically following the election of President Barack Obama in 2008.<sup>21</sup> In 2008, the SPLC identified 131 anti-government groups in the United States; by 2015, that number had risen to 998.<sup>22</sup>

While not all anti-government groups promote violence as a means to effectuate their goals, a common theme across many of these groups is a call to arms to protect against what they describe as government tyranny. Indeed, for many organized anti-government groups, the importance of guns as a tool to put their beliefs into action is a foundational tenet. For example, much of the rhetoric used by the Oath Keepers involves overt or thinly veiled references to their willingness to use guns in pursuit of their goals. Members of the Oath Keepers pledge not to “obey any order to disarm the American people.”<sup>23</sup> Part of the description explaining this pledge includes an affirmation “that the purpose of the Second Amendment is to preserve the military power of the people so that they will, in the last resort, have effective final recourse to arms and to the God of Hosts in the face of tyranny.”<sup>24</sup> Another extreme anti-government group, the Three Percenters, takes a similar position about the role of guns in service of their mission. The homepage of their website features an image of a man in tactical gear holding what appears to be an assault rifle, and the closing lines of the “About Us” section read as follows: “Remember, we do not seek after violence, but if violence is ever called for, WE are the 3% of the population today that will stand and fight against enemies, both foreign and domestic. Always be prepared.”<sup>25</sup> Michael Graham, founder of the Three Percenters Club, wrote in a blog post on December 15, 2014, “We’ve

tolerated your lies, scandals and your blatant disregard for The Constitution of the United States! If you 'try' to disarm us, The American People, we will no longer be so patient, tolerant nor show restraint and it will be you who forces us to fire the second shot heard around the world."<sup>26</sup>

In addition to this extreme rhetoric about guns from some anti-government groups, there is also evidence that violent extremists are increasingly using guns to perpetrate acts of violence. An SPLC study of domestic terrorism incidents from 2009 to 2015 found that guns were used in 59 percent of the incidents in which the type of weapon used had been identified.<sup>27</sup> The Anti-Defamation League found that guns were used in nearly every act of murder perpetrated by a violent extremist in the United States in 2015, accounting for 48 out of 52 victims killed in these attacks.<sup>28</sup> The ADL elucidated the role of guns in these acts of domestic terrorism, explaining, "The blunt fact is that, in the past 50 years, firearms in the hands of domestic extremists have killed far more Americans than have bombs, blades, chemical or biological weapons, or any other type of weapon."<sup>29</sup> The ADL also found that gun use by domestic terrorists is on the rise. According to an ADL analysis, between 2001 and 2010, 62 percent of murders committed by violent extremists involved firearms; between 2011 and 2015, that number rose to 72 percent.<sup>30</sup> Alongside domestic terrorists motivated by white supremacy or religious extremism, individuals with extreme anti-government views make up a substantial number of fatal domestic terror attacks in the United States. In the same study, the ADL found that 19 percent of all domestic extremism-related killings in the United States in 2015 involved a perpetrator with anti-government beliefs.<sup>31</sup> Guns are also frequently used in the commission of hate crimes. A Center for American Progress analysis found that between 2010 and 2014, roughly 43,000 hate crimes were committed in the United States involving the use or threat of a gun.<sup>32</sup>

# Anti-government extremism and the public land seizure movement

Much of the recent anti-government extremism in the United States—particularly in western states—has its roots in efforts to undermine the federal government’s authority over taxpayer-owned public lands. A recent example of these efforts was the armed takeover of the Malheur National Wildlife Refuge outside of Burns, Oregon, in January 2016. The modern public land seizure movement is the most recent incarnation of a century-long disagreement about the federal government’s role in owning and managing public lands in the Western part of the United States.<sup>33</sup> The current struggle over public lands primarily focuses on efforts to divest the federal government of its ownership of public lands and transfer ownership of these lands to state and local governments.<sup>34</sup> These efforts are largely inspired by the extreme anti-government belief in county supremacy, the adherents of which believe that the federal government has no authority and that the county sheriff is the highest-ranking law enforcement official in any particular jurisdiction.<sup>35</sup> A number of organized extreme anti-government groups have become involved in land seizure efforts, including the Oath Keepers, the Constitutional Sheriffs and Peace Officers Association, and the Council of Conservative Citizens, as well as local militia groups.<sup>36</sup> A number of organizations have documented the growing connection between extreme anti-government activists and public land seizure efforts, including the Center for Western Priorities, the SPLC, and the ADL.<sup>37</sup>

Land seizure efforts have also begun to extend beyond fringe anti-government groups to lawmakers in some western states. In 2012, Utah became the first state to enact a law requiring the federal government to turn over titles to nationally owned lands within Utah to the state, including national forests, national monuments, and national recreation areas.<sup>38</sup> In 2015, according to the CWP, this type of federal land seizure bill was introduced in 11 states in the Western United States.<sup>39</sup> Legal scholars have noted that these bills are unconstitutional; the federal government’s authority over national public lands is clearly articulated in the Property Clause of the Constitution, and state laws requiring the transfer of

federal lands to state control would be indefensible in the courts.<sup>40</sup> Analysts have also noted that state and local governments do not have the financial resources to pay the cost of managing national forests and other public lands; a transfer of national public lands to state control, therefore, would likely result in a widespread sell-off of land to private interests.<sup>41</sup>

A few members of Congress, however, have taken up the cause in Washington, D.C., seeking to pass federal laws that mandate the disposal of public lands. Less than two weeks after the end of the armed occupation of the Malheur National Wildlife Refuge, for example, the U.S. House of Representatives Committee on Natural Resources held a hearing on three bills that would collectively turn over millions of acres of national forests and road rights-of-way on public lands to state control.<sup>42</sup> These legislative efforts are largely being spearheaded by Rep. Rob Bishop (R-UT), Rep. Jason Chaffetz (R-UT), and a group of 18 other highly conservative members of Congress, which CAP has termed the congressional anti-parks caucus.<sup>43</sup> Among Chaffetz's goals is to pass legislation that eliminates all U.S. Forest Service and Bureau of Land Management law enforcement positions.<sup>44</sup> A legislative proposal from Chaffetz would instead give county sheriffs preeminent law enforcement power on federal lands.<sup>45</sup>

# Nevada in the crosshairs

Nevada has served as the epicenter for the intersection of violent anti-government extremism and the public land seizure movement. In some ways, this is not surprising: More than 80 percent of the land in Nevada is public land, managed by the Bureau of Land Management for multiple uses, including recreation, mining, energy development, grazing, and conservation.<sup>46</sup> There is also a substantial number of organized anti-government groups operating in the state; a survey by the Southern Poverty Law Center found that in 2015, there were 20 active anti-government groups in the state, including the Oath Keepers, the Nevada Light Foot Militia, and the Three Percenters.<sup>47</sup>

The marriage of violent anti-government extremism and the public land seizure movement rose to national attention in April 2014 with the armed standoff at the Bundy ranch in southeast Nevada. For decades, Nevada rancher Cliven Bundy objected to the BLM's conservation efforts to protect public lands—in particular, restrictions on livestock grazing in the Gold Butte area of Nevada. Bundy continued to graze his cattle on restricted public lands for decades, in violation of federal law, and stopped paying fines to the federal government for this illegal conduct in 1993, amassing more than \$1 million in unpaid fines.<sup>48</sup> Following years of litigation, in August 2013, a federal court reaffirmed that Bundy had no legal rights to this land and ordered him to remove his cattle within 45 days. When he failed to comply with this order, the BLM notified Bundy in mid-March 2014 that it would begin impounding and auctioning all cattle that were illegally grazing on this land.<sup>49</sup>

In the weeks that followed, Bundy and his supporters put out a call to anti-government sympathizers across the country to come to his aid in his efforts to resist the BLM's enforcement actions.<sup>50</sup> More than 1,000 people heeded this call and joined Bundy at his ranch in Bunkerville, Nevada—many of whom were members of established groups such as the Oath Keepers or local militias—and arrived armed with assault weapons and other firearms.<sup>51</sup> Bundy described his grievance with the federal government as much more than a dispute over access to this land—rather, as a fight for “freedom” and against “oppression”:

*The BLM, the IRS, the NSA—all of the federal agencies are destroying our freedom. I am standing up against their bad and unconstitutional laws, just like Rosa Parks did when she refused to sit in the back of the bus. She started a revolution in America, the civil rights movement, which freed the black people from much of the oppression they were suffering. I'm saying Martin Luther King's dream was not that Rosa could take her rightful seat in the front of the bus, but his dream was that she could take any seat on the bus and I would be honored to sit beside her. I am doing the same thing Rosa Parks did—I am standing up against bad laws which dehumanize us and destroy our freedom. Just like the Minutemen at Lexington and Concord, we are saying no to an oppressive government which considers us to be slaves rather than free men.*<sup>52</sup>

Bundy is not alone in characterizing his dispute with federal land management agencies in revolutionary terms. More than six months before the Bundy standoff in Nevada, Utah state Sen. Ken Ivory (R), the architect of a coordinated political effort to challenge the federal government's authority over public lands in several Western states, was imploring the anti-government Constitutional Sheriffs and Peace Officers Association to stand up against what he characterized as the federal government's own aggressive, revolutionary tactics.<sup>53</sup> "We are in the Second Great Revolution, and it's a revolution of ideologies," Ivory told the crowd. "But the battle is not being fought with bombs and with bullets. It's being fought with delta smelt. It's being fought with sage grouse. It's being fought with travel management plans. It's being fought with trees."<sup>54</sup> To oppose the federal government's aggression, said Ivory, the audience must go forth as "happy warriors, out to take back a country and a world of freedom."

Months later, the dispute between Bundy and the BLM provided the CSPOA and other extremists who came to his aid with a real-world example of the kind of federal government enforcement action that Ivory characterized as overreach and that they usually talked about only in abstract terms.

Tensions between federal agents and armed Bundy supporters continued to build, culminating in an armed standoff on April 12, 2014, during which a number of anti-government extremists took sniper positions and trained assault rifles on BLM agents.<sup>55</sup> There, on the front lines of the standoff, was the head of the CSPOA, Richard Mack. He told reporters that had gunfire broken out in the showdown, he and others intended to use the women in the group as human shields to gain public sympathy and create the impression that the federal officers were the aggressors. "If they are going to start shooting," said Mack, "it's going to be women that are going to be televised all across the world getting shot by these rogue federal officers."<sup>56</sup>

The BLM decided that the risks to its agents and civilians were too great in light of the number of armed individuals supporting Bundy's obstruction and consequently changed course and ended the operation.<sup>57</sup> For nearly two years following this incident, no arrests were made and no criminal charges were filed against Bundy or any of the individuals who participated in this armed assault against federal law enforcement officers.<sup>58</sup> The BLM's retreat, coupled with the extensive delay in bringing charges, allowed Bundy and his followers to claim victory against the federal government.<sup>59</sup>

Bundy and his supporters were very clear about the role that their guns played in swaying the outcome of this standoff. Ryan Payne, a member of a militia unit in Montana who was a leader of the standoff, boasted that his plan to strategically position snipers aimed at BLM agents was a crucial element in their success and amounted to "overwhelming tactical superiority":

*Not only did [pro-Bundy snipers] take up the very best positions to overwatch everything, they also had the high ground, they were fortified with concrete and pavement barriers. They had great lines of fire and then, when I sent in the other team, for counter sniper positions, [the BLM agents] were completely locked down. They had no choice but to retreat.*<sup>60</sup>

In another interview, Payne made the point even more clearly:

*We had counter-sniper positions on their sniper positions. We had at least one guy, sometimes two guys, per BLM agent in there. If they made one wrong move, every single BLM agent in that camp would've died.*<sup>61</sup>

Violent anti-government activism has not abated at the Bundy ranch since the end of the armed standoff. On June 5, 2015, three researchers who worked for the BLM performing water tests near the land in Gold Butte where Bundy continued to illegally graze his cattle were forced to abandon their work after six shots were fired near their campsite in the evening. Hours before the shots were fired, the researchers reported that they were approached by two men and questioned about their presence on the land.<sup>62</sup> Bundy admitted to approaching the researchers but denied being involved in the shooting.<sup>63</sup>

Another factor that has provided additional fodder for these violent anti-government efforts in Nevada is the extent to which some policymakers and elected officials in the state have shown support for these actions. Chief among them is Nevada Assemblywoman Michele Fiore, who also ran a short-lived campaign for

Congress in 2016. Fiore has gone beyond some of her peers in other state legislatures who have asserted support for land seizure efforts by actually endorsing the violent tactics of Bundy and his supporters, including the use of firearms to threaten federal law enforcement agents. Fiore attended the standoff at the Bundy ranch in April 2014 to lend her support to the violent protestors. In an interview during the standoff, Fiore stated her view that “our federal government overstepped and overreached in our state of Nevada” and questioned the authority of the BLM.<sup>64</sup> Fiore issued a press statement during the standoff urging the BLM to “stand down their roundup efforts before someone gets hurt” and asserting that “[t]here is no reason why the situation should have escalated this dangerously.”<sup>65</sup>

At the same time that Fiore criticized the BLM for escalating the incident, she applauded the tactics of Bundy’s supporters for doing precisely that. At a press conference held after the BLM ended the enforcement action, Fiore spoke forcefully about the need for private individuals to take up arms against the federal government:

*I have to reiterate the power of our second amendment and why I have to reiterate that is because we sent a message loud and clear across our country and foreign nations this week by standing together. ... I’m just going to reiterate something with Pearl Harbor and it’s very very important because if you recall that when the lieutenant went back to the emperor, what did he say to him when he asked to invade the mainland? He said we couldn’t invade the mainland in America because behind every blade of grass there was a rifle. So understand it is because of each and every one of you standing here and each and every one of our Americans watching us and protecting us, **with our firearms**, why this did not turn into a Waco massacre or a Ruby Ridge, and I have to thank all of you for that.<sup>66</sup> (Emphasis added)*

Fiore has maintained her attacks on the federal government’s authority over public lands in Nevada and on the BLM in particular, referring to the agency in an interview in April 2016 as “a bureaucrat agency of terrorism.”<sup>67</sup> In the same interview, Fiore condoned aiming a gun at a law enforcement officer as a matter of self-defense.<sup>68</sup>

This type of validation of these tactics and the use of guns to threaten federal law enforcement officers as they attempt to enforce the law provide unique and dangerous fodder for the most extreme anti-government adherents in Nevada. This presents a concern not only that public land seizure extremists will continue to

use these methods to engage in armed confrontation with federal agents but that other violent anti-government extremists will be emboldened to commit even more serious acts of violence against government actors. This risk was unfortunately borne out just two months after the Bunkerville standoff ended when two violent extremists who had visited the Bundy ranch ambushed two police officers 100 miles away in Las Vegas.

Jerad and Amanda Miller were a married couple living in Las Vegas who had expressed anti-government views—including strong anti-police beliefs—on social media for a number of years.<sup>69</sup> The Millers were drawn in by Bundy’s call to action, traveling to Bunkerville in April 2014 to join the standoff. While at the ranch, Jerad Miller expressed his willingness to use violence against federal agents in service of their goal: “I feel sorry for any federal agents that want to come in here and try to push us around or anything like that. I really don’t want violence toward them, but if they’re gonna come bring violence to us, if that’s the language they want to speak, we’ll learn it.”<sup>70</sup> The Millers were only at Bunkerville for a short time before being asked to leave, according to Ammon Bundy, because they were “too radical.”<sup>71</sup>

The Millers’ extreme anti-government views continued to intensify after they left the Bundy ranch, as evidenced by a June 2, 2014 post on Facebook in which Jerad Miller talked in increasingly violent terms about the need to fight tyranny:

*We can hope for peace. We must, however, prepare for war. We face an enemy that is not only well funded, but who believe they fight for freedom and justice. Those of us who know the truth and dare speak it, know that the enemy we face are indeed our brothers. Even though they share the same masters as we all do. They fail to recognize the chains that bind them. To stop this oppression, I fear, can only be accomplished with bloodshed. May the best men of our beloved nation stand and fight tyranny, without fear and without regret. ... We certainly stand before a great and powerful enemy. I, however would rather die fighting for freedom, than live on my knees as a slave. Let it be known to our children's children that free men stood fast before a tyrants wrath and were found victorious because we stood together. That we all cast aside our petty differences and united under the banner of Liberty and Truth. May future generations look back upon this time in history with awe and gratitude, for our courage to face tyranny, so that they could live happy and free.*<sup>72</sup>

On June 8, 2014, Jerad and Amanda Miller ambushed two Las Vegas police officers as they ate lunch in a pizzeria, shooting and killing both of them and reportedly shouting, “This is the start of a revolution!”<sup>73</sup> The Millers covered the officers with a swastika and a Gadsden flag bearing the words “Don’t Tread on Me”—an oft-used symbol of militia movements—and a note reading, “The revolution is beginning.”<sup>74</sup> The Millers took the guns and ammunition from the murdered officers, then walked across the street to a Walmart. Following a confrontation with responding officers, Jerad Miller was killed by police, and Amanda killed a third victim—a shopper at Walmart who was carrying a concealed gun and attempted to intervene—before fatally shooting herself.<sup>75</sup>

Another example of extreme anti-government rhetoric serving as inspiration for violence occurred more recently in Las Vegas, when police arrested 24-year old Bryce Cuellar for making terrorist threats after he posted a video of himself online posing with two assault rifles and threatening to kill gay people.<sup>76</sup> Cuellar had previously expressed anti-government views on social media, as well as sovereign citizen ideologies, which is another element of the extreme anti-government movement.<sup>77</sup> In the video, Cuellar also stated that he was concerned about the U.S. government taking away his Second Amendment rights.<sup>78</sup>

# National implications of the violent anti-government extremism launched in Nevada

The standoff at the Bundy ranch in 2014 and the extremists' success in preventing the Bureau of Land Management from confiscating Bundy's cattle through their armed threats against the agents raised serious concerns for federal, state, and local law enforcement across the country. In July 2014, the U.S. Department of Homeland Security, or DHS, Office of Intelligence and Analysis released an intelligence assessment finding that the perception of many anti-government extremists that the outcome of the Bundy Ranch standoff was a victory over government tyranny increased the likelihood of similar incidents.<sup>79</sup> The report warned, "This perceived success likely will embolden other militia extremists and like-minded lone offenders to attempt to replicate these confrontational tactics and force future armed standoffs with law enforcement and government officials."<sup>80</sup> The DHS noted that this was consistent with historical patterns in which "spikes in violence have followed high-profile confrontations involving the United States Government, such as Ruby Ridge and Waco."<sup>81</sup>

The DHS's concerns that the Bundy standoff would serve as inspiration for similar acts of armed conflict with federal agents have proven to be well-founded. Only one month after the standoff at the Bundy ranch ended, a group of armed activists organized an open carry rally in Burkburnett, Texas, to protest a similar dispute between rancher Tommy Henderson and the BLM over land along the Red River border between Oklahoma and Texas.<sup>82</sup> In May 2014, after the BLM closed a trail in Utah's Recapture Canyon to motorized vehicles in order to protect archaeological sites, a group of protestors, some of whom had participated in the Bundy ranch standoff and many of whom were armed, organized an illegal all-terrain vehicle ride through the area.<sup>83</sup> In April 2015, members of the Oath Keepers and other anti-government groups organized an armed guard at the Sugar Pine Mine in Oregon in response to a call for assistance from the mine owners who were in a dispute with the BLM over mining rights and feared that the agency was planning to take imminent action.<sup>84</sup> A similar armed protest was organized over a mine dispute in August 2015 at the White Hope Mine in Nebraska.<sup>85</sup>

The biggest armed confrontation with federal agents since the Bunkerville standoff began on January 2, 2016, at the Malheur National Wildlife Refuge in Harney County, Oregon, and was again instigated by the Bundy family. Following the resentencing of Dwight and Steven Hammond for convictions for illegally setting fires on public BLM-managed land, a group of anti-government extremists led by Ammon and Ryan Bundy commenced an armed siege of the refuge. Although the Bundys claimed to be acting in support of the Hammonds, the Hammonds themselves rejected these actions, as did most of the local community in Harney County.<sup>86</sup> Following the model of the Bundy ranch standoff, these extremists were armed with a variety of firearms, including assault rifles, and took up armed sentry positions around the refuge to prevent law enforcement from regaining control of the property.<sup>87</sup> Over the course of 41 days, the Bundys were joined by more than 40 supporters, several of whom had also participated in the standoff at the Bundy ranch in 2014.<sup>88</sup> In a January 21 meeting with FBI agents outside of the refuge, Ammon Bundy said that the occupation would not end until the federal government relinquished control of the refuge and released the Hammonds from prison.<sup>89</sup>

The takeover turned violent on January 26 when the Oregon State Police and the FBI attempted to arrest a number of the occupiers as they traveled from the refuge to a community meeting 70 miles away.<sup>90</sup> Law enforcement set up a traffic stop to effectuate the arrests and one of the refuge occupiers, LaVoy Finicum, resisted arrest, first attempting to drive away from officers—nearly running over an officer with his vehicle as he bypassed a roadblock—and then exiting his truck, telling officers, “Go ahead and shoot me. You’re going to have to shoot me.”<sup>91</sup> Video footage of this incident shows Finicum waving his arms around and reaching toward his pocket. Officers then fired on Finicum, killing him. Finicum was later found to have been carrying a handgun.<sup>92</sup>

A total of eight occupiers, including leaders Ryan and Ammon Bundy, were arrested as a result of the traffic stop and other coordinated enforcement actions.<sup>93</sup> Following these arrests, Ammon Bundy called for the remaining militants to leave the refuge, but four holdouts remained.<sup>94</sup> On February 10, Cliven Bundy flew to Portland, Oregon, from his ranch in Nevada to show support for the remaining militants. Bundy never made it Malheur; he was arrested at the airport by FBI agents and finally charged in federal court for his role in the 2014 Bunkerville standoff.<sup>95</sup> The next day, after a lengthy negotiation with anti-government activists and Michele Fiore, the last militant surrendered to police. Fiore had previously expressed her support for the Malheur occupation and facilitated the surrender of the last militants by encouraging them to continue their activism outside

of Malheur.<sup>96</sup> At the end of the 40-day armed occupation, 25 individuals were charged with a number of federal felony crimes, including conspiracy to impede federal officers, using a firearm during the commission of a violent crime, and illegal possession of firearms and dangerous weapons in a federal facility.<sup>97</sup> The trial in Oregon for the individuals charged in connection with the Malheur occupation began in September 2016, and the trial in Nevada for those who participated in the original Bundy standoff is scheduled to begin in February 2017.<sup>98</sup>

In its 2014 report, the DHS cautioned that the Bundy ranch standoff could serve as inspiration for violent attacks against government actors, particularly police officers, similar to the murders perpetrated by Jerad and Amanda Miller. The report explained why police officers are a common target of anti-government extremists:

*Militia extremists and lone offenders with similar anti-government ideologies have historically attacked government facilities and personnel, followed by law enforcement personnel and critical infrastructure and key resources. ... Law enforcement is targeted because these individuals perceive it as an extension of state control over individuals.*<sup>99</sup>

The calls to arms by anti-government extremists have become more than just rhetoric and have, in some cases, gone beyond just threats of firearm use. An independent CAP review of BLM records found that there were 14 reported violent incidents targeting BLM employees just in 2014, including attempted murder.<sup>100</sup> From 2009 to July 2014, according to the Southern Poverty Law Center, there were 17 incidents involving anti-government extremists shooting at law enforcement.<sup>101</sup> In May 2010, Jerry and Joseph Kane—a father and teenage son who were involved in the sovereign citizens movement—opened fired on police with an AK-47 assault rifle when their van was pulled over for a routine traffic stop in West Memphis, Arkansas, killing two officers.<sup>102</sup> In June 2014, two months after the end of the Bunkerville standoff, Brent Douglas Cole, also reportedly a member of the sovereign citizens movement, fired shots at two law enforcement officers who were attempting to remove items from Cole's illegal campsite on federal land managed by the BLM in Nevada County, California, wounding both officers.<sup>103</sup> Also in June 2014, Dennis Marx, a man known to law enforcement as an adherent of the sovereign citizens movement, arrived at the Forsyth County, Georgia, courthouse—where he was scheduled to make an appearance in a pending criminal case—wearing a bulletproof vest and gas mask and armed with a rifle and explosives. He began to attack the courthouse, shooting one deputy before ultimately

being shot and killed by officers before he could complete his attack.<sup>104</sup> Most recently, in July 2016, the man who ambushed and fatally shot three police officers in Baton Rouge, Louisiana, Gavin Long, had previously indicated that he was a member of a sovereign citizens group.<sup>105</sup>

Police departments across the country have expressed concern about violent anti-government domestic terrorism. A 2014 poll of 382 law enforcement agencies found that 74 percent of law enforcement agencies considered anti-government extremism to be one of the top three terrorist threats facing their jurisdiction.<sup>106</sup>

# Implications for public safety and gun policy

The rise of violent anti-government extremism and incidents such as the armed standoffs in Bunkerville and Malheur pose substantial challenges for federal, state, and local law enforcement, such as ensuring the safety of their communities and officers while ending such incidents safely; ensuring that the perpetrators are held accountable for their actions; and protecting the public lands that are often the focus of these armed demonstrations. Demonstrable progress has been made in terms of the federal law enforcement response to these incidents, with the U.S. Department of Justice filing charges against the Bundys and other participants in the Malheur standoff immediately after it ended, as well as the department finally bringing charges against Cliven Bundy and others in relation to the Bunkerville standoff nearly two years after that incident ended.<sup>107</sup> But there is much room for improvement in terms of the federal government's response to violent anti-government extremists' continued war on public lands. In March 2016, the Center for American Progress released an issue brief titled "Congress Should Confront the Rise of Violent Extremism on America's Public Lands" that calls on Congress to take a number of actions to address the rise of violent extremism on public lands, including launching a congressional oversight investigation of these incidents to ensure that the perpetrators of these acts of violence are held accountable; examining the financing of these anti-government groups to ensure they are in compliance with federal tax laws; and identifying policy options to help law enforcement and land management agencies better protect public lands and the safety of the public servants who work on them, as well as the adjoining communities.<sup>108</sup> Since the publication of the issue brief, Democratic members of the House Natural Resources Committee and the House Committee on Homeland Security held a joint forum on the threats posed by violent extremism on public lands and the actions that are needed to confront these risks.<sup>109</sup>

In addition, both these incidents and the increasing use of guns as the weapon of choice of extremists and domestic terrorists present the separate challenge of gun laws. This issue is particularly acute in Nevada, which has among the weakest gun laws and highest gun death rates in the country.<sup>110</sup> In 2015, the Law Center

to Prevent Gun Violence awarded Nevada an F for the strength of its gun laws.<sup>111</sup> One of the most serious gaps in Nevada law is the loophole that allows individuals to buy guns through private sales without a background check. Under federal law, only licensed gun dealers are required to conduct a background check before completing a gun sale; however, private individuals who are not licensed dealers are free to sell guns without a background check and with no questions asked. This is one of the primary ways that individuals who are prohibited from gun possession are able to buy guns. While 18 states and the District of Columbia have acted to close this loophole and require background checks for all gun sales, the gap in the law remains in Nevada.

Jerad Miller attempted to exploit this loophole to buy a gun shortly before his ambush attack in 2014. Miller was prohibited from gun possession under both federal and Nevada state law because of a previous felony conviction.<sup>112</sup> Miller and his wife Amanda were well aware of his inability to legally own guns, lamenting frequently on social media that it was unjust.<sup>113</sup> On May 8, 2014, one month before the attack, Miller posted on Facebook that he was looking to buy a rifle.<sup>114</sup> When asked what kind of gun he was looking for, Miller replied, “Doesn’t matter, bolt action, semi. anything that can reach out and touch evil tyrant bastards. Idc if it’s a hundred dollar pink 22 rifle lol.”<sup>115</sup> When another user suggested that a gun store “has plenty of rifles,” Miller responded, “We broke bro, believe me if we had the money we would be at some of the best gun stores in the country buying what we need. Idc if it’s a ww2 m4 lol. something for when they call us terrorists, we can defend ourselves.”<sup>116</sup> A few hours later, Miller posted that he was not serious.<sup>117</sup>

It is unclear if Miller did, in fact, purchase a gun through a private transaction stemming from this solicitation.<sup>118</sup> However, the fact remains that Miller certainly could have purchased a gun this way, and indeed, many prohibited individuals in Nevada exploit the private sale loophole to do just that. An investigation by Everytown for Gun Safety examining the online gun market in Nevada found that nearly 1 in 11 online gun buyers in Nevada were prohibited from possessing guns because of criminal history or other prohibiting factors.<sup>119</sup> The investigation concluded that, at this rate, more than 3,100 guns could be transferred to prohibited people in the state in just one year.<sup>120</sup> Similar trends hold nationwide: A 2013 investigation by Mayors Against Illegal Guns found that at least 1 in 30 buyers on one gun sale website were prohibited from gun possession.<sup>121</sup> Voters in Nevada will have the opportunity to enact a strong new law that requires background checks for all gun sales through a measure that will be on the ballot in the state this November.<sup>122</sup>

In addition to closing the private sale loophole, there are a number of other steps that could be taken to help prevent violent anti-government extremists from using guns to threaten, intimidate, and harm community safety. First, federal and state laws should be strengthened to deter straw purchasing, which occurs when a person buys a gun on behalf of another person, often someone who is prohibited from gun possession.<sup>123</sup> According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, straw purchases are one of the most common ways that individuals prohibited from gun possession are able to acquire guns.<sup>124</sup> Some reports indicated that Amanda Miller may have been the one who purchased the guns used in the Las Vegas attack, suggesting that she may have acted as a straw purchaser for her husband, Jerad.<sup>125</sup>

Second, state laws should be strengthened to limit where guns can permissibly be carried in the community, both openly and concealed. Nevada's permissive open carry laws allowed the extremists at the Bundy ranch and in Malheur to intimidate and threaten law enforcement even before they trained their guns on officers. In addition, in 2015, Nevada weakened its law to require that the state recognize concealed carry permits from a number of states regardless of whether the standards for issuing such a permit in those states are at least as strong as the issuing standards required to obtain a permit in Nevada. This makes it easier for violent extremists from out of state to legally carry their guns in Nevada, regardless of whether they would qualify for this privilege under Nevada law.<sup>126</sup>

Third, laws should also be strengthened to prevent individuals with a demonstrated history of threatening or violent conduct—such as those subject to a domestic violence restraining order or who have been convicted of domestic violence or hate crimes—from possessing guns.

# Conclusion

The Federal Bureau of Investigation defines domestic terrorism as activities that include the following characteristics:

*Involve acts dangerous to human life that violate federal or state law; Appear intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and Occur primarily within the territorial jurisdiction of the U.S.<sup>127</sup>*

The actions of Cliven Bundy, his supporters, and other violent anti-government extremists who have engaged in armed confrontations with law enforcement certainly appear to fit within this definition. Yet much of the national conversation about these incidents has focused on validating the extreme anti-government sentiment that motivates these violent acts and the land-grab of vast swaths of public lands currently under the protection of the U.S. government rather than condemning these actions as the violent crimes they are. These actions should not be taken lightly, nor should they be indulged or validated by mainstream political leaders, especially when it comes to the presence of guns in these confrontations. Federal and state policymakers need to take serious action to hold violent anti-government extremists, such as Cliven Bundy and his supporters, accountable for their crimes and enact strong laws and policies to ensure that those violent extremists who are prohibited from gun possession are not able to continue to exploit loopholes in current gun laws.

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