

Across the Great Divide: Attending the Sagebrush Rebellion Trials

by Marian Rhys

One of the things I love most about living in the American West is the land itself: the wide-open spaces, the stark beauty of the desert, the roar of the wind through the high Sierra passes, the afternoon fog that rolls in from the ocean in the summer afternoons, enveloping the stately coast redwoods and sturdy Monterey pines. Most of all, I am grateful for the plethora of public land: about 75% of the land in Western states is public.

It has been painful for me, therefore, to hear about the anti-public land movement—the so-called ‘sagebrush rebellion’—and when I found out that the trials of the people who occupied the Malheur National Wildlife Refuge in Oregon in early 2016 were to be held in my home city of Portland, Oregon, I made plans to attend as much of the two trials as possible.

I had read and heard about Nevada rancher Cliven Bundy and his sons Ammon and Ryan, when in April 2014 they staged an armed standoff with federal officials over the elder Bundy’s refusal to pay the fees he owed for grazing his cattle on public land, and I wanted to see this group brought to justice. I was curious, too, about these people, about whom I knew nothing except what I had read or heard in the news media.

The two trials became a major focus of my life for several weeks, as I became part of a motley community consisting of the rebels themselves, their friends and family members, government functionaries, and observers who, like myself, were attending out of curiosity.

I found the experience, as a whole, heartbreaking.

Despite my philosophical disagreements with these sagebrush rebels, I felt a great deal of compassion for most of them. I also came to admire their hard work, dedication, and competence, and their devotion to family and community. These people have experienced the outdoors differently than I have: as a way to make a living—a hard one, involving arduous labor, financial insecurity, and the vagaries of the weather. In some ways they are more competent at being in the outdoors than I am. They know how to care for stock animals, to hunt, to manage guns, and to fix farm equipment.

Once, during a break, some trial observers sitting next to me were discussing buying a used truck. One of them opined that, when buying a used vehicle from a rancher, you would have no way of knowing the maintenance record on the vehicle because ranchers do virtually all their own maintenance, and do not record it.

It was also clear that most of these rebels had a strong sense of spirituality: many of the defendants were fundamentalist Mormons. While their spiritual viewpoint differs from mine, I could relate to its central importance in their lives. After all, many Friends have, like some Mormons, endured persecution for their beliefs.

The government chose well in their selection of a judge for the trials: Anna Brown, in her middle to late sixties. She was attentive, patient, and firm, and she kept the proceedings organized and fair. We court observers got to hear many discussions among the judge and

the attorneys, which the jury did not witness. Judge Brown kept some of the more emotional (and irrelevant) testimony from being presented: “No, we are not going to show the Finicums’ wedding photograph. We will show the recent photo of them.” and “No, we are not going to show Jake Ryan holding a gun at the age of twelve.”

I had mixed feelings about the prosecution attorneys. They were, like the judge, highly competent, but I disagreed with some of their tactics (trying to bully witnesses), and thought they took the jury’s willingness to think critically too much for granted. For example, in the first trial, they did not explain clearly that a conspiracy does not have to be secret, neglecting to challenge the defendants’ claims that they were innocent of conspiracy because they made their planned actions public. (The attorneys did clarify this, in the second trial.) And the attorneys did, as one juror later told the news media, come across as arrogant. It is a sad statement on the jury system, though, that a jury would come to a verdict based on their subjective feelings rather than considering the evidence. Yet this was apparently what happened in the first trial.

On the other hand, it was clear that there had been some inexcusably bad conduct on the part of the federal government. We viewed a video of the first (peaceful) protests at the Bundy ranch in Nevada, including an incident where a federal marshal grabbed a middle-aged woman protestor by the shoulders, spun her around and threw her to the ground. This appeared to be completely unprovoked, triggered simply by the marshal’s frustration. The woman was one of the Bundy family members, and I can fully understand the family’s anger at this incident. In fact, I often thought to myself that these sagebrush rebels should get together with the Black Lives Matter people; they had more in common than perhaps either group realized.

There was, in fact, an almost total lack of diversity in this entire courtroom community; it was a white people’s gathering. The only exception was one African American occupier; he testified but was not a defendant.

One of the most poignant witnesses—and one of the few women—was Mrs. Roxanna Ryan, mother of Jake Ryan, one of the younger defendants, still in his twenties. A sixty-something woman with graying brown hair worn in a long braid down her back, Mrs. Ryan was the most self-effacing of anyone who took the stand. Every time the judge had to reprimand her for wandering off the topic, she invariably responded, “I’m sorry, Your Honor. I apologize.” None of the other witnesses gave any more than perfunctory “All right” or “Yes, ma’am” responses.

I had a lot of admiration and compassion for Mrs. Ryan. She had raised thirteen children (all the Mormon families in the trial were large, having at least seven children), home schooling them all in addition to performing backbreaking manual labor on the ranch. Despite her self-deprecation in public, she was clearly a strong person, with deeply held beliefs.

The fear that many of the sagebrush rebels had of the federal law enforcement personnel was brought home most graphically by a middle-aged man who broke down in tears as he described his agony during the night after Levoy Finicum, one of the occupiers, had been shot and killed by federal marshals as he exited his truck, appearing to reach for a gun in his pocket. The entire refuge felt under siege that night, as helicopters clattered overhead, searchlights sweeping over the refuge site. Although it turned out later that these were

news helicopters, not law enforcement ones, in the dark of night the terrified occupiers had no way of knowing that.

It was this incident that led the Ryan family to travel all night from Idaho to Oregon, to rescue their son Jake. As a parent, I could empathize with their fears—especially given their distrust of government officials—that he might be targeted in some violent standoff. It must have been a harrowing trip for them, and a great relief to arrive and find their son safe.

Some of the participants who joined in the occupation, though, were on the fringes, not just of society, but of sanity. This made for some colorful moments in the trial, that helped offset the heartbreaking ones.

Probably the feistiest witness was defendant Kenneth Medenbach, who has made a career of harassing the Bureau of Land Management, building illegal cabins on public lands and decorating them with posters proclaiming his own viewpoint: that it is the federal government that is illegally claiming the land. Mr. Medenbach is in his seventies now, and has a long prison record for his trespassing incidents on federal lands. I had to admire his competence at building cabins; he had gotten it down to an exact science, and could put one up in a matter of hours.

Marcus Mumford, Ammon Bundy's defense lawyer, was another colorful character, and clearly less intelligent than his client. He had a speech impediment, which, according to some of the trial attenders, he actually had more control over than he appeared to, sometimes using it to garner sympathy. Neither did he impress me as a competent lawyer, as he frequently raised objections that clearly had no merit; these primarily revolved around the presentation of evidence detrimental to his client, but which was also clearly relevant and admissible.

The most deranged witness that I saw, however, was Blaine Cooper (a.k.a. Stanley Hicks), who had turned state's witness in return for a lesser sentence himself. He claimed to have been severely abused as a child, suffering from PTSD as a result (this was verified by an expert psychiatric witness), and had become a violent anti-Muslim extremist. He had posted U-Tube videos of himself degrading the Koran in various ways and making threats to the Muslim community. It was clear to me, watching these videos, that this was someone who understood humiliation—knowledge that could only have been gained from personal experience of being the victim of it.

Another trial witness was an impressively beautiful, voluptuous woman, who took the stand dressed in a clearly expensive low-cut black dress. When the judge asked her to state her occupation, I half-expected her to say "high-priced courtesan," but in fact she was a state legislator, from Utah, I believe. I was also surprised at her lack of knowledge of the law; the judge had to repeatedly remind her—as she did with many defendants and witnesses—not to wander away from the topic of the question she was being asked. She evidently did not have a legal background, as I would expect of a legislator.

The person who surprised me most was Ammon Bundy, the second eldest son of Cliven Bundy, who was more or less the ringleader of the occupation. Ammon impressed me as very different from the wild-eyed radical I had seen him portrayed as, in the news media. He spent about a day and a half on the witness stand, and maintained his composure well during that time, except very early in his testimony, when he too broke down in tears as he

described what he perceived as the damage that federal officials had done to many ranching families. I believe he was sincere in these feelings, as I did not perceive him to be a good enough actor to fake it.

Ammon Bundy appeared thoughtful and sincere, if misguided, throughout the trial. He often paused to think about a question, before he answered it; he was not taken in by the prosecuting attorney's attempts to bully him into becoming angry and defensive. Ammon claimed that he had initially been reluctant to get involved in the rebellion movement, but was finally catalyzed by the actions of the federal government. And, once committed, he was totally committed, risking his livelihood and health for the cause he had come to believe in. Not being the eldest son of the family, he was to receive no inheritance, and had made his living at various trades, finally settling on a truck maintenance business, which he was attempting to carry on even as he sat in jail. I came to respect and admire Ammon, even while I disagreed with his political views.

Going to and from the courthouse were also interesting experiences. On the first day, I accepted a pamphlet being handed out by a rebellion proponent, concerning jury nullification and citing its inception with William Penn's case in England, a case that as a Friend I was familiar with. (Potential jurors were actually let in through a separate entrance, but that news had evidently not gotten out to everyone, and anyone approaching the courthouse that first day was judged to be in the jury pool.)

Throughout both trials, rebellion supporters hung out around the courthouse area, keeping up a continual vigil across the street at the corner of a city park, and gathering in small groups on the courthouse grounds themselves. They were clearly identifiable by their clothing—jeans, sheepskin coats and cowboy hats, a few of the women in modest dresses—as well as by the signs and American flags they carried. Dwayne Ehmer, a defendant at the second trial, brought his horse along for the first trial, frequently riding it up and down in front of the courthouse steps, often carrying an American flag.

I always tried to smile and nod at these people, although I never approached them for conversation (as I could have) and they generally stayed away from the direct foot-traffic areas. I often wondered how they perceived Portland. To me it was home, a familiar and welcoming place, but to them it must have seemed a big city, hostile and corrupt.

I did meet a few of the rebellion supporters in the courtroom lobby, during breaks, and had some brief conversations with them. We rarely discussed the trial itself, and I did not reveal my own position, as I was primarily curious about how they were faring in Portland. Many had set aside their normal lives, as much as they could, to attend the trial, some traveling hundreds of miles to be there, week after week. Sometimes they were able to stay with friends or family in the area, or sleep in RVs or campers they parked in areas outlying the city itself. A few children were brought along; they must have been terribly bored. One young boy often played with his remote-control truck in the lobby.

During the closing arguments toward the end of the second trial, I was sitting next to a couple who, while they had been at the refuge, were not being charged in either of the trials I attended, although the wife had been called as a witness. The husband was noticeably younger than his wife, and I made the mistake of asking if he was her son. She was not offended by my question (for which I apologized), as (I am sure) it was not an uncommon one.

One of the defense attorneys was arguing that his client had dug a trench on the refuge as self-protection, as he believed his life was in danger from the federal marshals. As this couple nodded and murmured in agreement, I thought, "I don't believe that excuses the behavior; I hope the prosecuting attorney sets the record straight on this." He did, and the couple's murmurs of disappointment at hearing that made me feel sorry for them, even as I was relieved. As they left, I wished them well on their journey home, and I was sincere in that wish. They had clearly taken time out of a busy life, and travelled a long distance, to attend both the original occupation and the trial.

Attending these two trials brought me into contact with people I would not otherwise have associated with, and I am grateful for that opportunity. I came to understand more about their fears and grieve for their losses; to admire their work ethic, their devotion to family, and their competence in making a living in a harsh environment. They seemed like good people, doing the best they could with what they had to work with.

My overall impression of these sagebrush rebels was that they were decent, hard-working people who were being victimized by forces beyond their control and understanding. They were educated on many matters pertaining to the Constitution, but they were ignorant of the complexities of global economics, and of the history of oppressed peoples in this country. Their view of the world was simply not broad or deep enough to understand what they are really up against.

The malevolent forces destroying their way of life are not the federal government, but the global shifts in the economic system, triggered by overpopulation and environmental destruction. They were right about being thrown away, but wrong about who is doing the throwing. In some ways, I envy this ignorance, even as I am saddened to realize that it will ultimately be their downfall, for we are all living on a dying planet. These times call, not for judgment, but for mutual compassion and respect, and for supporting each other as we all face historic challenges. Surely this is what our faith calls us to do.

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