CHAPTER SIX

1996 - The Montana Freemen

I am only here because of my mom.
This is not something I am willing to die for.
I haven't even started to live.

-AsWey Taylor (16) as reported by Bo Gritzl

The Potential for Violence

The standoff on a wheat farm in Garfield County, Montana, from March 25 to June 13, 1996, between FBI agents and a group of Christian Patriots known as Freemen corralled a group of people who had been waging war for approximately four years against law enforcement agents and the government. The Freemen were part of a revolutionary movement that attempted to overthrow the federal government, which they regarded as oppressive and satanic. As revolutionaries, the Freemen had sympathizers, but they had not gained a sufficient number of people willing to fight the revolution. Aware of being small in comparison to the armed law enforcement establishment, the Freemen utilized "paper warfare" to achieve their goal. The Freemen possessed guns and threatened violence against their enemies, but their primary weapons were "Common Law" documents; the Freemen placed liens against the property of government officials, judges, sheriffs, attorneys, and then issued Comptroller WarrantS (drafts) against the liens.2

The Freemen's worldview was derived from the Christian Patriot interpretation of the Bible, the Magna Carta, the Declaration of Independence, the pre-Civil War American Constitution, and other legal documents that they regarded as authoritative. The Freemen utilized their liens and drafts - which they regarded as valid - as weapons to battle the federal government and the Federal Reserve System, which they regarded as satanic "Babylon." As Christian Patriots and believers in a theology called Christian Identity, the Freemen believed they were living in the period of the tribulation, the time of violence leading to armageddon, the final battle against Satan's agents. This would be followed by the Second Coming of Christ and the establishment of God's kingdom.

The ultimate concern of the Freemen was to establish an association of sovereign state republics free from federal authority, in which Yahweh's laws, given in the Old Testament, would be enforced. The Freemen emphasized the illegitimacy of centralized federal government and, conversely, the legitimacy of local governing structures, such as independent townships, Common Law courts, and the authority vested in sheriffs by these local institutions.

As revolutionary millennialists, the Freemen were part of a contemporary Euro-American nativist millennial movement, or what scholars often call a "revitalization"4 movement. A nativist millennial movement consists of individuals who feel oppressed by a foreign colonizing government, believing that the government is removing the natives from their land and eradicating their traditional way of life. Nativists hope for an elimination of their oppressors and a restoration of their idealized past way of life. The idealized past way of life may be highly embellished, as is the case with Identity Christians, who identify themselves with the biblical Israelites and seek to create a government that enforces God's laws given in the Old Testament.

Nativist millennialists are not necessarily violent; they display a range of behaviors, and they may fall into the categories of millennial groups discussed in this book: fragile groups, assaulted groups, and revolutionary groups. Nativist millennial groups may become fragile and therefore initiate violence.5 Nativist groups may await divine intervention but find themselves assaulted by law enforcement agents who perceive them as being dangerous.6 Nativists may be revolutionaries,7 such as the Montana Freemen and their kindred in the diffuse contemporary Euro-American nativist movement.

Euro-Americans certainly were not the original "natives" of North America. But the white Americans who participate in this Euro-American nativist millennial movement regard America as their native land from which they are being dispossessed.

The Freemen were part of a Euro-American nativist millennial movement that is ongoing; they considered themselves to be an indigenous group that was being colonized and oppressed by a foreign government bent on exterminating their families, race, religion, and culture. The Freemen were fighting for survival and independence, and to establish a millennial kingdom they viewed as a return to their earlier culture. They aimed to restore the "united States of America," an association of sovereign state republics governed by Common Law derived from the Bible and the American Constitution. To accomplish this it was necessary to demonstrate the illegitimacy of the "United States," which they
believed had come under the control of the World Bank, federal government were under the control of conspiratorial Jews. The Freemen were waging a war to regain control of their sacred promised land, America. If necessary, the Freemen were willing to kill or die for their ultimate concern.

The Freemen were part of a grassroots nativist movement of white Americans, many of whom call themselves Christian Patriots, and who may affiliate with Constitution and Common Law study groups, militias, and a variety of white supremacist organizations and religions including the white supremacist religion known as Christian Identity. The most committed of the Montana Freemen were Identity Christians, who advocated white supremacy and believed that Jews, identified as the offspring of Satan, controlled international banking institutions and the United States government. The Freemen utilized their Common Law documents to wage paper warfare in order to destroy the federal government and its economic institutions.

The Freemen’s Common Law documents and financial instruments may be analyzed in terms of magic, which often is used in nativist millennial movements. Magic consists of rituals (often involving speaking or writing words of power) that are believed to have the power to effect changes in the physical world. Magic, like other religious methods, is aimed at securing well-being. Participants in nativist millennial movements often “imitate the behavior or organizational patterns” of the group that has conquered them in order to gain power over that government and its agents. The nativist aims to gain and utilize the invisible power that the dominating group appears to possess. The nativist aims to acquire that power in order to defeat the controlling government and to establish the natives’ idealized past golden age.

Michael Adas has pointed out that nativist millennial movements originate among people who feel oppressed by a foreign colonizing regime. They feel oppressed by taxation and other "extraction" methods utilized by the dominating government. These extraction methods result in the natives’ loss of land, wealth, and their traditional way of life, and cause their downward mobility. The natives are in the position of losing the status and economic well-being that was available in their earlier way of life. They see their traditional way of life, often in villages and agrarian communities, disappearing. A nativist millennial movement may arise when the bureaucratic structures of a dominating government are viewed as oppressive and unresponsive to the needs and petitions of the natives. The natives do not believe they will receive a fair hearing or an adequate response from the courts and agencies of the oppressing government. Adas points out that nativist movements are often characterized by hostility toward ethnic groups who are perceived as benefiting from the dominating government and its economy. If possible, the nativists will attempt to purge their land and culture of the hated ethnic people. Adas also points out that networks of communication are crucial for the development of a nativist millennial movement.

While scholars have been accustomed to identifying and studying nativist millennial movements in undeveloped parts of the world where natives have responded to colonialism, the Freemen and the Euro-American nativist millennial movement of which they are a part are a nativist movement of white people utilizing the means of communication available in the post-industrial world; radio, television, telephone, fax, Internet, email, and the World Wide Web. Although distinctive among nativist millennial movements because of their use of advanced technology, like other nativists, Euro-Americans are responding to deprivation of economic and social advancement in the "highly mobile society" preceding over by the hated dominating government.

Journalist Joel Dyer locates an important source of this contemporary Euro-American nativist movement in the hardships experienced by farmers and rural small business operators and workers during the 1980s. During the 1970s, farmers were encouraged by bankers and Farm Home Administration agents to take out large loans to increase the size of their farming operations. But, in 1979, Federal Reserve Chairman Paul Volcker decided to curb inflation by raising interest rates. Property values dropped while the interest rates on loans increased. Farmers were unable to make profits on their produce, and they were subjected to high taxes. Multinational corporations took advantage of the farmers’ plight by buying up their repossessed farms at low prices and consolidating much of American farmland into the holdings of a few corporations. These same multinational corporations determined the prices farmers could obtain for their produce. The farm crisis also caused the failure of numerous businesses related to the farming industry. Dyer highlights the fact that federal decision makers typically live in cities and are unconcerned and unresponsive to the plight of rural people. He also criticizes the news media for failing to report the ongoing crisis in rural America.

Due to the continuous anxiety and unending work, resulting only in the loss of one’s farm, way of life, and identity, the rate of suicide among farmers has gone up dramatically. Dyer argues that while suicide is an expression of anger turned inward, numerous rural people have begun to turn their anger outward and direct it against the federal government, its policies, and agents. American farmers’ despair was expressed in the following letter written by Darrell and Sally Frech in 1989. Darrell Frech subsequently became a Common Law activist and teacher.
Dear Sir:

No one can ever begin to imagine the stress, strain, frustrations, and total helplessness that the American farmer has had and felt the last few years in trying to stay afloat and fight the farm credit system. You get so desperate you do not know what to do or even where your next meal for your kids will come from.

We personally have been fighting Federal Land Bank of Enid and Wichita for the last seven years. FLB lied, cheated, and frauded us. One farmer by themselves can not fight them through the courts. So where do you run to for help?

We wanted to give up so many times and walk away. You take your frustrations out on each other and on your family. You are always under tension. You can’t afford insurance, doctors, or anything. This stress and strain causes arguments, divorces, and extra problems with children. This desperation often causes murder and suicides. They can not face failure and losing the family farm.

Our Plea is this, make the Farm Credit System, especially the FLB accountable to someone! No entity should be allowed to do these things to anyone and not be punished. If a borrower was free to sue the Farm Credit system and for punitive damages, they would straighten up their act. A federal grand jury investigation needs to be called to investigate their dealings, contracts, and why their illegal charges, debits, and credits appear and disappear at the touch of a button. Please make the Farm Credit System accountable to someone!

Darrell and Sally Frech, 1989

Increasingly, instead of turning their anger inwards, farmers, small-business owners, and other Americans threatened with downward mobility have become receptive to the message of the radical right that their hardship is the result of an international conspiracy of Jewish bankers, who have gained control of the federal government and who aim to profit from the suffering of hardworking Americans. In the 1990s, a California farmer named Tim explained this view. According to Tim, “This kind of injustice [death and foreclosure] is going all over the country....”

It’s what happened to the folks in Montana [referring to the antigovernment group called the Freemen, who were involved in an eighty-three-day standoff with the FBI in 1996, and it’s what happened to me. That’s why LeRoy [LeRoy Schweitzer, the leader of the Freemen] was arrested. He was teaching people how to keep their farms and ranches. He was showing them that the government isn’t constitutional. They foreclose on us so they can control the food supply. What they want to do is control the Christians. They’d like to kill us all.”

The Freemen’s resistance to the federal government began in 1992 when Rodney Skurdal, a former Marine, bought a farm in Musselshell County, near Roundup, Montana, and initiated paper warfare by filing Common Law documents. His documents included a “Citizens Declaration of War” against “foreign agents” in the “country of Montana.” The Musselshell County attorney became so frustrated in dealing with Skurdal’s cases that he resigned. In July 1994, the Montana Supreme Court limited Skurdal’s access to the courts and fined him $1,000 for filing “meritless, frivolous, vexatious” documents. Because Skurdal did not pay federal taxes, his property was legally siezed in 1993 and put up for sale, but no one attempted to remove Skurdal from his farm.

In late 1994, LeRoy M. Schweitzer moved in with Skurdal, and in early 1995 Daniel and Cherlyn Petersen did as well. They collaborated in waging war against Babylon by filing legal documents that expressed their understanding of Common Law. A sign on Skurdal’s property warned, “Do Not Enter Private Land of the Sovereign.... The right of Personal Liberty is one of the fundamental rights guaranteed to every citizen, and any unlawful interference with it may be resisted." They taught other people their understanding of the Common Law and how to fight the federal government with Common Law documents. In late 1995, fifteen drafts issued by Schweitzer ranging in value from $2,600 to $91,000 were successfully passed. The Schweitzer drafts were used by individuals to make child support payments and to buy trucks and cars. The Freemen issued threats against law enforcement officers who attempted to limit what the Freemen considered to be legal activities. The local sheriff did not attempt to move against Skurdal and his colleagues, saying, "These people want to be martyrs." 18

The Freemen in Roundup became acquainted with the Clark family, who lived on a 960-acre wheat farm near Jordan in Garfield County, Montana. In 1981, after accepting almost $700,000 in federal aid, the Clarks stopped making payments on federal loans, and by 1995 owed $1.8 million. The bank foreclosed and sold the farm at a sheriff’s auction in April 1994, but the Clarks refused to vacate their family farm. 19

In January 1994, the Freemen, including Skurdal and Petersen, seized control of the Garfield County courthouse and held a meeting to set up a local government. Richard Clark presided as judge and charged the judge who had ruled against the Clark family with contempt. According to Richard Clark, "We’ve opened our own common law court and we have the law back in the county now." Shortly thereafter, the Freemen posted flyers in Garfield County advertising a bounty of $1 million for the arrest
of the sheriff, the county attorney, and the judge. The sheriff asked a Freeman if he could turn himself in and collect the reward. The Freeman replied that he could do that, but the sheriff would be tried, convicted, and hung. The sheriff in Jordan arrested Freeman every now and then but made no attempt to take all of them into custody. Garfield County attorney Nick Murnion filed charges against the Freemen for impersonating public officials and committing "criminal syndicalism," defined as "advocating violence or terrorism for political purposes." The Freemen continued their revolution against the government.20

In February 1995, Murnion successfully prosecuted William Stanton (64) for criminal syndicalism. Stanton had lost his ranch in foreclosure and blamed his misfortune on the government. After Stanton's conviction, the FBI alerted Murnion, the Musselshell County attorney, and the judge who had convicted Stanton, that the Freemen were planning to kidnap a judge, try, convict, and hang him. On March 3, 1995, a Musselshell County deputy stopped Freemen Dale Jacobi and Frank Ellena for driving without a license plate and driver's license. The deputy discovered in the vehicle thirty sets of handcuffs, rolls of duct tape, $60,000 in gold and silver, and $26,000 in cash. After Jacobi and Ellena were arrested, three Freemen came to the Roundup jail and demanded the items that had been seized. Other armed Freemen were outside in two cars. After all were arrested, the sheriff's office received hundreds of threatening calls. Most of the charges were dropped because of the search procedures.21

FBI agents kept the Freemen under surveillance, but they attempted to avoid violence subsequent to their botched handling of the Branch Davidian (see chapter 4) and Weaver family cases. The cabin of Randy and Vicki Weaver at Ruby Ridge, Idaho, was under surveillance in August 1992, when two federal marshals got into a gunfight that killed Deputy U.S. Marshal William F. Degan (42) and the Weavers' son, Sammy (14). The gunfight began when the Weavers' yellow Labrador, Striker, discovered the armed marshals dressed in camouflage combat suits. Striker was killed, and shots were exchanged between the marshals, Sammy Weaver, and a Weaver family friend, Kevin Harris. Sammy was shot in the back as he tried to run away. Randy Weaver was an Identity Christian and an army veteran who had trained his children in the use of firearms. The Weaver family had taken refuge in the Idaho mountains and were armed for self-defense during the expected tribulation. Randy Weaver was wanted for failing to appear in court on a charge that he had illegally sawed off two shotguns and attempted to sell them. The FBI Hostage Rescue Team (HRT), commanded by Richard Rogers, surrounded the Weavers' cabin and did not notify the Weavers of their presence or ask them to surrender. Nor were the Weavers apprised that the FBI had changed its normal rules of engagement; the FBI snipers were instructed to shoot to kill any armed male adult they saw. An FBI agent fired shots at Randy Weaver and Kevin Harris when they came outside, and this resulted in the killing of Randy Weaver's wife, Vicki (42), as she stood behind the cabin's front door, holding their baby. After a ten-day siege, Randy Weaver, his friend Kevin Harris, and Weavers' three young daughters surrendered. Subsequently, Randy Weaver and Kevin Harris were acquitted of murder and conspiracy charges in a federal court. In 1995, the federal government, without admitting wrongdoing, paid the Weavers' three daughters $1 million each and gave Randy Weaver $100,000 in settlement.22

The killings of Randy Weaver's wife and son at Ruby Ridge in 1992 and the deaths of the Branch Davidians in 1993 provoked a strong reaction among right-wing white Americans, some of whom organized into militias and prepared to do battle with federal agents utilizing excessive force against civilians. The majority Christian Patriot view is that militia members are law-abiding citizens "who only want to protect themselves and their neighbors should federal agents begin breaking down doors in their neighborhoods. The militia are the law enforcement when the government becomes lawless."23 But revolutionary individuals commit acts of domestic terrorism. In October 1995, sabotage caused the derailment of an Amtrak passenger train, and a note nearby, signed "Sons of Gestapo," condemned federal handling of Ruby Ridge and Waco.24 On April 19, 1995, the second anniversary of the Branch Davidian fire, a federal office building in Oklahoma City was ripped apart by a bomb that killed 169 and injured about 600. The Oklahoma City victims were depicted in the news media as worthy victims, and the world was shocked by a photograph of a rescuer carrying out the bloodied corpse of an infant. In 1997, Timothy McVeigh (29), an Army veteran of the Persian Gulf War, was found guilty of committing the Oklahoma City bombing and given the death penalty. At his trial, McVeigh's defense attorney presented evidence concerning the Branch Davidian tragedy, implying that McVeigh was motivated to take revenge against federal agents for the deaths of the Davidians.25

FBI agents did not move quickly against the Montana Freemen, despite pleas for assistance from the local sheriffs and county attorneys.26 The Freemen continued their Common Law and financial activities and continued making threats against law enforcement agents. In April 1995, Skurdal wrote in a document, "This is a holy war." He saw it as a conflict involving "God's laws vs. man-made laws."27

In September 1995, Skurdal, Schweitzer, and other Roundup Freemen formed a convoy of six vehicles and drove 150 miles to the Clark farm near Jordan. The Clark farm was designated "Justus Township," with its own Common Law court and officials. JustUS Township became a cen-
ter, where seminars were given on the Freemen tactics of issuing liens and drafts. There the Freemen taught an estimated 700 to 800 people their understanding of the Common Law. The primary teachers were LeRoy Schweitzer, Rodney Skurdal, Daniel Petersen, and Dale Jacobi.28 The Freemen attracted like-minded locals and outsiders to settle in Justus Township.

Finally, neighbors became fed up with the Freemen. They planned a meeting to discuss taking action against the Freemen, such as cutting their telephone lines and closing the county road to the Clark farm. The Freemen resolved to fight back to defend themselves and their government. Reportedly, at a meeting, Schweitzer outlined the plan: "We'll travel in units of about 10 outfits, four men to an outfit, most of them with automatic weapons, whatever else we got-shotguns, you name it. ... We're going to have a standing order: Anyone obstructing justice, the order is shoot to kill."29 An undercover agent, Special Agent Timothy J. Healy, saw "Wanted, dead or alive" posters for public officials inside Justus Township.

On Monday, March 25, 1996, LeRoy Schweitzer and Daniel Petersen were arrested by Healy and four other agents while they were away from the farm's main buildings inspecting a newly installed ham radio antenna. On the following Saturday, Richard Clark, who had been away from Justus Township when the standoff began, turned himself in.30 FBI agents took a totally different approach with the Freemen standoff than the one taken with the Branch Davidians. Attorney General Janet Reno announced that there would be "no armed confrontation, no siege and no armed perimeter."32 FBI checkpoints were established out of sight of the Clark farm houses. Relatives were permitted to visit regularly. The Freemen and news reporters were able to meet at the perimeter and exchange information. FBI agents brought in about forty-five third-party intermediaries.33 Two sympathizers, Stewart Waterhouse and Jon Barry Nelson, drove to Justus Township and joined the Freemen.34 At his hearing, Daniel Petersen predicted that the Freemen standoff would be "worse than Waco."35 The Freemen were revolutionaries prepared to fight against evil Babylon and the "Agents of Satan."36 After the eighty-one-day standoff concluded, Colorado state Senator Charles Duke, who had served as a third-party intermediary, released to the media an audiotape he had recorded in Justus Township. On it Freeman Russell Landers said, "We're not here in this logistically defendable position as fools. We're guerilla warfare and I'm sorry, Charlie, but I feel very strongly about this, and they can take their (expletive) warrants and shove 'em right up their (expletive) where that 30-0-6 [sic] (rifle) of mine is gonna drill 'em." Duke reported that each of the Freemen was armed. Duke also recorded Freeman Edwin Clark expressing his fears of falling into federal custody. Clark asserted that when LeRoy Schweitzer was temporarily taken to a prison medical facility, Schweitzer had an encounter with a physician: "A doctor from New York City come in and told Leroy: he says, you'll never see the light of day. And he says, I'll guarantee you before you leave here I'm gonna inject you with, with a deadly ah... dose of cancer." Edwin Clark made the following assertion about another jailed comrade: "They gave him a lethal dose of 'no brains' when he come back."37

The Freemen counted on help from revolutionary allies in the diffuse Euro-American nativist millennial movement. A Michigan militia leader, Norm Olson, told the media that the "second American Revolution" would begin at Justus Township, and he called on militiamen across the nation to prepare to do battle, but militia support for the Freemen did not materialize in significant strength.38

The eighty-one-day Freemen standoff was handled in a low-key manner by FBI agents and, thus, it ended peacefully, but throughout the standoff there was the possibility of violence. The FBI resolved the standoff peacefully when they offered terms to the Freemen that permitted them to remain true to their ultimate concern—the most important thing in the world to them—while being taken into custody.

The Cast of Characters

The Freemen were a group of individuals, some more assertive than others, who held the opinions of jailed LeRoy Schweitzer in particular esteem, and acknowledged his expertise in Freemen Common Law.

Russell Landers stands before the Justus Township seal as he explains principles of Freeman Common Law in a videotape given to reporters. (AP Photo)
LeRoy M. Schweitzer (57) was one of the leaders arrested on March 25, 1996, and he had a reputation among Christian Patriots as a foremost expert of Common Law. The charges against Schweitzer included threatening to kill a federal judge, threatening public officials, and issuing false financial documents. Schweitzer was formerly a crop duster. One year in the 1970s, he claimed what he thought was a legitimate deduction on his federal income tax form. He was subsequently audited by the Internal Revenue Service. In 1977, Schweitzer refused to pay a $700 tax bill. In turn, the Internal Revenue Service froze $6,000 in his business banking account. This marked Schweitzer's loss of faith in banks and the government. He told a friend, "The IRS can steal my money, but nobody else can." Schweitzer was audited again by the Internal Revenue Service in 1978. In 1992, the Internal Revenue Service seized his airplane and his home in Bozeman, Montana, to pay taxes dating back to the 1970s. He had frequented meetings of the anti-federal government movement known as Posse Comitatus. Schweitzer perfected the Freemen technique of waging paper warfare in the following steps: (1) a "true bill" enumerating crimes in confession format was sent to the targeted enemy; (2) if the targeted person did not respond to the true bill, he or she was judged guilty; (3) a lien was filed against the target's personal property; (4) Comptroller Warrants (drafts) were issued based on the lien. Schweitzer explained how he utilized liens against public officials:

We sent this little DCC 4 out to them, this confession sheet we call it, the true bill, as an agreement. And when they don't answer, it becomes a binding contract. Now we get 'em for failure of consideration, breach of covenant. That has value to it. Every time they breach a covenant with me, it's a hundred million. And if I'm feeling a little bit bad that day, I charge them a billion that day.

My liberty is worth a lot more than their hanging. So we're not hanging them yet. We don't have enough people to make the arrest, yet... So what we're doing is going after the property first. We're attaching the property. We'll get to the cleanup later.

The Freemen believed their liens and drafts were legal, since the same documents were utilized by Federal Reserve banks and the Internal Revenue Service. They felt that the news media misrepresented their activities by reporting that the Freemen were issuing "bogus checks." According to Freemen logic, the Freemen were utilizing the documents and legal strategies of the satanic federal system to destroy that system; if the Freemen documents were illegal, so were those of the federal government. As noted earlier, these methods can be viewed as magic, by which nativists appropriate the enemy's power by imitating their actions and their use of words possessing power. The Freemen had total confidence in the magical power of their Common Law documents to acquire the condition of well-being for them. 

Daniel E. Petersen (53) was arrested with Schweitzer on March 25, which left his wife, Cherlyn (51) in Justus Township during the standoff. Cherlyn appeared to be following her husband on the Freemen path. After she was taken into custody, Cherlyn told a judge, "My husband will speak for me." Cherlyn probably played no role in the standoff negotiations.

Rodney O. Skurdal (43) was one of the primary ideologues in Justus Township during the standoff. He was a former Marine and had served in a military honor guard for Presidents Nixon and Ford. Since 1983 Skurdal had refused to have a driver's license or license tags on his car, or to use his Social Security number.

Dale Jacobi (54), a Canadian and a former police officer, was also an important Justus ideologue during the standoff.

Russell Landers (44) and Dana Dudley Landers (46) of North Carolina came to Justus Township with their sixteen-year-old daughter, Ashley Taylor. The Landers couple were students of Roy Schwasinger, leader of an anti-federal government group called "We the People," from whom they learned about radical right interpretations of Common Law and the analysis of the American economic system. Both were wanted in Colorado for conspiracy and securities fraud. They taught seminars on the economic system based on their interpretation of the Bible and their belief that God willed Americans to follow the laws given in the Old Testament. Like the other Freemen, they saw their legal and financial battle against the federal government as a holy war. After the Freemen were taken into custody, Dana Dudley Landers asserted in court that she was "a Christian woman," and since the Bible forbade her to speak, her husband would speak for her. But Dana Dudley Landers was an outspoken woman—even when she claimed that she would not speak. Dana Dudley Landers was probably a person to be reckoned with during the standoff negotiations. Their sixteen-year-old daughter, who was variously known as Ashley Taylor, Ashley Landers, or Amanda Michele Kendricks, came out of Justus Township immediately prior to the Freemen's exit.

Other residents of Justus Township when the standoff began were Agnes Stanton (51), her son Ebert Stanton (23), Ebert's wife Val Stanton, and their five-year-old daughter, Mariah. Agnes and her husband William Stanton became interested in Freemen ideas when they began having financial problems. During the standoff, William Stanton was serving a ten-year-term for criminal syndicalism and passing a bad check. Val and
Mariah Stanton left early in the standoff, and Agnes and Ebert surrendered shortly thereafter. 51

Steven Hance (46), and his two sons, James Hance (24) and John Hance (19), were wanted in North Carolina for assaulting a police officer and for resisting arrest in a chase that began because the Hances were driving a vehicle without a license plate. They faced federal charges for failing to appear in court. After the standoff concluded, Steven Hance emerged as one of the most belligerent Freemen in court, who vehemently rejected the jurisdiction of the federal courts. 52

Other committed Freemen arrested at the conclusion of the standoff were Jon Barry Nelson (40) 53 and Cornelius John Veldhuizen (49). 54

Justus Township was the temporary residence of Elwin Ward (55) 55 and his Common Law wife, Gloria Ward (35), also known as Tamara Mangum. With them were two of Gloria’s daughters, Jaylynn Joy Mangum (8) and Courtnee Joy Christensen (10). The Wards belonged to a schismatic Mormon sect led by a prophet, John Chaney (39), who taught that girls should be married at puberty. Chaney did not have ties with the Freemen, but his group and the Freemen shared a literalist manner of interpreting the Bible. Gloria Ward was involved in a custody battle with her ex-husband, Steve Mangum, and she faced charges in Utah for felony custodial interference for taking the children out of state. Earlier, Gloria had married her eldest daughter, Ariel, formerly known as Leslie Joy Christensen, to John Chaney. Toward the conclusion of the standoff, Ariel (15), who was in foster care in Michigan, gave birth to John Chaney’s child. During the standoff, Chaney was in a Utah prison for marrying his own thirteen-year-old daughter to a forty-eight-year-old follower. 56

Elwin Ward’s Pentecostal background, and Gloria Ward’s Mormon background, and their joint involvement in a schismatic Mormon group, indicated that the Wards had beliefs similar to those of the Freemen concerning the Bible and identification with the biblical Israelites, but the Wards were new to the Freemen’s revolutionary activities and Christian Identity beliefs. The Wards felt they were led by God to take refuge in Justus Township, and that meant that a message from God might prompt them to come out with Gloria’s daughters’

Justus Township was the Clark family farm. The Clark family members were deeply attached to the land and brought to the Freemen group a concern for the sacred land typical of nativist millennial movements. The Clark family members present on the farm during the standoff were the two brothers, Ralph Clark (65) and Emmett Clark (67), 58 Ralph’s wife, Kay Clark (65), and Emmett’s wife, Rosie Clark (70). At the conclusion of the standoff, the two wives were not charged with any crime and were permitted to drive away. Also present during the standoff was Edwin Clark (45), 59 the son of Ralph and Kay Clark. Edwin’s wife, Janet Clark, was not a Freeman and did not stay in Justus Township during the standoff. Janet Clark was permitted to visit Justus Township regularly during the standoff to administer shots to their son, Casey Clark (21), who had a pituitary gland disorder. 60 Janet Clark probably played an important role as intermediary during the negotiations. Richard Clark, the son of Emmett and Rosie Clark, turned himself in shortly after the standoff began. 61

The members of the Clark family involved in the standoff were Christians with a reverence for the Bible, who were attracted to the Freemen ideology as a means to save their family farm. The Clarks’ ultimate concern during the standoff was to preserve their ownership of their land.

The Clarks’ attachment to their land resonated with the Christian Identity belief that America was the “promised land.” The Clark family farm was located near Jordan, Montana. The name Jordan recalled the purported homeland of white Israelites near the Jordan River in Palestine. Drawing on Christian Identity teachings, the Freemen believed that white Europeans or Scandinavians were descendants of Adam and the Israelite tribe of Dan, who were promised land in the Jordan region. Justus Township for the Freemen was a sacred space protected by Yahweh, in which the Freemen obeyed Yahweh’s laws. Justus Township was the home base the Freemen used to do battle against the sinful outer world that followed Satan. 62 The standoff was brought to a peaceful conclusion in part because the Clark family members decided that their commitment to each other’s well-being was greater than their commitment to their land.

Justus Township was the Clark family farm. (Photo courtesy of the United States Justice Department)
The Clark family saga was complicated by the fact that the farm of Richard Clark and the grandson of Emmett and Rosie Clark. Dean Clark thought that by buying the land, he was keeping it within the Clark family, but Emmett Clark and Richard Clark saw Dean as a traitor. During the standoff, Dean Clark had 14,000 bushels of wheat in storage on the land that he desperately needed to sell, but his father and grandfather had driven him off with a warning not to return. Further, the standoff prevented Dean Clark from doing his spring planting in a timely manner. Dean Clark’s ability to pay his mortgage and his own continued ownership of the Land was endangered by the Freemen-standoff.

The most strongly committed Freemen in Justus Township during the standoff were Skurdal, Jacobi, the Landers couple, and Steven Hance. These people were fully committed to the Freemen understanding of Common Law as deriving from Yahweh and Yahweh’s laws in the Old Testament. Their ultimate concern was to reestablish the association of sovereign state republics governed by the pre-Civil War American Constitution. For the Freemen and other Identity Christians, the Fourteenth and other Amendments, giving full rights of citizenship to people of color and women, constituted a “fall” from the divinely revealed Constitution and Bill of Rights, which guarantee the sovereignty of free white men. The Freemen expressed a willingness to die or kill to achieve their ultimate concern. If the Freemen had been pressured during the standoff, the highly committed individuals might have killed the other residents of Justus Township to effect a collective “suicide” and make a statement about their ultimate concern. The Freemen expressed their readiness to do battle with federal agents. The Freemen were willing to be martyrs to spark the “second American Revolution” and to overthrow Babylon, the illegitimate and oppressive federal government and its agencies.

The Montana Freemen-Part of a Euro-American Nativist Movement

In 1996 the Freemen of Justus Township were the most visible portion of a white supremacist, nativist movement in the United States. A nativist movement is a millennial movement responding to colonization, either by an outside culture or by a ruling bureaucratic class internal to a culture. The colonized people are economically oppressed, pressured by the government’s law enforcement agents and tax collectors, and systematically removed from their land. The oppressed group feels enslaved by the ruling class, and they believe that their ethnic group and way of life are threatened with extinction. Millennial expectations of catastrophe instill hope among the oppressed that the dominant class will be eliminated violently and that the oppressed will be restored to their previous idyllic way of life. Nativist millennialists may attempt to withdraw from the dominant society in order to build their millennial kingdom. If they experience success at building their millennial kingdom, their millennialism may begin to emphasize themes of progress. If they feel persecuted, nativist catastrophic millennialists may wage war to defeat the dominating class. As with other nativist millennial movements, the broad movement that includes the Freemen manifests both options.

Due to the accessibility of the Christian Bible in many areas around the world, members of a number of nativist millennial movements have identified themselves with the Israelites and their salvation history in the Old Testament. Other such Israelites, besides the white American Israelites of Christian Identity, include the self-identified Israelites among the Maoris of New Zealand, Kikuyus and Bantus of Africa, and Native Americans of North and South America.

A nativist millennial movement is a “culture clash” movement. There have been numerous nativist movements among third-world peoples who have reacted to colonization by Europeans with advanced technology and developed economies. The nativist movement that heightened Jewish expectations of a messiah was a response to colonization by the Roman Empire. The contemporary Euro-American nativist movement in the United States, which includes the Freemen, Identity Christians, Neo-Nazis, Odinists (racist neopagans), the Ku Klux Klan, and other white supremacists, is a movement of white Americans who possess education and advanced technology, and who believe that the Aryan (white) race is being subjected to genocide and is being dispossessed of its sacred land by an illegitimate government controlled by foreign and satanic beings identified as Jews. Hence, these American nativists often refer to the federal government as ZOG (Zionist Occupation Government). Jews are seen by many in this nativist millennial movement as conspirators who control the media, Hollywood, the nation’s schools and universities, the economy, the Federal Reserve system, and the international banking industry, all with the aim of enslaving and ultimately eliminating the white race. This Euro-American nativist movement demonstrates that education and advanced technology are compatible with nativist millennial thinking.

While this contemporary Euro-American nativist movement has strong roots in the economic crisis that affects rural America as described earlier, it is not restricted solely to farmers and blue-collar workers, and these are not uneducated people. James Aho’s survey of Christian Patriots in Idaho found that Patriots were slightly better educated than the average Idahoan and American. The Christian Patriots surveyed by Aho included fewer high school drop-outs than the U.S. population as a whole. The Christian Patriot leaders in Aho’s survey had college educa-
This indicates, I believe, that a broad range of American citizens feel oppressed by the federal government, its unresponsive bureaucracies, and its burdensome tax system. College-educated people also are experiencing downward mobility or, at least, a lack of upward mobility.

This contemporary Euro-American nativist millennial movement includes the broad right-wing Christian Patriot movement as well as the Christian Constitutionalist and Common Law movements, the militia movements, various Christian Identity churches and communities, tax protesters, anti-abortion extremists, and individuals who identify themselves with the Phineas Priesthood. This white nativist movement also includes non-Christian millennials who may affiliate with Odinists, Neo-Nazis, or other white supremacist neopagan groups. The non-Christian members of this white nativist movement have been very influential in stirring individuals to take violent actions. Similar to their Christian counterparts in this Euro-American nativist movement, Odinists expect imminent Ragnarok, the final battle that will cleanse the world of evil. My focus in this chapter is on Christian Identity and the Christian Patriot movement.

The Christian Patriot movement involves a range of opinions and orientations to action. Mormon Christian Patriots and Constitutionalis are less likely to be anti-Semitic, while fundamentalist Protestant Christian Patriots are more likely to be anti-Semitic and are more likely to become Identity Christians or to join other white supremacist religions.

Christian Patriots who are Mormons or members of other mainline Christian churches are more likely to participate in electoral politics to return America to being a Christian nation.

Constitution study classes convinced numerous Christian Patriots that the post-Civil War amendments to the Constitution were unconstitutional. Barristers' Inn in Idaho and others taught seminars on Common Law, and taught people how to represent themselves in court (pro se litigation). Independent townships, applying a Christian Patriot interpretation of the Common Law, were established in as many as thirty states by the 1990s. Independent posses, and later militias, were formed to enforce the judgments of the Constitutionalist Common Law courts and to be ready to fight the "second American Revolution" against the illicit federal government.

Some persons willing to commit terrorist actions based on Christian Identity doctrines consider themselves to be part of the Phineas Priesthood. Individuals identifying with the Phineas Priesthood aim to kill mixed-race couples, abortionists, homosexuals, all considered polluting to the pure Aryan race. The Bruders Schweigen or The Order, founded by Robert Mathews in Idaho in 1983, was the most well-organized group of men who affiliated with Christian Identity or Odinism, which were committed to violent action. The Order's members waged war against ZOG. Order members were responsible for armored car robberies in Seattle (netting $500,000) and Ukiah, California ($3 million); the murder of Alan Berg, a Denver radio talk show host; the murder of a man they suspected of being an undercover agent; bombing a synagogue in Boise, Idaho; and counterfeiting money. In 1984, Robert Mathews, who was in a house on Whidbey Island in Puget Sound, Washington, was surrounded by FBI agents. A gun battle ensued; Mathews died in the fire that resulted when FBI agents fired flares into the house.

The Christian Constitutionalist movement teaches that the Fourteenth Amendment, extending citizenship to all persons born in the United States or those naturalized, is illegitimate because it was ratified by the Union states in 1866, while the Confederate states were under military occupation. Participants in the Constitutionalist movement, consisting of numerous Constitution study groups, regard all amendments to the Constitution beginning with the Thirteenth Amendment abolishing slavery as invalid. Christian Constitutionalis recognize the validity of what they term the "organic Constitution," consisting of the Constitution and the Bill of Rights. They regard the organic Constitution to be a divinely inspired document to be interpreted in light of the Bible and its laws. The Freemens and other Constitutionalis believe that only Fourteenth Amendment citizens are subject to the laws and regulations of the federal government. White Freemens do not owe their citizenship to the illicit Fourteenth Amendment. By rescinding all contracts with the illegitimate "United States" government, the Montana Freemens claimed to be Common Law Citizens with rights protected by the Constitution of the Republic of Montana and the Constitution of the "united States of America."

The Common Law township movement grew out of Posse Comitatus ("force of the county"), an anti-federal government movement founded in 1969 by Henry L. "Mike" Beach, who was a Silver Shirt (pro-Nazi) in the 1930s, and by William P. Gale, a retired Army colonel. According to Posse Comitatus doctrine, the county is the only valid unit of government. It asserts that the Internal Revenue Service draws its authority from the Eighteenth Amendment, which was not properly ratified. Therefore, the federal income tax is unconstitutional, and payment is optional for individuals. The Federal Reserve System is seen as a private monopoly that is unconstitutional and is controlled by a cabal of Jewish international bankers. The local sheriff can organize posses of armed male citizens to enforce the Common Law derived from the organic Constitution. Mike Beach's "Blue Book," distributed by Posse Comitatus, is a manual for establishing small sovereign townships with their own Common Law courts. Posse Comitatus established a township at Tigerton Dells, Wisconsin. In the 1970s, there were perhaps 12,000 to 50,000 members of Posse Comitatus.
This has been accomplished by the application of Social Security, national debt, the simple purpose of reducing the Union of States to a people once again enslaved to puppet masters, and simply for the gathering of revenue for the profit of the bankers. 87
The Freemen asserted that "the Common-Law white State Citizens are an endangered species, on the verge of extinction..."88

Catastrophic Millennialism
A great deal of the Freemen worldview is derived from the white supremacist religion known as Christian Identity, which identifies Anglo-Saxons with the biblical Israelites. A common Christian Identity claim is that Euro-Americans are the "true" Israelites, Jews are imposters and the children of Satan, and people of color are subhuman. Christian Identity claims the myth of the promised "land of milk and honey"—America—for Euro-Americans. Based on statements found in the Old Testament, Skurdal wrote in his 1994 Edict: "It is the colored people, and the jews, who are the descendants of Cain...when We move into a new land, We are to kill the inhabitants of all the other races...nor are We to allow other races to rule over US."89

The Freemen in Justus Township saw themselves as creating a community set apart from sinful Babylon, in which Yahweh's laws given in the Old Testament were obeyed. The New Testament book of Revelation's prediction of the destruction of Babylon and its sinful economic system in the endtime was important to the Freemen. The Freemen hoped that they would defeat the babylonian economic and legal system through their paper warfare, and that their biblically-based society in Justus Township would become the model of life and law for the rest of the nation.90 Thus the Freemen's hope for Justus Township paralleled the hope embodied in Jonestown; the ideal community could become the model others would follow in creating the millennial kingdom.

The Freemen saw things in dualistic terms: they were fighting a holy war against evil Babylon, and they were armed and threatened violence. If FBI agents had applied intense pressure during the standoff, it would have confirmed the Freemen's belief that the federal government was Babylon. The Freemen threatened to resort to violence and they easily could have found biblical warrant to do so. As Identity Christians, the Freemen believed they were living in the tribulation period, in which Christians must be prepared to defend themselves and/or actively wage war against the satanic government.

Dr. Jean Rosenfeld, one of a team of Religious Studies advisers to the FBI during the standoff, analyzed the Freemen as a nativist movement in a revolution against a perceived foreign colonizing culture. She found the Freemen to have features in common with a Maori millennial movement, Pai Marire ("good and peaceful"), in nineteenth-century New Zealand. Pai Marire was a diverse grassroots movement with several prophets. It alternated between peaceful and violent phases. When civil authorities permitted Pai Marire believers to concentrate on building their millennial kingdom, they were peaceful. When violently oppressed by civil authorities, Pai Marire believers and prophets responded with violence to protect themselves, to establish their millennial kingdom, and to exact vengeance. According to Rosenfeld, "civil police may unwittingly play out the role of God's enemies and elicit a violent response from a community that views itself as allied to God against Satan."91

On May 1, 1996, the Freemen told a third-party intermediary that they had made an "affirmation" to Yahweh, that they would not surrender, and that they had been told by Yahweh that an invisible barrier surrounded Justus Township and protected the Freemen from enemies.92 This belief in divine protection from the oppressor's weapons is typical of nativist millennial movements that feel threatened by the government's armed forces. This belief in divine protection from the superior military power of the oppressing government is essential in encouraging nativists to develop the courage to fight a war against a government with overwhelmingly superior firepower.93

Jean Rosenfeld, in her advice to the FBI during the standoff, stressed that a nativist group might defend itself violently against aggression when inhabiting a sacred space set apart from the polluted world by a divinely-sanctioned boundary. Belief that their God had rendered them immune to harm was a typical feature of nativist movements, and when faced with a militant enemy, they would respond according to their own internally consistent worldview, not in a commonplace or "rational" fashion. Over time, when the perceived threat to their existence diminished, some very violent groups might become benign.94

The Freemen were a nativist millennial group that was revolutionary; they saw themselves locked in a battle with Babylon, the American government and economy. Their enemy was identified clearly. If FBI agents had used excessive force in dealing with the Freemen, in all likelihood there would have been loss of life. Had they experienced aggressive opposition, the Freemen could have called upon resources in the Bible to justify their taking violent action.

Events of the Standoff-Avoiding Persecution
There is no doubt that the Freemen, prior to the standoff, felt persecuted by the federal government, the American economy, and related institutions. A key to peacefully concluding the standoff was for the FBI agents to avoid exacerbating the Freemen's sense of persecution.

Since the horrifying Branch Davidian tragedy, scholars had warned the FBI about the danger of provoking religiously committed groups.
Actions were taken by members of the scholarly community to make its expertise more readily available to news reporters, law enforcement agents, and the general public. The executive secretary of the Society for the Scientific Study of Religion (SSSR) wrote to Attorney General Janet Reno on April 29, 1993, advising her of the availability of sociologists with expertise on new religious movements. The American Academy of Religion (AAR) took steps to make reporters affiliated with the Religion Newswriters Association aware of its existence, and to encourage reporters to call the AAR when in need of experts on religion. Dr. J. Phillip Arnold organized the Religion-Crisis Task Force, a group of sociologists, historians of religions, political scientists, and theologians willing to advise law enforcement agents. In November 1995, the executive director of the American Academy of Religion met with FBI negotiators and behavioral scientists, and an FBI negotiator attended a session at the 1995 meeting of the AAR in Philadelphia. In late 1995, Dr. Michael Barkun, a political scientist and expert on millennialism, was asked to be a member of the Select Advisory Commission for the FBI’s Critical Incident Response Group. The commission met at the FBI Academy in early 1996 and formulated recommendations. There were quite a few scholars who were anxious to help prevent future Wacos.

On October 20, 1995, I wrote to Attorney General Janet Reno to respond to news reports that changes had been made within the FBI in response to criticism of the handling of the Weaver case. In my letter, I asked why changes had not been made in response to the tragic Branch Davidian case. In response, I received a letter, dated November 20, 1995, from Robin L. Montgomery, Special Agent in Charge of the Critical Incident Response Group (CIRG), FBI Academy, Quantico, Virginia. Montgomery assured me that the FBI was seriously engaged in efforts to deal constructively with future incidents involving religion.

On January 26, 1996, I received a telephone call from Reno’s assistant, John Hogan. Reno had asked Hogan to call me because she did not think Montgomery’s letter had addressed my concerns completely. Hogan told me that an important change had been made by putting behavioral scientists on an equal footing with the tactical experts on the FBI crisis response team. Reno also had instructed the FBI to bring in outside experts for training sessions on millennial groups. In response, I wrote a letter, dated February 5, 1996, to John Hogan making general remarks on the current status of millennialism studies. On March 7, 1996, I received a telephone call from an FBI agent, asking if I would speak on millennialism at a seminar for the critical incident negotiation team at some point in the future. I agreed, and subsequently I received a letter of confirmation from Robin Montgomery, dated March 21, 1996. The fax number enclosed therein came in handy during the Freemen standoff that began March 25, 1996.

On April 2, 1996, during the Freemen standoff, I sent a fax to Robin Montgomery advising that the FBI should consult Michael Barkun, a political scientist at Syracuse University, because of his expertise on Christian Identity and militia groups, and to utilize his advice in dealing with the Freemen. 100 I received a call back from the FBI Academy saying that the FBI had already received a memo from Dr. Barkun with his recommendations, and that they would call him. Dr. Barkun was in frequent contact with FBI agents, especially between May 8-17, and they sent him information about the Freemen to analyze. After leaving for London about May 18, Barkun continued to be in touch with FBI agents by telephone.

"They've done precisely what they should be doing with a group of this kind, namely being very careful not to act in a way that confirms the group's beliefs," Barkun said. "That suggests that some very important lessons have been learned."102

Unlike the Branch Davidians, the Freemen refused to negotiate with the FBI agents, because the Freemen believed that the FBI, as a federal agency, had no legitimacy. By April 4, 1996, a number of initiatives were undertaken to attempt to persuade the Freemen to come out. A granddaughter of Emmett Clark visited the Freemen and delivered a community petition asking them to surrender peacefully. After this, visits by relatives to Justus Township became a normal occurrence. Also on April 4, four Montana state representatives, Joe Quilici (Democrat), John Johnson (Democrat), Karl Ohs (Republican), and Dick Knox (Republican) met with four Freemen. They sat outside on folding chairs and talked. On Saturday, April 6, Val Stanton, who was not charged with any crime, left Justus Township with her five-year-old daughter. Val’s husband, Ebert Stanton, and his mother, Agnes Stanton, departed Justus Township on April 11.103

This marked the beginning of Representative Karl Ohs's involvement as a third-party intermediary. Val Stanton's father had worked on Ohs's ranch, and Ohs considered Val Stanton to be a second daughter. Karl Ohs (49) continued working as a third-party intermediary to resolve the standoff peacefully. He related to the Freemen as human beings-even as friends. Ohs said, "You can't spend that much time with those people and not become...friends." In an interview given near the end of the standoff, Ohs explained: "I want people to understand and I've made it very clear to the Freemen-I am part of the other system. I believe in the other system, but that doesn't mean to say you haven't got some things here that
maybe we should hear and that we can’t work out a solution." Ohs reported that in his many visits to Justus Township, he never felt threatened by the Freemen: "Fanatics? I think the people in there are very committed to their cause and thus have become fanatics about it." "They think about nothing else. Every second of every minute of their lives I think this issue...occupies their minds."104

Toward the end of April, Randy Weaver, retired Green Beret Colonel James "Bo" Gritz, and retired police officer Jack McLamb travelled to Montana and offered to serve as intermediaries. Randy Weaver was turned down by the FBI. Bo Gritz, who had successfully negotiated Randy Weaver's surrender at Ruby Ridge, and Jack McLamb entered Justus Township on Saturday, April 27. Gritz and McLamb were part of the Christian Patriot movement. Gritz had run for president in 1992 as a Populist Party candidate, and he had founded a separatist community called "Almost Heaven" near Kamiah, Idaho. Also on Saturday, Stewart Waterhouse (37) left Justus Township and was charged with being an accessory after the fact and with felony intimidation.105

On Sunday, April 28, Gritz and McLamb brought out of Justus Township a Videotape and a document explaining the Freemen's views. FBI agents confiscated the videotape and it was not released to the media. The document asserted that Justus Township was a sovereign entity and not bound by federal laws. Gritz told reporters, "They are willing to walk out-everyone of them-right now if the U.S. government can prove the documents are not the law."106

On April 30, in addition to Gritz, the Freemen met with Representative Karl Ohs and state Assistant Attorney General John Conner Jr. to discuss dropping state charges. A proposal was made to the Hance family that federal charges for failing to appear in court would be dropped. A proposal was made to Gloria Ward that the charges relating to child custody would be dropped. The Freemen responded by requesting the presence of a full-time third-party intermediary, and named former Supreme Court nominee Robert Bark or Chief Justice Rehnquist as their choices.

On Wednesday, May 1, Gritz and McLamb angrily gave up on the Freemen and left. Gritz said that the twenty-one people in Justus Township made an affirmation to Yahweh that they would not leave and were told by Yahweh that they were protected by an invisible barrier. The Freemen told Gritz that they would submit themselves only to the judgment of a Common Law grand jury consisting of twenty-three "Freeholders" (defined as "non-14th Amendment citizens," i.e. white males) at least 21 years of age, who were not in debt to anyone and were not employed by the government. Again, the Freemen declared that the FBI had no legal authority. A frustrated state Assistant Attorney General Conner said, "I'm dealing with people who have issues I don't understand. They're convinced of their rightness."107

On Thursday, May 2, the Freemen abandoned negotiations with the FBI and communicated directly with the media. Twice the Freemen brought items to the edge of the property for reporters, first a videotape, and second a letter from Robin Montgomery to Edwin Clark requesting a meeting. Montgomery's letter stated that if negotiations did not resume the "FBI will reserve the right to take whatever action it deems necessary to resolve this matter." The Freemen stamped the letter "REFUSAL FOR CAUSE WITHOUT DISHONOR" and wrote on it, "The FBI does not exist as a government agency." Excerpts of the videotape were broadcast on television, depicting Russell Landers wearing a Western shirt and cowboy hat standing in front of the Justus Township seal explaining the Freemen's understanding of Common Law. The Freemen refused to acknowledge the authority of the Montana Bar Association, the Internal Revenue Service, Garfield County, the Justice Department, the State of Montana, and the United States, because they were illegally constituted corporations with no jurisdiction in the Republic of Montana. The FBI was not constitutionally part of the government and was illegally in Montana. Landers alleged that FBI agents had kidnapped LeRoy Schweitzer and Daniel Petersen.108

On May 3, Phillip Arnold and I spoke by telephone about the need for the Religion-Crisis Task Force to become involved in the Freemen standoff. Arnold had already spoken with James Tabor, who agreed that the Task Force should attempt to advise the FBI. (See chapter 4 on the role played by Dr. Phillip Arnold and Dr. James Tabor in the Branch Davidian case.) On May 6, Dr. Arnold called an agent at the FBI Academy, offering to assist.

On May 7, I received a call from an agent asking what the FBI should do: Should they tighten the perimeter? I said the FBI should absolutely not do anything that the Freemen would construe as persecution. I stressed that it was important not to initiate a siege with a group that believed God's authority overruled the authority of law enforcement. I said that the FBI should consult with Dr. Arnold of Reunion Institute for his expertise in Bible and apocalyptic groups, Dr. Jean Rosenfeld for her expertise on nativist movements, and Linda Collette, a graduate student writing her dissertation on Christian Identity.109

On May 8, I confirmed my advice in a fax to the FBI Academy. Referring to Jonestown, Aum Shinrikyo, and the Solar Temple, I stressed that a group with "this dualistic mindset [good vs. evil, us vs. them] will resort to violence when they believe that they are being persecuted." The violence might be directed toward enemies outside the group, or might be directed inwardly as in group suicide/murder. The violence might take both forms. I noted that the Freemen's belief in a protective invisible shield was typical of the beliefs of violent nativist millennial groups. I
mailed a copy of this fax to John Hogan and Janet Reno in the Justice Department. Also on May 8, Phillip Arnold, coordinator of the Religion-Crisis Task Force, sent a fax to Robin Montgomery at the FBI Academy, offering to analyze the data to determine the Freemen’s beliefs and help devise a plan for peaceful surrender.

On May 9, 1996, Phillip Arnold, Jean Rosenfeld, and I were put in touch with FBI negotiators in Montana. I spoke with negotiation coordinator Dwayne Fuselier, and he gave me a short description of each of the Freemen, characterizing most of them as not being very religious. After comparing notes with Jean Rosenfeld about her conversation with Fuselier, we agreed that he seemed to want us to conclude that the Freemen were not religious.

When I attempted to call Fuselier on May 10, he was not available. I left a message with another negotiator, but I was not confident that he understood my recommendation. Therefore, I put my recommendation in writing and faxed it to the negotiators with copies by mail to John Hogan and Janet Reno. In this fax I attempted to introduce the discipline of Religious Studies to the negotiators.

Before I state my recommendation, let me make some explanatory statements about my academic discipline which is Religious Studies. Those of us who are trained in Religious Studies are trained to study other people’s worldviews and to understand the content of those worldviews as if from within. In other words, we seek to empathetically understand how reality appears to people possessing a particular worldview. A worldview will be constructed from a variety of elements—ideas, doctrines, content of scriptures, etc. We aim to understand how all those pieces fit together to make what the believer regards as a coherent worldview. Even though we seek to be empathetic about imagining how someone else’s worldview appears from within, we are also trained to maintain a critical distance so that we can analyze worldviews. This is the case even when the scholar is studying his or her own worldview. For a good scholar, this critical distance will be maintained even when studying one’s own worldview. For instance, there are plenty of Christian scholars who study Christianity, and do an excellent job at it.

Sending in someone like Bo Gritz to mediate, on the surface, appears to have been a good idea, because this is a person who speaks the Freemen’s language and understands their worldview. But the problem with Bo Gritz’s mediation was that Bo Gritz had no critical distance from the worldview that he shared to a great extent with the Freemen. I suggest that the same problem will probably arise if other mediators are used who participate in the militia, patriot, or writing movements.

On the other hand, sending in mediators who not only do not understand the Freemen’s worldview, but who are not trained to study and analyze other people’s worldviews, seems unlikely to produce the desired results. I am NOT saying you should no longer permit various mediators to visit the Freemen. I think this process of letting people visit the Freemen is good, because it illustrates that the perimeter is permeable, and it makes the standoff appear not to be a siege. I’m suggesting, however, that it appears unlikely that such people will be able to significantly resolve the standoff.

I concluded the fax by urging the FBI to bring in a scholar to serve as third-party intermediary.

On May 10, 1996, the Billings Gazette reported that members of the Eastern Oregon militia were preparing for “Operation Clean Sweep" to defend the Freemen. Walt Hassey asserted that they planned to hit targets outside Montana, but would not harm civilians: "We are not a threat to the people. We are a threat to the government." 111

On May 11, Jean Rosenfeld sent a fax to the negotiators explaining the Freemen as a nativist movement similar to the Native American Ghost Dance in the nineteenth century. As in other nativist movements, the Freemen were concerned to preserve their sacred land, and to preserve barriers between their pure godly community and the impure outer world. They saw themselves locked in a struggle between good and evil, and believed they had divine favor and protection. Rosenfeld explained that the phenomenon of claiming to be Israelites had occurred cross-culturally in a variety of nativist movements. She cautioned that rogue acts of violence could be committed by members of a group with no authoritative leader. Rosenfeld explained that the Freemen were "ultimately concerned," which meant "they hold certain truths or values so dear they will die for them. This is what makes them different from criminals although they may mistakenly be assessed as mere criminals." Rosenfeld advised the FBI negotiators to assume that all residents of Justus Township were equally religious. She also urged that more data be provided to Religious Studies scholars for analysis. Rosenfeld, by this time, was engaged in locating significant data on the Freemen from a variety of sources available on the World Wide Web. The information provided by the FBI was quite limited.

On Saturday, May 11, the Freemen added a second sentry post in preparation for a possible assault. Montana state Representative Karl Ohs visited Justus Township on Tuesday, May 14, and on Wednesday Colorado state Senator Charles Duke,
a Christian Patriot leader, began his efforts as third-party intermediary. Duke was running in Colorado for the Republican nomination for the U.S. Senate. Representative Ohs remained involved in the negotiations.

On Thursday, May 16, 1996, four Freemen, Edwin Clark, Rodney Skurdal, Russell Landers, and Dale Jacobi met face-to-face with FBI negotiators for the first time; two FBI negotiators, along with Charles Duke, met with the Freemen near the farm’s gate. At this time, the media quoted Bo Gritz, advocating a “coordinated nonviolent strike against all four areas [houses] deep on a moonless night” and saying that it “might well result in capture of all 21 occupants without bodily injury to either side.”

Also on May 16, Jean Rosenfeld recommended to the FBI that a small team of experts be brought on site to work with negotiators. Rosenfeld specifically recommended that Phillip Arnold be brought to Montana. She explained that to be effective, negotiations had to address the Freemen’s “ultimate concerns.”

The May 18, 1996, Billings Gazette reported Duke excitedly announcing a possible deal between the Freemen and the federal government, but the FBI responded that no deal had been made. The nature of the Freemen’s creative proposal was never made public.

FBI agents set up a table and folding chairs on May 18, 1996, for negotiations with the Freemen with Duke as intermediary. Again, Edwin Clark, Skurdal, Landers, and Jacobi were the Freemen who came to negotiate.

Also on May 18, 1996, the New York Times carried an article, in which Bo Gritz shared his impressions of the Freemen. He reported that the Freemen were convinced that the federal government was the pawn of Jews—the Zionist Occupation Government (ZOG). The Freemen leaders believed that an FBI attack on them would provoke an American revolution to overthrow the ZOG-dominated government. According to Gritz, “Skurdal announced in a loud voice that their forceful capture would ignite a multimillion-man militia revolution that would sweep ZOG out of America.”

On Sunday, May 19, Gloria Ward and her two daughters were seen at the negotiation table with the FBI agents and Duke. But on Monday, the fifth day of talks, the discussion between Duke, three FBI agents, and three Freemen was heated.

On May 20, with the Duke-mediated negotiations obviously breaking down, Jean Rosenfeld sent a fax to Dwayne Fuselier advising that to be successful, the negotiators needed to address the Freemen’s ultimate concern, and that offers to drop some charges or to let them tell their story to the media would not be enough to get the Freemen and the children safely out of Justrus Township. She contradicted Gritz’s calling some of the Justrus residents “hostages”: “Neither hostage nor criminal models are a sufficient ‘fit’ in this particular case.” Rosenfeld concluded by asking for more information to analyze.

On Tuesday, May 21, it was announced that negotiations had ceased. Duke asserted, “The time for negotiation is over at this point. They need to feel some pain in order to get back to the table.” Duke told the media, “In my opinion, the FBI have tried everything possible to come to a peaceful resolution.”

On May 21, 1996, I sent a fax to Dwayne Fuselier in Montana advising that taking aggressive action would be counterproductive. “These people have an ultimate concern, something for which they are ready to die if need be. They do not want to die, but they will not give up their ultimate concern, because it is the most important thing in the world to them.” I advised Fuselier that he had not provided Religious Studies scholars with enough information to analyze, and I urged him to utilize more fully the expertise of Religious Studies scholars by bringing them on site, providing them with more data, and letting them interpret the Freemen’s worldview and ultimate concern for negotiators.

On May 21, 1996, Jean Rosenfeld faxed a memo to the Montana negotiators reiterating a number of points: The Freemen sounded rambling and incoherent, but they had a coherent worldview that made sense to them; confronting a nativist movement would likely provoke violence; the Freemen standoff was not a hostage or a criminal situation; the Freemen had an attitude of ultimacy and they were “ready to live or die for their ‘faith’”; negotiations to be successful had to address the Freemen’s ultimate concerns. Rosenfeld again recommended that a team of scholars be brought on site to analyze and translate the Freemen’s worldview for negotiators; the FBI would never convince the Freemen that their worldview was not true.

On May 22, the Freemen raised an upside-down American flag as a signal of distress and a call for help. Also on May 22, Phillip Arnold sent a fax to Dwayne Fuselier in Montana, urging that the Freemen’s views not be assumed to consist of “Bible babble” (see chapter 4), or “mere rhetoric,” or attributed to psychological “defects.” “If their beliefs about God are not given the primary role their importance demands, all other negotiation techniques and appeals will fail to resolve the crisis.” Arnold added, “Current tactics seem to suggest that the Freemen are being told to ‘surrender’ despite their religious beliefs.” Arnold offered three final cautions:

A. It is necessary to refrain from reductionistic thinking, which reduces the Freemen beliefs (political and religious) to mere rhetoric and jail-avoidance tactics. For some of them, their beliefs are a life and death matter.
B. It is necessary to realize that "religious" and "ethical" are not synonymous. Freemen may be very "immoral" or "unsavory," but very religious. Religion appears to be the primary button which controls decision making for a number of these "unsavory" people.

C. Any escalation of the use of force will definitely convince the religious Freemen that the enemies of God's true people are coming against them. This will increase religious fervor among them and result in their drawing closer together and hunkering down to withstand the perceived threat, like martyrs for their faith.

Arnold concluded by offering to "analyze firsthand the Freemen's religious motivations in order to facilitate a surrender plan."129

On May 23, 1996, I sent a fax ent.itled "ultimate concerns, something to die or kill for" to Dwayne Fuselier in Montana, with copies faxed to John Hogan in the Justice Department, and to the FBI Academy. I defined ultimate concern as "the most important thing in the world, either for an individual or a group," and stressed that even people who appeared to be secular, such as communists or Nazis, had ultimate concerns. The Freemen's ultimate concern, "the restoration of the 'true' constitutional government," was derived from their understanding of the Bible and God's will. The Freemen did not want to die, but they were willing to do so if necessary. "They believe what they are doing is necessary to achieve well-being, if not for themselves, then for their loved ones." It was possible that different individuals in Justus Township had different ultimate goals. For instance, the Clarks appeared to have the ultimate goal of maintaining ownership of their land. I stressed, "Any negotiation with the Freemen has to make offers to them that will enable them to be true to their ultimate goal(s)." Otherwise, the Freemen would not come out. I stressed that if actions taken by the FBI convinced the Freemen of the impossibility of achieving their ultimate goal, the Freemen might choose to resort to violence, rather than give up their ultimate concern. They might commit a group suicide/murder and/or attempt to kill FBI agents. I emphasized that, although the Freemen had committed crimes, it did not mean they were not religious: "They are so committed to achieving their ultimate goal(s) that they view criminal acts as legitimate methods to achieve their ultimate concern(s)." Negotiations to be successful must "address the Freemen's ultimate concern(s) and enable the Freemen to remain true to what they deem to be the most important thing in the world."130

On May 23, Jean Rosenfeld sent a fax to John Hogan in the Justice Department stating that intermediaries such as Gritz and Duke had no "critical distance" on the right-wing Christian Patriot worldview and that professionals trained to analyze worldviews were needed on site. More information needed to be provided to Religious Studies scholars. Rosenfeld also recommended that the scholars be involved in debriefing after the standoff was resolved "to optimize policy for future events...."131

On May 23, the FBI brought in generators in preparation for cutting off electricity to Justus Township. The portable generators were to keep electricity flowing to nearby farms.132

On May 24, I spoke with John Hogan by telephone and advised him that the Religious Studies scholars had not been given sufficient data to analyze and that the FBI negotiators had not made optimum use of our expertise. In this conversation, I utilized Anthony F. C. Wallace's term revitalization movement to explain that the Freemen were a nativist millennial movement seeking to overthrow an oppressive government in order to return to their idealized golden age. To indicate the manner in which government agents typically react to revitalization movements, I mentioned the execution of Jesus by the Romans because they believed that Jesus was a "Zealot" who advocated the violent overthrow of Roman rule.

On May 24, Representative Karl Ohs rode on horseback into Justus Township and spoke with the Freemen.133 Arnold, Rosenfeld, and I did not realize it at the time, but Ohs was emerging as the third-party intermediary who could simultaneously empathize with the Freemen's worldview and maintain the necessary cognitive distance to analyze it. That Ohs was able to do this is a tribute to his intelligence, humaneness, and honor. Ohs concluded that Gritz and Duke had failed as intermediaries because they were more concerned with their own political agendas. Ohs, who was running unopposed for his second term in the state House of Representatives, said he had no motive other than to prevent loss of life.134

On May 25 in a New York Times article, Duke and Gritz warned militia men and Christian Patriots not to come to the aid of the Freemen. Gritz again called for a "nonviolent" strike against Justus Township and was quoted as saying, "It's time the FBI began to act like the FBI."135

Michael Barkun was invited by the FBI to come on-site in Montana, but he was unable to do so because of prior commitments in London.136 Phillip Arnold was invited to come to Montana. Coincidentally, while Arnold was on-site in Montana from May 28-31, the Freemen refused to communicate with the FBI. FBI agents offered Arnold the chance to speak by telephone with the Freemen in preparation to going inside Justus Township, but the Freemen refused all calls. Arnold served as a liaison with Jean Rosenfeld and other members of the Religion-Crisis Task Force during that time. The FBI did not provide additional information to Jean Rosenfeld directly, but relied on Arnold to communicate with her. Rosenfeld continued to fax her analyses to the FBI.137
While in Montana, Arnold was given more information about the Freemen and their views. He was put in touch with Lynn Nielsen, Gloria Ward's sister, and he was able to speak with Janet Clark, who was still making regular visits to Justus Township. Arnold spent a great deal of time discussing the importance of religion and how the Freemen's worldviews with FBI negotiators. Arnold protested the agents' tendency to downplay religion as only a cover for illegal activities or as only the product of psychological needs. Arnold stressed again that religion was ultimate concern and that the Freemen's beliefs had to be taken seriously for negotiations to be successful. Arnold advised that terms offered to the Freemen had to take into account the Freemen's religious beliefs and ultimate concern.138

Prior to cutting the electricity to Justus Township on May 31, 1996, the FBI brought in armored cars and helicopters, stating that they would stand ready in case a rescue became necessary. The June 1 Associated Press report stated: "The FBI stressed that it has continued to consult a variety of non-federal experts in a bid to persuade the Freemen to negotiate a peaceful solution."139

The FBI cut the power to Justus Township on Monday, June 3, 1996. Justus Township had its own generator, but it could provide electricity for only a few hours a day. Meanwhile a local rancher was circulating a petition urging the FBI to use "reasonable force" to end the standoff.140

A major breakthrough occurred on Thursday, June 6, when Elwin and Gloria Ward left Justus Township with Gloria's two daughters, Jaylynn and Courtnie. What had it taken to get Gloria Ward to exit Justus Township? When Phillip Arnold was in Montana, he had spoken at length with Gloria Ward's sister, Lynn Nielsen. Initially, Nielsen denied that her sister was religious, but after speaking with Arnold, Nielsen went to Utah to ask the jailed John Chaney, the Wards' spiritual leader, to encourage the Wards to come out. Chaney asked for time alone so that he could pray. Afterward he wrote a letter to the Wards saying that God had revealed to him that the Ward family should come out of harm's way. The FBI permitted the letter to be delivered to the Wards inside Justus Township. This revelation from God mediated through the FBI was the primary factor prompting the Wards to come out.

Gloria Ward found that her fortune changed quickly once she was outside Justus Township. To induce Gloria Ward to come out, the Utah state charges were dropped against her, and Lynn Nielsen was given temporary custody of the girls, but on June 7, a Utah judge gave the girls into the custody of Robert Gunn, the father of Courtnie. Gloria Ward angrily predicted that her predicament would adversely affect the outcome of the standoff, but it did not seem to have an influence.141

The negotiations with the remaining Freemen, particularly with Edwin Clark, continued. Both the elderly Clark brothers had medical problems, and there was the on-going health problem of Edwin's son, Casey. The Clark family finally decided that their ultimate commitment was to each other's well-being instead of to their land. Subsequently in court, Edwin Clark and Casey Clark continued to demonstrate commitment to Freemen ideology, but the Clark family's primary commitment was to each other. Edwin Clark from this point emerged as the Freeman who persuaded the others to leave Justus Township.

How were the other Freemen-the "do or die" ideologically committed Freemen- persuaded to come out? Phillip Arnold had recommended that the FBI bring in as intermediaries attorneys familiar with Freemen Common Law interpretations. On June 10, three attorneys affiliated with the rightwing CAUSE Foundation, Kirk Lyons, Dave Holloway, and Lourie Salley, were brought to Justus Township. In 1993, Kirk Lyons had offered to assist the FBI in the Branch Davidian siege but had been rebuffed. Ever since the beginning of the Freemen standoff, the CAUSE attorneys had been offering to assist the FBI. They were able to serve successfully as third-party intermediaries because they understood and spoke both the language of the Freemen's Common Law and the legal language of the federal establishment. By their account, the three CAUSE attorneys quickly discerned that the Freemen would exit Justus Township only if they had the approval of LeRoy Schweitzer. On June 11, the three attorneys accompanied Edwin Clark as he was flown to Billings, where he met in jail with LeRoy Schweitzer. An
unnamed government source told the Associated Press that “Edwin had to become at peace with LeRoy about it. He didn’t want to go forward without checking with LeRoy first.” Schweitzer approved the five terms for the Freemen’s exit, and sent an audioubled message to his colleagues in Justus Township saying that it was time to take their fight into the courts.142

On Wednesday, June 12, a self-assured sixteen-year-old Ashley Taylor, also known as Amanda Michele Kendricks, came out of Justus Township. She looked relaxed with the FBI agents and very happy to be out. But the plan to resolve peacefully the standoff was endangered on June 12, when Dean Clark and a friend drove tractors onto the property and began plowing. They left when FBI agents asked them to stop.143

On June 13, 1996, the sixteen remaining Freemen peacefully exited Justus Township. Prior to coming out, they spent the entire day cataloguing and packing up all their papers, evidence for their defense. The boxes were put on a Ryder rental truck driven onto the property by Representative Karl Ohs. Ohs was the person they trusted with their evidence. About 11:00 a.m., Kirk Lyons and Lourie Salley lowered the upside-down American flag and raised a Confederate battle flag taken from the wall of the Freemen’s schoolroom. Thus, the CAUSE attorneys signaled to their friends that they had successfully answered the Freemen’s distress call; the Freemen were coming out. At about 6:00 p.m., Edwin Clark escorted the Freemen, two at a time, to FBI vehicles. The Freemen did not consider themselves to be surrendering, because they did not acknowledge the authority of the FBI or the federal government. As the Freemen were arrested by the FBI agents, the Freemen delivered arrest warrants to the FBI agents for operating outside the FBI’s jurisdiction. Unlike the FBI’s treatment of the Branch Davidians in front of the news cameras, the Freemen left with dignity and were not handcuffed, put in leg irons, or dressed in prison clothing. An FBI agent in a Suburban at the end of the caravan discreetly waved a small American flag for the news cameras. After the convoy left for Billings, FBI agents lowered the Confederate flag.144

The FBI received immediate public criticism for being “too nice” to the Freemen and for not taking aggressive action, but FBI agents achieved a breakthrough in dealing with a revolutionary nativist millennial group. The FBI avoided exacerbating the Freemen’s dualism (us versus them perspective) and sense of persecution, and they found a way for the Freemen to be taken into custody while simultaneously permitting the Freemen to preserve their allegiance to their ultimate concern.

The Millennial Goal Preserved

The Freemen were never made to feel that it was utterly impossible to achieve their ultimate concern. After the angry departures of Bo Gritz and Charles Duke, the Freemen realized that the Christian Patriot militias were not going to come to their aid, and therefore they would not be able to ignite the second American Revolution. FBI agents maintained a low-key presence and applied pressure cautiously. The primary reason the Freemen agreed to come out of Justus Township was that they were enabled to do so in a manner in which they could remain true to their ultimate concern. They did not surrender to the authority of the United States’s federal government. The Freemen did not abandon their battle to establish the true “united States” consisting of sovereign state republics and townships; they merely changed the venue of their fight from Jusrus Township to the federal courts.

After the resolution of the standoff, CAUSE attorney Kirk Lyons revealed to the press the five terms that had been negotiated:

1. Representative Karl Ohs would take custody of the Freemen’s evidence and publish a signed statement to that effect in the three Montana newspapers.

2. Each of the Freemen who wished an attorney’s assistance would retain 51 percent control of his or her own case with co-counsel. Co-counsel would have to agree to be sworn in according to the Freemen’s Common Law system, and swear to fight for “unfettered and unobstructed subpoena power.”

3. The federal government would not oppose bond for Emmett and Ralph Clark if their health warranted release from prison.

4. Supporters and co-counsel would work to ensure that the incarcerated Freemen could meet together.

5. Arraignment would be with co-counsel after being sworn in.

Lyons reported that CAUSE Foundation attorneys would not represent the Freemen, but that they had agreed to look for attorneys with whom the Freemen could work.145 As one official summarized the deal, “They wanted to choose their own public defenders outside the government system and control their own evidence—which of course were things they were already entitled to [under the law].”146 Once assured they would retain control over their court defenses, and that their evidence, or what I would term their “scripture,”147 was in safekeeping, the Freemen came out of Justus Township to argue in court that the federal legal system was illegitimate—just as other Freemen were already doing. The Freemen’s battle against Babylon would be fought within the belly of the beast—the federal court system.
During the Freemen standoff, a student of LeRoy Schweitzer, Elizabeth Broderick, who had been teaching seminars on Common Law and the federal financial system in southern California, was charged and brought to trial. On April 25, Elizabeth Broderick and four others were arrested and indicted. When she appeared in court, Broderick threw the indictment on the floor and denied that the court had jurisdiction over her. This type of defiant and dramatic refusal to cooperate with the legal process would be displayed also by the Montana Freemen.

In their first courtroom appearance on June 14, 1996, in Billings, the fourteen Freemen pointed out that the yellow-fringed American flag in the courtroom was “a military flag with an [sic] maritime/admiralty jurisdiction under which no common law rights to the people exist.” Steven Hance declared, “This is not my flag, and this is not my court.” Judge Robert M. Holter retorted, “My brother died for that flag.”

Hance also asserted, “My venue is the common law and my only law is a Christian. My flag is red, white and blue, it’s an American flag. The holy Scriptures are my law. I’m not familiar with your tribunals.” Cherlyn Petersen was close to tears.

On June 20, 1996, U.S. Magistrate Richard Anderson arraigned Dale Jacobi, Casey Clark, Ralph Clark, Rodney Skurdal, Cherlyn Petersen, and Emmett Clark. Casey Clark told the judge that he wanted to stay in jail: “I don’t trust Nick Murnion [Garfield County attorney]. I ain’t going nowhere.” The judge ordered that Casey Clark be held in Yellowstone County jail until trial. Ralph Clark refused to enter a plea, but permitted his court-appointed attorney to speak for him. Rodney Skurdal objected to the judge reading the indictment, saying, “I did not give you power of attorney.” The judge said, “That is true,” and read the indictment, after which Skurdal replied, “I charge you with one count of perjury and one count of treason.” Dale Jacobi voiced his objection vehemently. “I didn’t want to go to Australia and have a kangaroo court.” He said to the judge, “I hope your mother is really proud of you....” Jacobi was removed from court and taken to a holding cell.

The June 25, 1996, hearing before U.S. Magistrate Richard Anderson was raucous. Steven Hance threatened the judge, “You’re going down, son.” As Hance was led from the courtroom, he shouted, “Contempt? That’s not a strong enough word!” Edwin Clark peacefully stated, “I stand on my objection that you have no jurisdiction. So I will make no plea.” Jon Barry Nelson was ejected from the courtroom and taken to a holding cell.

Also on June 25, Gloria Ward represented herself in a Utah courtroom in an attempt to regain custody of her two daughters. Ward argued that she was a law-abiding woman, “I haven’t even had a ticket in my life, let alone any criminal activity.” Ward noted the yellow fringe on the court’s flag saying that it indicated an admiralty court subject to the Emergency War Powers Act of 1933, and that act gave custody to mothers who were neither immoral or unfit. The judge retorted, “Fringe or no fringe, this court is not a military tribunal or an admiralty court. It is a court of law of the state of Utah.”

In a Billings courtroom on July 10, 1996, Steven Hance again was removed and taken to a holding cell. Hance objected to being represented by a court-appointed attorney.

On July 17, 1996, a courtroom drama unfolded that demonstrated the power of the Freemen worldview to interpret reality differently from conventional views. This incident prompted jubilation nationwide among Christian Patriots because it was seen as a significant Common Law victory.

U.S. District Judge James M. Burns decided to get acquainted with the Freemen in groups of six. He appeared in the courtroom without his judge’s robes, and he told the Freemen about his personal background. Burns stressed the importance of civil behavior, and the Freemen spoke respectfully. At these sessions, a number of the Freemen appointed LeRoy Schweitzer as their counsel. The news reporter noted that during the July 17 meeting, Schweitzer, “stood, declared himself chief justice of their supreme court and started to talk about extradition proceedings.” Judge Burns interrupted him and moved the conversation to other matters. The reporter noted that “Schweitzer and the judge seemed to establish a rapport.”

Subsequently, Schweitzer as “chief Justice” of the “united States of America” issued a “Protective Order of Release” to “hearing officer James M. Burns” to release the Freemen and transport them back “to our Church (asylum) state.” The word was put out on a World Wide Web site maintained by a Freeman in Alaska, that because Judge Burns had appeared with no robes he had acknowledged the authority of Schweitzer as chief justice of Justus Township’s Common Law court: “We have won a major step in the road of thousands of steps to restoration of the Common Law!!!!!!! Say a prayer tonight for the Republic!” On July 24, 1996, the Billings Gazette reported that it had received excited calls from people in California, Florida, Oklahoma, and North Carolina, who had heard on radio shows or had received faxes that the Freemen had won their cases and were being released. These reports were denied by the Montana attorney general and the Yellowstone County sheriff, the latter having been appointed by Schweitzer as special bailiff and ordered to appear before the Freemen’s supreme court to release the Freemen.
A Christian Patriot writer, J. Patrick Shannan, subsequently reported how the incident was viewed by the Freemen.

On Wednesday, July 17, 1996, six justices were seated in a Billings, Montana, courtroom and became the first common law grand jury to be heard in 135 years in America. Their purpose was to pass judgment over a lower jurisdiction. With apparent deference, Federal District Judge James Burns appeared on the bench without his black robe in the United States Courthouse to direct the proceedings. After an introductory statement he yielded to the superior court in the charge of Chief Justice Leroy Schweitzer.

The other five justices were Stuart Waterhouse, Russ Landers, Elwin Ward, Rod Skurdal, and Emmitt [sic] Clark. They flashed a smile of pride each time Judge Burns referred to their old friend, Leroy, as "Chief Justice Schweitzer." In a complete turnaround, Burns recognized the authenticity of the common law court while insinuating that even he was disappointed in the American public for falling into a slumber and allowing the nation to reach the point it has. Chief Justice Schweitzer then took over the proceedings and presented facts to the board of the other five justices. He admonished the prosecution attorneys not to object, because "I will only overrule you."

All of the names above are those of six of the Freemen arrested last month and incarcerated without bail by the federal judiciary. The common law venue is what they had been asking for since long before any confrontation with law enforcement. Amazingly, it was granted.

Chief Justice Schweitzer cited the national Constitution and that of Montana, and dozens of sections from USC Titles 26 and 28, and supplemental United States Codes to prove the judicial authority of this court to act. The justices conferred for a short time before issuing the order of this superior court to abort the forthcoming trial of the Freemen by the federal judiciary and to release them from custody. This meant that the 22 American nationals had now been acquitted of all charges, and unless someone from the federal side of this legal fracas could quickly find something unlawful about this proceeding, this common law grand jury decision would prevail.

The following Monday, July 22nd, the written order of this court was served upon the Yellowstone County Sheriff, the clerk of the county court, and the aforementioned District Judge James M. Burns. The sanguine Freemen expected to be released in a matter of days. (Emphasis in the original)\(^1\)

Other Christian Patriots across the nation were in various ways battling Babylon, and federal agents were busy attempting to contain the revolution. At the end of June 1996, the Texas attorney general filed suit against twenty-six leaders of the Republic of Texas, who were flooding Texas courts with thousands of liens and documents.\(^1\) In early July 1996, twelve members of the Viper Militia were arrested in Phoenix, Arizona, for allegedly plotting to blow up federal buildings. On July 18, 1996, the New York Times reported that about 600 New York City employees had made false declarations on their W-4 forms so that no federal or state taxes were withheld from their paychecks. Of these people, fifteen were city housing police officers who had declared up to 99 dependents on their W-4 forms. Others included city police officers and correction officers. Some claimed they owed no taxes because they lived in the Republic of New York. In court, some of the officers stated that they did not recognize the court's authority; they were not citizens as defined by the federal tax code. Other officers refused to be fingerprinted or have their photos taken, and they refused to give their home addresses and telephone numbers. A detective, Jose Lugo, who had recently served federal warrants and had the job of arresting and booking criminals, said, "I have no standing in this court. I am not here voluntarily. I have committed no crime. This court has no jurisdiction, and I demand to be released immediately."\(^1\) At the end of July 1996 in Seattle, eight people including four militia members were charged with constructing pipe bombs and converting rifles into automatic weapons in preparation for war. During the hearing, William Stamon (not the convicted Montana Freeman) objected to the yellow-fringed American flag in the courtroom.\(^1\)

Once they were in federal custody, the Freemen's utilization of their Common Law was excluded. On August 13, 1996, U.S. District Judge James M. Burns stated that documents filed for the Freemen by sympathizers were "bunkum," ordered that they be removed and that future attempts to file Freemen Common Law documents be refused. Warren Stone, who had been filing documents for the Freemen, despaired, "We've lost our law."\(^1\) Repeatedly, whenever a Freeman spoke up to defend himself with the Freemen Common Law, he was removed from the courtroom to a holding cell where he watched on a closed-circuit television a court-appointed attorney represent him.

The Freemen's papers stored in the Ryder rental truck were seized, and Judge Burns hired an expert to computerize the documents' contents so they could be available to defense attorneys.\(^1\) After the documents...
were organized and saved on CD-ROMs, audiotapes, and videotapes, they were offered to the Freemen for use in preparing their cases.

In September 1996, LeRoy M. Schweitzer was convicted by a federal jury of failing to file income tax forms in the 1980s. Schweitzer defended himself by arguing that as an "American National who [had] expatriated himself from the United States, he was not subject to the jurisdiction of the federal government or its court system." Schweitzer attempted to enter as evidence various Common Law documents including the Bible and an $8 million lien against the judge. The judge refused to admit these as evidence, prompting Schweitzer to declare, "This court is a sham proceeding." In turn, the judge declared Schweitzer's arguments as having "no more bearing in law than an ounce of sand."165

In 1997, it was clear that federal agents were continuing to work to contain the second American Revolution. In January it was reported that federal authorities had arrested or were investigating 151 people with Freemen ties in twenty-three states. Many of these persons had taken classes with LeRoy M. Schweitzer, in which he taught that the banking system was illegal. These individuals had issued financial instruments totaling $2.17 billion. In February, two men were convicted in California for utilizing Freemen financial documents.166 In Seattle, evidence was presented in the U.S. District Court in the trial of members of the Washington State Militia that they had planned to "go to war" with the federal government if it took aggressive action against the Freemen during the standoff. In March, three Christian Patriots from Sandpoint, Idaho, linked to Christian Identity and calling themselves "ambassadors of the kingdom of Yahweh," were put on trial in Spokane, Washington, for twice robbing a U.S. Bank branch and pipe-bombing a newspaper office and a Planned Parenthood clinic, all in Spokane. They were found guilty.167 In June 1997, the FBI released to the press copies of two letters signed by the "Army of God" declaring "total war" on federal agents, "the ungodly communist regime in New York and your legislatively-bureaucratic [sic] lackey's [sic] in Washington." One letter concluded with, "Death to the New World Order." The Army of God was a name used by anti-abortion militants since the 1980s. FBI agents speculated that the Army of God letters were probably linked to the perpetrator(s) of three bombing incidents in the Atlanta area: the Centennial Olympic Park bombing in summer 1996; the bombing of a family planning and abortion clinic on January 16, 1997; and the bombing of a lesbian bar on February 21, 1997.168 In July, five men and two women with militia connections were arrested and charged with plotting and arming themselves to attack U.S. military bases beginning with Fort Hood at Killeen, Texas, where they believed United Nations troops were stationed preparing to take control of America.169

On January 23, 1997, U.S. District Judge James M. Burns asked the Freemen if they were ready for trial, and most of them replied that they still did not acknowledge the federal court's jurisdiction over them. Seventeen of the twenty-four defendants were representing themselves, but only Dana Dudley Landers was working on her defense by utilizing the Freemen documents that had been put on 40 CD-ROMs, 5,000 audiotapes, and 172 videotapes.

Russell Landers was tried in a North Carolina U.S. District Court beginning on January 14, 1997. On the first day of trial, Landers came to court waving a postage stamp with the American flag on it, saying, "I'm here under my American flag of peace. Since I don't see any flag in the room, I brought my own with me." LeRoy Schweitzer, identifying himself as "chief justice LeRoy Michael of Justus Township," testified in Landers's North Carolina trial. Schweitzer explained that the Freemen regarded their "comptroller warrants" as valid documents, "I explicitly told the people the warrants were good and why they were good," he said. "We had the proof. How could they not believe?" Schweitzer denied that the Freemen had plans to kill anyone. But Schweitzer explained that the Freemen could make "lawful arrests" and after due process a person could be executed for treason. "Lawful arrests are part of the supreme court duties," he said. "But only under lawful process. We do everything lawful." Russell Landers also faced a trial in Montana.

In January 1997, there were news reports about the Republic of Texas (RoT), which claimed to be a sovereign nation, led by Richard L. McLaren (43) in west Texas. McLaren filed liens against Texas Governor George W. Bush, state officials, businesses, and individuals, and issued drafts drawn on the Republic of Texas Trust. When a reporter told McLaren that state officials considered his activities "paper terrorism," McLaren retorted, "This is not paper terrorism. It's a paper war. It's our only real ability to fight." McLaren warned the reporter, "If they [the feds] try to cut this embassy off, there will be a military reprisal, I promise you. Within six hours, probably 2,000 men will hit this site to defend the Republic." The Republic of Texas had a chief of security, and militia members lived nearby. McLaren's computer screen displayed two messages:

Rule #1: Texas is an independent nation.
Rule #2: We will never surrender.

Information on how to become a citizen of the Republic of Texas provided at a web site expressed the following ultimate concern:

Becoming a Citizen of the Republic vests you with all the rights and freedoms of Citizenship, as well as placing you under the jurisdiction of the Common Law. You will then experience lib-
On April 27, 1997, a standoff ensued between McLaren’s Republic of Texas and Texas Rangers. When RoT members were arrested, other RoT members retaliated by forcibly breaking into the home of two neighbors (whom they identified as FBI informants and as enemies), and took them into custody. After a peaceful exchange of prisoners between the RoT and the Texas Rangers occurred, the standoff continued. The standoff concluded on May 3, 1997, when McLaren and the head Texas Ranger signed a cease-fire agreement that promised that McLaren would be given the opportunity to argue his case for Texas sovereignty in a federal court. The cease-fire agreement resolved the RoT standoff quickly, because it permitted McLaren to maintain his commitment to his ultimate concern, even while being taken into custody by the Texas Rangers. McLaren and other members of the Republic of Texas continued their efforts to have Texas recognized as a sovereign state. Two RoT men fled into the countryside before McLaren was taken into custody. Mike Matson (43) was killed in a confrontation with Texas law enforcement agents on May 5, 1997. Richard Frank Keyes III (22) was taken into custody by FBI agents on September 19, 1997.

During 1997, attorneys and judges in Yellowstone County, Montana, noted an increase in the number of incarcerated defendants dismissing their court-appointed attorneys and conducting their own defenses according to the principles of Freemen Common Law. The Freemen in Yellowstone County jail were teaching their understanding of Common Law to other inmates, who were charged with a variety of crimes. According to Yellowstone County Public Defender Sandy Selvey, “They read the statutes very literally but don’t know how to interpret.” U.S. Attorney Sherry Matteucci said, “These ideas are very, very, almost seductive to incarcerated individuals,” because they purposed to give autonomy to those who felt helpless at being imprisoned and charged with crimes. Matteucci said that prison inmates were entitled to discuss ideas, but predicted, “I think the attraction to these ideas will diminish as people continue to be unsuccessful in their application.’’ Defendants in other parts of the United States likewise attempted to utilize Freemen Common Law to escape their difficulties. Some of these defendants were Native Americans and African Americans. Freemen Common Law methods, a type of imitative magic, could be extrapolated from the racist Christian Identity ideology and utilized to attempt to secure well-being by a variety of oppressed persons.

Early in May 1998, Freemen supporters attempted to utilize Common Law magic again to obtain the release of the Freemen scheduled for trial in U.S. District Court beginning on May 26, 1998. Four men claimed to be special marshals and gave the Yellowstone sheriff “appointment papers” and a list of the Freemen to be “self deported back to the great state of Montana, Garfield County.” The sheriff refused to comply in releasing the Freemen from jail.

The Decision Not to Commit Violence and Subsequent Developments within the FBI

During the 1996 Freemen standoff, the FBI negotiators tended to continue to interpret the Freemen according to their familiar FBI worldview, which discounted religious talk as being a “cover” for criminal activities or as only an expression of psychological needs and pathology. FBI agents continued to want to use punitive measures that work when applied to criminals. The Freemen were fortunate that the standoff occurred during a presidential election year and that Attorney General Janet Reno was determined to keep the standoff nonviolent. It was likely that FBI agents consulted outside experts on religion upon orders from the Justice Department.

The persistent advice given by Barkun, Arnold, Rosenfeld, and myself, that aggressive action not be taken against the Freemen and that the Freemen’s religious worldview be taken seriously, paid off. The Freemen were not severely pressured to the point of despair in achieving their ultimate concern. Ways finally were found for the Freemen to surrender without compromising their commitment to their religious goal. This was a tremendous breakthrough for law enforcement—to refrain from wiping out a revolutionary nativist millennial group with its clear challenge to civil authority. The Freemen were offered terms that permitted them to remain true to their ultimate concern and exit Justus Township and be taken into custody. The Freemen believed that they had received assurance that they would be able to continue their battle against the federal government in the federal courts.

The successful terms offered to the Freemen permitted them to remain true to their ultimate concern and be taken into custody. The Freemen standoff was resolved peacefully because the Freemen believed that they had the nonviolent means to achieve their ultimate concern after leaving Justus Township. FBI agents, in accordance with our advice, had refrained from taking aggressive actions against a millennial group possessing a dualistic, apocalyptic worldview.

For some time after the Montana episode, the signs were ambiguous about whether FBI agents realized the significance of religion in resolving the Freemen standoff peacefully. The roles played by Barkun, Arnold, Rosenfeld, and myself were not mentioned by FBI agents to the media. In an interview given to the Associated Press, Dwayne Fuselier did not mention the importance of understanding religion in peacefully concluding
But the Religious Studies scholars each received letters from Robin Montgomery thanking us for our input, and Mr. Montgomery verbally declared to Dr. Arnold that our method “works.”182 FBI consultants attended the national meetings of the Society for the Scientific Study of Religion (SSSR) and the American Academy of Religion (AAR) in November 1996, and I was asked to compile a list of religion scholars for the FBI. The relatively speedy resolution of the Republic of Texas standoff suggested that lessons might have been learned, by the FBI agents, about how to deal with ultimately concerned persons. (Texas Rangers were in charge of the RoT standoff, but they were advised by FBI agents.)183 Subsequently, however, FBI negotiators told Jayne Seminare Docherty, a conflict resolution expert, that they found the Religious Studies advice to be irrelevant to resolving the Freemen standoff, and that they found that the Religious Studies scholars required “high maintenance” because we kept asking for more data to analyze.184

To explore the issue further, I organized a Special Topics Forum for the 1998 meeting of the American Academy of Religion in Orlando, Florida, entitled “Believers, Law Enforcement Agents, and Religion Scholars: Communicating across Worldviews of Religious and Professional Disciplines.”185 I invited the FBI to send a negotiator to participate on this panel, but the invitation was declined.

On June 5, 1998, Barbara DeConcini, executive director of the American Academy of Religion, Eugene Gallagher, and I met in Washington, D.C., with Roger Nisley, the current director of the Critical Incident Response Group, and other agents. In this productive meeting, the agents said they were receptive to using Religious Studies scholars as advisers and as “worldview translators”186 in cases involving religious groups. I was surprised and pleased when I saw the agents smiling and their heads nodding when I discussed “ultimate concern.”

FBI agents attended the 1998 meeting of the American Academy of Religion where they attended sessions and engaged in conversations with Religious Studies scholars. Also in 1998: four Religious Studies scholars visited the FBI Academy in three separate visits. Ian Reader is an expert on Aum Shinrikyo, Massimo Introvigne is an expert on European and American new religions, Jean-François Mayer is an expert on the Solar Temple, and James T. Richardson is a sociologist of new religious movements. There were additional meetings between scholars and FBI agents in 1999.

These face-to-face meetings between FBI agents and Religious Studies scholars have begun to promote communication across our divergent professional worldviews. Given the nature of the institution that is the FBI, the agents will determine the extent to which they make use of the Religious Studies expertise that is relevant to their work. The peaceful resolution of the Freemen standoff is a breakthrough and major accomplishment for law enforcement agents dealing with millennial groups. If FBI and other law enforcement agents actively develop professional contacts with scholars of the religions, Religious Studies advice will be useful to them as they attempt to avoid future Wacos.

Notes


I find Wallace’s definition of revitalization movement to be too broad to be of great use. Wallace uses that phrase to refer to any new worldview articulated by any individual (guru, prophet, messiah, buddha) that revitalized a culture. Wallace considers Buddhism as articulated by that tradition’s founder, Gautama Buddha, to be a revitalization movement. Buddhism in its origins was not a millennial movement, although Buddhist forms of millenialism developed later in the tradition. Early Buddhism was a fresh approach to the problem of suffering (which all religions address) that was simultaneously innovative and continuous with the Hindu tradition out of which Buddhism developed.

Revitalization movement is more often used by scholars (for example, Adas) to refer to what I term in this book a nativist millennial movement or simply nativist movement.

5. For example, see Christine Steyn’s discussion of the Xhosa Cattle-Killing movement in South Africa in "Millenarian Tragedies in South Africa: The Xhosa Cattle-Killing Movement and the Bulhoek Massacre," and my discussion of the Xhosa culture as fragile in “The Interacting Dynamics of Millennial Beliefs,


7. In **Millennialism, Persecution, and Violence**, the Freemen are discussed in Jean E. Rosenfield's chapter, "The Justus Freemen Standoff: The Importance of the Analysis of Religion in Avoiding Violent Outcomes," 323-44. Other revolutionary nativist movements discussed in **Millennialism, Persecution, and Violence** are the Russian Old Believers by Thomas Robbins, the Taiping Revolution by SCOT Lowe, the German Nazis by Robert Ellwood, and American Neo-Nazi by Jeffrey Kaplan. American Neo-Nazis and the Montana Freemen are cousins in the contemporary Euro-American nativist millennial movement discussed here.


10. Adas, *Prophets of Rebellion*, 156.

11. Adas calls these millennial movements "revitalization" movements.


Based on the nativist movements that he studied (the Java War of 1825-30, led by Prince Dipanagara; the 1930-32 movement in Burma, led by Saya San; the Maji Maji rebellion initiated in 1905 in German East Africa, and led by Kinjikitile Ngwale; the Munda uprising in India led by Birsa; the Pai Maire movement among the Maori of New Zealand, initially led by Te Ua Haumene), Adas believes the prophet is "the critical determinant" in the development of a nativist movement. I disagree on this point, because no single prophet or messiah has yet arisen in the amorphous Euro-American nativist movement discussed in this chapter.


17. Mark Pitcavage, "Every Man a King: The Rise and Fall of the Montana Freemen," modified May 6, 1996, <http://www.greyware.com/authors/pitm/freemen> [7-8]. This document was kindly forwarded to me via email by Philip Lucas. Page numbers are my own because this document was downloaded from the Internet. Therefore I indicate page numbers in brackets.

18. Pitcavage, "Every Man a King," (9). [11-12].

19. Pitcavage, "Every Man a King," [12-13].

20. Pitcavage, "Every Man a King," [13-14].


After Ruby Ridge, FBI officials in Washington covered up JUS who had approved the altered rules of engagement. No one stepped forward to admit that they had read and approved the revised rules of engagement. E. Michael Kahoe, who during Ruby Ridge was the head of the violent-crimes division, pleaded guilty to deStroying copies of the internal FBI report on Ruby Ridge. Deputy Director Larry Potts was demoted, suspended, and pUt on administrative leave with pay. POTs at the time of the Ruby Ridge siege was head of the FBI's criminal division. Also suspended with pay were Daniel O. Coulsou, deputy assistant director of the criminal division, George M. Baird, supervisory special agent, and Gale R. Evans, assistant chief of the violent-crimes division. The charges against FBI agents were announced in August 1997 that no more criminal charges (other than the obstruction of justice charge against Kahoe) would be brought against FBI agents in the Ruby Ridge case. This news was followed immediately by an announcement that an Idaho county prosecutor was filing first-degree murder charges against Kevin Harris for killing U.S. Marshal Degun, and involuntary manslaughter charges against Lon Horiuichi, the FBI sniper who shot Vicki Weaver. In October 1997, an Idaho judge ruled that Kevin Harris could not be tried a second time on first-degree murder charges. In May 1998, a federal judge dismissed state involuntary manslaughter charges against Lon Horiuichi, ruling that Horiuichi was acting in the line of duty when he fired the shot that killed Vicki Weaver. See Jerry Seper, "4 FBI officials escape charges in Weaver death," *Washington Times*, August 16, 1997, A-3; Tim Weiner, "U.S. Won't Bring More Charges Against FBI I. Officials in Ruby Ridge Siege," *New York Times* (AOL), August 22, 1997; Timothy Egan, "Idaho Prosecutor Charges 2 in Killings at Ruby Ridge," *New York Times* (AOL), August 22, 1997; "Ruby Ridge state murder charge axed," *New Orleans Times-Picayune*, October 3, 1997, A-2; Associated Press, "Charge in Ruby Ridge Dismissed," *New York Times*, email text kindly forwarded by Carol Moore.


26. Utilizing undercover agents and wiretaps, FBI agents were well informed of the Freemen’s activities inside Justus Township. Clair Johnson, "First prosecution

27. Pitcavage, "Every Man a King." [18].


29. Pitcavage, "Every Man a King." [26].


33. "Jordan standoff turns into a big yawn," Billings Gazette Online, April 1, 1996.

34. Pitcavage, "Every Man a King," [33].


36. Shannan, Montana Freemen, 68.


38. Pitcavage, "Every Man a King." [36-37].


40. Burghart and Crawford, Guns & Gavel: 2; Shannan, Montana Freemen, 32-33.

41. Quoted in Burghart and Crawford, Guns & Gavel: 12. Appendix C, pp. 46-49, consists of a "True Bill" filed by Schweitzer against former Secretary of the Treasury Lloyd Bentsen. Appendix D, p. 50, is the common law lien filed by Schweitzer against Lloyd Bentsen and his wife. Appendix E, p. 51, is a certified banker's check issued by Schweitzer.

42. Shannan, Montana Freemen, 30-34,40,62.

43. In the first Freemen trial, Schweitzer was convicted of bank fraud, wire fraud, mail fraud, making false claims to the IRS, interstate transportation of stolen property, threatening a federal official, and being a fugitive possessing a firearm. In the second Freemen trial, Schweitzer was convicted of armed robbery of an ABC crew on October 1, 1995, interference with interstate commerce by threats of violence, and using a firearm. Johnson, "Partial verdicts," Billings Gazette Online, July 3, 1996; Johnson, "10 Freemen guilty of bank fraud," Billings Gazette Online, November 19, 1996.

44. In the first Freemen trial, Daniel Petersen was convicted of bank fraud, making false claims to the IRS, and threatening a federal official. In the second Freemen trial, Petersen was convicted of armed robbery of an ABC crew, bank fraud, and mail fraud. Johnson, "Partial verdicts;" Johnson, "10 Freemen guilty of mail fraud.

46. Associated Press, "Thumbnail sketches." In the first Freemen trial, Skurdal was convicted of two counts of threatening a federal official. In the second Freemen trial, Skurdal was convicted of bank fraud and armed robbery of an NBC crew. Appendix D, p. 49, is the certified banker's check issued by Schweitzer.

48. Associated Press, "Thumbnail sketches." In the first Freemen trial, Jacobi was convicted of making a false claim to the IRS and of two firearms violations. In the second Freemen trial, Jacobi was convicted of armed robbery of an NBC crew. Johnson, "10 Freemen guilty of bank fraud.

50. Johnson, "6 Freemen get acquainted with judge," Billings Gazette Online, July 19, 1996. In the second Freemen trial, Cherlyn Petersen was convicted of bank fraud and mail fraud. Johnson, "10 Freemen guilty of mail fraud.

51. Associated Press, "Thumbnail sketches." In the first Freemen trial, Jacobi was convicted of making a false claim to the IRS and of two firearms violations. In the second Freemen trial, Jacobi was convicted of armed robbery of an NBC crew. Johnson, "Partial verdicts;" Johnson, "10 Freemen guilty of bank fraud.


55. Personal communication from Phillip Arnold, June 1996.


In the first Freemen trial, Russell Landers was convicted of threatening federal officials and of a firearms violation. Clair Johnson, "Partial verdict." In May 1998, Dana Dudley Landers pleaded guilty to unlawful transportation in interstate commerce of stolen property obtained through fraud. Clair Johnson, "2 Freemen plead guilty: jury seated," Billings Gazette Online, May 28, 1998. In November 1998, Dana Dudley Landers was sentenced to 21 months in prison, but she also faced sentencing in Colorado for illegal activity there. Russell Landers was sentenced to 60 months on the conspiracy count, 135 months for the bank fraud count, 36 months on the threats count, and 41 months on the firearms conviction. These sentences were to be served concurrently with each other and a 30-year sentence for using fraudulent checks to buy vehicles in North Carolina. Clair Johnson, "Freeman receives...

51. David Crisp, "Sheriff's dispatcher is a sister to Freeman wife," Billings Gazette Online, April 6, 1996. William Stanton was convicted in the second Freemen trial of bank fraud and mail fraud. Agnes Stanton was convicted of bank fraud and mail fraud. Johnson, "10 Freemen guilty of bank fraud."


54. In the second Freemen trial, Veldhuizen was acquitted of armed robbery of the NBC crew. Johnson, "10 Freemen guilty of bank fraud."

55. In March 1998, Elwin Ward was found innocent of being an accessory to any crimes committed by the Freemen, but he was convicted of submitting a false claim to the Internal Revenue Service. Tom Laceky, Associated Press, "Five Montana Freemen Found Guilty," America Online News, April 1, 1998. Elwin Ward was sentenced to 24 months in prison, which was equivalent to the time he had already served. Johnson, "Freemen in March trial sentenced."


57. Personal communication from Phillip Arnold, June 1996.


59. In March 1998, Edwin Clark was acquitted of accessory charges but was convicted of filing a false claim with the government. Because of Clark's testimony in court, he was released. He also benefited from being willing to let his court-appointed attorney represent him. Clair Johnson, "Mr. Clark you are a free man; Federal jury convicts 5, acquits Brunett farmer," Billings Gazette Online, April 1, 1998.

60. After spending 438 days in jail after the standoff, Casey Clark was released into the custody of his mother, Janet Clark. Casey Clark accepted his court-appointed attorney, and he agreed to cooperate with his probation officer and obey court orders. But the motion seeking Casey Clark's release from jail also said that he "does specifically reserve his rights to challenge the jurisdiction and venue that issues in this proceeding," indicating that Casey Clark continued to hold Freeman beliefs about the illegitimacy of the federal government. Casey Clark pleaded guilty on September 4, 1997, to helping the other Freemen avoid arrest. The sentence agreed upon in the plea bargain was the jail time he had already served plus two years. In May 1998, Emmett Clark pleaded guilty to making threats against federal officials and to taking part in their trials, although he would not have to testify against his relatives or neighbors, the Stantons. U.S. Attorney Sherry Matteucci said that Casey Clark's "accepting counsel was a key factor in being able to resolve this case. I believe it was a just result." Clair Johnson, "Freeman released to custody of mother," Billings Gazette Online, September 3, 1997; Johnson, "Another Freeman pleads guilty," Billings Gazette Online, September 6, 1997.

61. In the first Freemen trial, Richard Clark was convicted of threatening a federal official and firearms charges. In the second Freemen trial, Richard Clark was convicted of bank fraud and armed robbery of the ABC news truck. Johnson, "Partial verdicts," Johnson, "10 Freemen guilty of bank fraud."

62. Personal communication from Jean Rosenfeld, May 1996. Rosenfeld based her analysis on an "Edict" written by Skurdal.


64. The Billings Gazette reported in November 1996 that the Clark farm had been sold by the Farm Service Agency to Alfred Bassett, Dean Clark's father-in-law. Clair Johnson, "Freemen ranch sold through federal drawing," Billings Gazette Online, November 16, 1996; Robert Struckman, "Rancher improves site of Freemen standoff," Billings Gazette Online, July 13, 1998.

65. In this chapter, I will not cite documents provided to scholars by the FBI during the Freemen standoff.

66. This is my reading of the data contained in Jean E. Rosenfeld, "Pai Marire: Peace and Violence in a New Zealand Millenarian Tradition" (Special issue on Millennialism and Violence, ed. Michael Barkun) Terrorism and Political Violence 7, no. 3 (Autumn 1995): 83-108.

67. Lanternari, Religions of the Oppressed, 243. Christine Stenq discusses Africans who identified themselves as Israelites in "Millenarian Tragedies in South Africa."


70. Examples are William Pierce (leader of National Alliance and Cosmosthe Church), the author of the influential novels, The Turner Diaries and Hunter, and Robert Mathews, who founded the Order modeled after "the Organization" in The Turner Diaries. Some members of the Order had Christian Identity affiliations, but Robert Mathews was an Odinist. The Turner Diaries advocates a revolution by mass uprising against the federal government and the cleansing of the Earth of all non-Aryan peoples. Hunter encourages the solitary terrorist to take


74. Aho, *Politics of Righteousness*, 25, 62-66; Kaplan, *Radical Religion in America*, 5, 61-67; Walter, *Every Knee Shall Bow*, 82-84. Robert Mathews' last letter (given in Aho, 246-50) is a classic example of the thinking found among the revolutionary participants of this Euro-American nativist millennial movement. Mathews expressed that he just wanted to "be left alone" to carve a new life for his family, but instead, he reported that FBI agents attempted to have him fired from his job because of his participation in the "anti-tax" rebellion movement. Mathews expressed his fear that the white race was facing extinction in America.

The stronger my love for my people grew, the deeper became my hatred for those who would destroy my race, my heritage and darken the future of my children.

By the time my son had arrived I realized that while America, indeed my entire race, was headed for oblivion unless white men rose and turned the tide. The more I came to love my son the more I realized that unless things changed radically, by the time he was my age, Aryan in a country populated mainly by Mexicans, mulattoes, blacks and Asians. His future was growing darker by the day.

I came to learn that this was not by accident, that there is a small, cohesive alien group [Aews] within this nation working day and night to make this happen. I learned that these culture disorderists have an iron grip on both major political parties, on Congress, on the media, on the publishing houses, and on most of the major Christian denominations in this nation, even though these aliens subscribe to a religion which is diametrically opposed to Christianity.

Writing in 1984, Mathews referred to a "secret war" between some American citizens and the FBI that was just beginning.

A secret war has been developing for the last year between the regime in Washington and an ever growing number of white people who are determined to regain what our forefathers discovered, explored, conquered, settled, built and died for [America].

The FBI has been able to keep this war secret only because up until now we have been doing nothing more than growing and preparing. The government, however, seems determined to force the issue, so we have no choice left but to stand up and fight back. Hail victory!

After describing various conflicts with FBI agents and stating that "to be an FBI agent is to be nothing more than a mercenary for the ADL [Anti-Defamation League] and Tel Aviv," Mathews alleged incidents in which FBI agents threatened members of his family. Mathews concluded his last letter by affirming his willingness to die for his ultimate concern.

I am not going into hiding; rather I will press the FBI and let them know what is it like to become the hunted. Doing so it is only logical to assume that my days on this planet are rapidly drawing to a close.

Even so, I have no fear. For the reality of life is death, and the worst the enemy can do to me is shorten my tour of duty in this world. I will leave knowing that my family and friends love me and support me. I will leave knowing I have made the ultimate sacrifice to secure the future of my children.


This was kindly forwarded to me via email by Jean Rosenfeld. Personal communication from J. Phillip Arnold, September 1996.


78. Pitcavage, "Every Man a King," [6].


80. Pitcavage, "Every Man a King," [4-5].

81. David Neiwert, "Priesthood of hate: Of the radical right, a 'destroying wind' commits mayhem, murder in the name of God's laws," Pacific Rim News Service. This article was kindly forwarded to me by Jean Rosenfeld.


85. De Armond, "Christian Patriots at War with the State" [7]; Minges, *Apocalypse Now!*.

86. De Armond, "Christian Patriots at War with the State" [7].


90. Personal communication from J. Phillip Arnold, June 1996.


92. Matt Bender, "Freemen speak of 'invisible barrier': Gritz gives up on talks," *Billings Gazette Online*, May 2, 1996.


94. Personal communication from Jean Rosenfeld, May 1996.


96. This was not the first time I wrote to Reno. As chair of the Religious Movements Group, a program unit in the American Academy of Religion, I organized a Special Topics Forum on "David Koresh and the Branch Davidians: The Academy, the Government, and Non-Traditional Religions" for the 1993 meeting of the AAR in Washington, D.C. I wrote letters inviting Attorney Gen-
eral Janet Reno, President Bill Clinton, and Vice-President Al Gore to attend the session. I received form letters declining from Clinton and Gore. I received two telephone calls from the Justice Department declining for Janet Reno (apparently the bureaucrat forgot that she had already called, because the substance of the message was the same). I was told that Reno could not attend the AAR forum on the Branch Davidian case, because there would be a conflict of interest due to the pending trial of eleven Davidians. When I suggested that other persons in the Justice Department attend the forum, saying, "You might learn something," I was answered with a stony silence. If any federal employees attended the 1993 AAR panel on the Branch Davidian tragedy in Waco, Texas, they did not sign the attendance sheet that was circulated.


98. Telephone call, January 26, 1996, from John Hogan, Justice Department.

99. At that time, the FBI did not follow through on these arrangements. I received form letters declining from Clinton and Gore. I received (apparently the bureaucrat forgot that she had already called, because the substance of the message was the same). I was told that Reno could not attend the AAR forum on the Branch Davidian case, because there would be a conflict of interest due to the pending trial of eleven Davidians. When I suggested that other persons in the Justice Department attend the forum, saying, "You might learn something," I was answered with a stony silence. If any federal employees attended the 1993 AAR panel on the Branch Davidian tragedy in Waco, Texas, they did not sign the attendance sheet that was circulated.

100. Fax to FBI Negotiation Team, Montana, May 10, 1996.


102. Clint Van Zandt, an FBI negotiator during the Branch Davidian siege, testified to the Senate Judiciary Committee hearings (October 31-November 1, 1995) that the tactical strategies such as blaring loud music and unpleasant sounds over loudspeakers counteracted the negotiators' efforts to gain the Davidians' trust. FBI Director Louis Freeh assured the committee that the FBI "would never again use tactics that lack a legitimate basis." William Esposito, assistant director of the FBI's criminal investigation division, acknowledged that in the Branch Davidian siege, "There certainly was a disconnect between the negotiations and the tactical people." Esposito reported to the committee that the FBI had expanded its crisis management teams and was taking steps to enhance cooperation between negotiators and tacticians. See Marcy Gordon (Associated Press), "Waco FBI change, official said," New Orleans Times-Picayune, November 2, 1995, A-3. Nancy Ammerman, professor of Sociology of Religion at Hartford Seminary, recommended that agents receive training in behavioral science, and political and religious groups. See Lauri Kellman, "Waco lessons learned, fed say," Washington Times (CompuServe), November 1, 1995.


104. Fax to FBI Negotiation Team, Montana, May 10, 1996.

105. Fax to FBI Negotiation Team, Montana, May 10, 1996.

106. Fax to FBI Negotiation Team, Montana, May 10, 1996.


In May 1998, Jayne Seminare Docherry explained to me that mediator is a technical term in the field of negotiation practice and conflict resolution, referring to the negotiator who facilitates the interaction between the parties in the negotiation process. Being unfamiliar at that time about negotiators' technical terminology, in this memo I clearly meant mediator to refer to an intermediary. In this memo, I was arguing for the need to utilize trained "worldview translators" as intermediaries. I thank Jayne Seminare Docherry for this term.

108. Fax to FBI Academy, May 8, 1996.

109. Fax to FBI Academy, May 8, 1996.

110. Fax to FBI Academy, May 8, 1996.

111. Fax to FBI Academy, May 8, 1996.

112. Fax to FBI Negotiation Team, Montana, May 10, 1996.

113. Fax to FBI Negotiation Team, Montana, May 10, 1996.

114. Fax to FBI Negotiation Team, Montana, May 10, 1996.

115. Fax to FBI Negotiation Team, Montana, May 10, 1996.


117. Fax to FBI Negotiation Team, Montana, May 10, 1996.

118. Fax to FBI Negotiation Team, Montana, May 10, 1996.

119. Fax to FBI Negotiation Team, Montana, May 10, 1996.

120. Fax to FBI Negotiation Team, Montana, May 10, 1996.

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145. Fax to FBI Negotiation Team, Montana, May 10, 1996.

146. Fax to FBI Negotiation Team, Montana, May 10, 1996.

147. Fax to FBI Negotiation Team, Montana, May 10, 1996.


149. Fax to FBI Negotiation Team, Montana, May 10, 1996.

150. Fax to FBI Negotiation Team, Montana, May 10, 1996.

151. Fax to FBI Negotiation Team, Montana, May 10, 1996.

152. Fax to FBI Negotiation Team, Montana, May 10, 1996.

153. Fax to FBI Negotiation Team, Montana, May 10, 1996.

154. Fax to FBI Negotiation Team, Montana, May 10, 1996.

155. Fax to FBI Negotiation Team, Montana, May 10, 1996.

156. Fax to FBI Negotiation Team, Montana, May 10, 1996.


158. Fax to FBI Negotiation Team, Montana, May 10, 1996.

159. Fax to FBI Negotiation Team, Montana, May 10, 1996.

160. Fax to FBI Negotiation Team, Montana, May 10, 1996.

161. Fax to FBI Negotiation Team, Montana, May 10, 1996.

162. Fax to FBI Negotiation Team, Montana, May 10, 1996.

163. Fax to FBI Negotiation Team, Montana, May 10, 1996.

164. Fax to FBI Negotiation Team, Montana, May 10, 1996.

165. Fax to FBI Negotiation Team, Montana, May 10, 1996.

166. Fax to FBI Negotiation Team, Montana, May 10, 1996.

167. Fax to FBI Negotiation Team, Montana, May 10, 1996.

168. Fax to FBI Negotiation Team, Montana, May 10, 1996.

169. Fax to FBI Negotiation Team, Montana, May 10, 1996.

170. Fax to FBI Negotiation Team, Montana, May 10, 1996.
Montgomery.

130. Fax to Dwayne Fuselier, FBI Negotiation Coordinator, Montana, dated May 23, 1996, with copies faxed to John Hogan, Justice Department, and FBI Academy.


132. "FBI to decide on cutting power to Freemen ranch," Reuters (AOL), May 23, 1996.

133. Gene Laverty, "Mediator rides on horseback to see Montana Freemen," Reuters (AOL), May 24, 1996.


137. Personal communication from Jean Rosenfeld, June 1996; personal communication from J. Phillip Arnold, June 1996.

138. Personal communication from J. Phillip Arnold, June 1996.


147. Legal documents functioned as scriptures for the Freemen because they were regarded as sources of knowledge and truth. The Freemen were literalists in reading legal documents just as they were literalists in reading the King James Version of the Bible. In both instances, they lacked formal education in law and Religious Studies that would produce a more nuanced reading of the texts and that would increase sensitivity to ambiguities.

148. "Pitcavage, "Every Man a King,"" [29, 34, 39].

149. Shannan, Montana Freemen, 24.


151. The fourteen Freemen in court were Rodney Skurdal, Dale Jacobi, Steven Payne, Rapl Clark, Jon Barry Nelson, Emmett Clark, Cherlyn Petersen, Edwin Clark, John Hance, James Hance, Russell Landers, Dana Dudley Landers, Casey Clark, Cornelius John Veldhuizen.


153. Garfield County attorney Nicholas G. Murnion was awarded the John F. Kennedy Profile in Courage Award from the John F. Kennedy Library Foundation in May 1998 for his stand against the Freemen. Johnsan, ""A Shining Example,"" Billings Gazette Online, May 12, 1998.


155. Associated Press, "Woman who was at Freemen ranch with children demands their back," Billings Gazette Online, June 26, 1996.


164. In June 1997, Warren Stone died and was eulogized in the Billings Gazette as a likeable figure and staunch Freeman, who was extremely knowledgeable about Common Law, loyal to LeRoy Schweitzer, and "a heck of a patriot." Stone was a U.S. Navy veteran, and a famer high school teacher and career counselor. Joe Kolman, "Warren Stone: Freeman till the end," Billings Gazette Online, June 17, 1997.
173. In February 1997, Russell Landers and a colleague, James Vincent Wells (58), were convicted of using Freeman financial documents to purchase two vehicles that they took to Justus Township. Landers was sentenced to 30 years in prison and ordered to pay $183,961 in restitution. Wells was sentenced to 12 years in prison, and ordered to pay $214,768 in restitution. Associated Press, “Fair convicted in Freeman financing case,” Billings Gazette Online, February 22, 1997; Associated Press, “Fair sentenced in Montana Freeman Case,” Reuters (AOL), August 27, 1997.
180. Christian Patriot writer J. Patrick Shannan could not understand why the Freemen suddenly decided “that they would be treated fairly by the judiciary.” He theorized that the “generators,” brought in by the FBI, may have been CIA machines that emitted microwaves “capable of altering the mind and confusing the individual.” In other words, Shannan resorted to the brainwashing theory to explain why the Freemen inexplicably decided to exit Justus Township.
See Shannan, Montana Freemen, 51-52.
182. Personal communication from J. Phillip Arnold, July 1996.
183. Jayne Seminare Docherty has noted in personal communications that in the event of future standoffs, right-wing revolutionaries in the United States will not believe assurances that they will be permitted to argue against the legitimacy of the federal government in federal court. Right-wingers have noted the silence of the Freemen and Richard McLain in the federal courts.
184. Personal communication from Jayne Seminare Docherty.
185. The papers presented by Eugene Gallagher, Lonnie Kliever, Jayne Seminare Docherty, Christian Patriot writer J. Patrick Shannan could not understand why the Freemen suddenly decided “that they would be treated fairly by the judiciary.” He theorized that the “generators,” brought in by the FBI, may have been CIA machines that emitted microwaves “capable of altering the mind and confusing the individual.” In other words, Shannan resorted to the brainwashing theory to explain why the Freemen inexplicably decided to exit Justus Township.
See Shannan, Montana Freemen, 51-52.