

Jury acquits Ammon Bundy, six others for standoff at Oregon wildlife refuge

By Leah Sottile October 27, 2016

PORTLAND, Ore. — The armed occupation of Oregon’s Malheur National Wildlife Refuge spanned 41 freezing cold days in January and February. The trial for the standoff’s leader, Ammon Bundy, his brother Ryan and five others took six weeks. And the verdict came in just five days: all defendants were found not guilty of federal conspiracy charges.

It was the grand finale of a federal trial that played out like a three-ring circus. The trial often saw the ninth-floor courtroom packed with more than 100 people — jurors, attorneys, supporters, journalists — and another room four floors up packed with even more.

Just after 4 p.m. Thursday, Judge Anna Brown announced that all defendants were found not guilty of charges of conspiracy to impede federal officers and not guilty of possession of firearms in a federal facility. One of the occupiers, Kenneth Medenbach, was found not guilty of theft of a government-owned truck. The jury was hung on the charge of theft of government cameras against Ryan Bundy.

Ammon and Ryan Bundy will remain in custody over charges they face in Nevada, where they will stand trial for the 2014 standoff with Bureau of Land Management officers on the family’s ranch. The men will be transferred to Nevada, where their father, Cliven, is currently incarcerated, officials said.

Oregon Gov. Kate Brown (D) said she is disappointed but respects the jury’s decision. “The occupation of the Malheur Refuge by outsiders did not reflect the Oregon way of respectfully working together to resolve differences,” Brown said in a statement Thursday.

On the steps of the courthouse, the defendants were swarmed with cameras. Supporters of the occupiers waved flags and read aloud from the Constitution. Defendant Shawna Cox called it a victory for the Constitution.

“We have to be vigilant people,” she said to a snarl of television cameras and microphones, “Wake up, America, and help us restore the Constitution. Don’t sleep with your head in the sand.”

Another defendant, David Fry, who had been the last holdout at the refuge before the standoff ended, said he simply wanted one beer before heading home to Ohio. As the last non-Bundy defendant to be released, Fry was greeted by screaming supporters who held signs reading “Hallelujah,” echoing his words when he left the refuge in February.

Defense lawyer Matthew Schindler, who served as a hybrid counsel with defendant Medenbach, said the use of firearms allowed the occupiers to garner the attention of the world for their cause. “For these defendants and these people, having a firearm has nothing to do with a threat or anything else,” he said. “It’s as much a statement of their rural culture as a cowboy hat or a pair of jeans. I think the jury believed at the end of the day that that’s why the guns were there.”

Ammon Bundy sat before the court in a suit as the verdicts were read Thursday, but he had spent the duration of the trial wearing a power-blue prison outfit. His attorney had said that Bundy wanted to appear in jail clothes fit for the “political prisoner.” Supporters followed suit, donning scrub-style shirts as they watched from the gallery.

Like the occupation itself — a coup over federal land ownership that wore on for over a month before FBI agents closed in on the last occupiers — the trial stretched over a month. When Ammon Bundy took the witness stand, he seized it like a pulpit, delivering 10 hours of testimony about his family, his Mormon views and his interpretation of the U.S. Constitution.

After four days of deliberation, the circus appeared to infiltrate the jury room. The judge dismissed a juror who was suspected of bias, forcing deliberations to start over with an alternate.

But outside the courtroom, past Homeland Security agents, flak-jacketed cops, a police dog, U.S. Marshals and metal detectors, the circus sideshow unfolded on the green park across the street in the middle of downtown Portland. Supporters of the Bundys threw a full-blown tailgate party, setting up a charcoal grill and handing out hot dogs and burgers in the rain. A woman gave out miniature flags and pocket-size copies of the Constitution. From the back of a pickup truck, another woman shouted into megaphones that Judge Anna Brown “should be jailed. You’ve committed religious bigotry!” They trotted a black horse with a red, white and blue saddle on sidewalks and across 5 o’clock traffic. They wore T-shirts that read “Unindicted Co-Conspirator” and “Free the Bundys.”

Early in the trial and often throughout, people stopped to shout back at the protesters. Only here in Portland — the city affectionately dubbed “Little Beirut” — could there be a protest of a protest over political protest. During the trial, defense lawyers argued that the Malheur occupation was simply an act of protest akin to a “Martin Luther King style sit-in.”

The occupation of the wildlife refuge followed a peaceful protest on Jan. 2 in a Safeway parking lot in Burns, Ore., against the imprisonment of Dwight and Steven Hammond, father-and-son ranchers who pleaded guilty to charges of arson on federal land.

Later that day, Bundy and a group of gun-toting, camouflage-clad men executed a military-style takeover of a Southeastern Oregon bird refuge — and then occupied its buildings for several days. At once, the world’s eye turned toward the remote, snowy expanse of the west to a place named Malheur, a French word meaning “misfortune” or “tragedy” that was given to a nearby river by French trappers whose ranks were decimated there by Indians.

It seemed, all at once, the French word had modern relevance. Ammon Bundy — the son of scofflaw Nevada rancher Cliven Bundy, who led his own standoff with federal agents in 2014 on his ranch in Bunkerville, Nev. — served as a cowboy-hatted spokesman and leader to a group of “Patriots” who described their takeover as an act of peaceful, political protest and advocacy for the rights of rural ranchers. They saw themselves as taking a “hard stand” after years of “oppression” by government agencies. But locals were spooked: Schools in Burns, Ore. — 30 miles away — stayed closed for a week. Federal offices kept their doors shuttered. The county sheriff prepared for his office to be invaded. Signs popped up around town: “Bundys Go Home!”

At daily news conferences from the refuge, Bundy would tell a crowd of reporters that the promise of the rural West was fading because of federal land ownership. Patting a pocket-size copy of the Constitution peeking out of his breast pocket, he would say the government had to be stopped.

Bundy and his men presented themselves as simple, golly-gee good ol’ boys, the operation would play out in the most ungolly-gee of ways: It was tech-savvy, live on the Internet. When the mostly male group prayed together, videos appeared on YouTube. Calls for support rang across Facebook. Twitter detractors branded the group #yallaqaeda and led efforts to mail packages of sex toys to the refuge, LOL’ing as videos emerged of the red-faced men drawing plastic phalluses out of the boxes. When one member of the group was shot and killed by state police, a cellphone video emerged online from a passenger in the car.

In the final hours of the standoff, when just four people remained and armored FBI vehicles inched toward them, their screams and tears were transmitted to the ears of some 60,000 live listeners on YouTube. To the Bundys’ supporters, it felt like a modern Waco or Ruby Ridge. To critics, this was showstopping final act inspired by the ringmaster Ammon Bundy.

In the courtroom, a new event began. While many of Bundy’s 26 co-defendants pleaded guilty to charges of conspiring to impede federal officers from performing their duties — a charge that has been used to prosecute extremist left-wingers and Earth First protesters — six others remained steadfast over their innocence. (In February, a second trial for seven more defendants will begin; that same month, Cliven, Ammon, Ryan and two other Bundy sons will face trial in Nevada for the 2014 Bundy Ranch standoff.)

In closing arguments, defense attorneys argued that the government was doing exactly what the defendants were protesting: overreaching. Defense lawyer Matthew Schindler asked jurors to take in the non-Bundy defendants, including Cox; 28-year-old “computer nerd” David Fry; the 68-year-old “old hippie” Neil Wampler; and the graying 62-year-old Medenbach. Jeff Banta was the seventh defendant. “Look at these people,” Schindler said. “Is that an army?”