

“HERE ONCE THE EMBATTLED FARMERS STOOD”:  
THE RISE AND FALL OF THE MONTANA FREEMEN

By

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the requirements for the degree of

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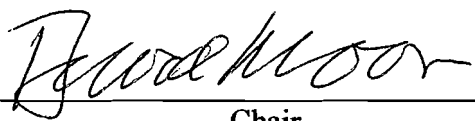
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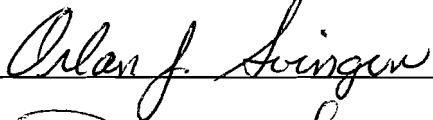
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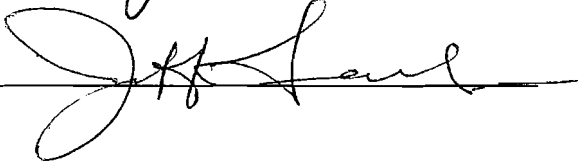
To the Faculty of Washington State University:

The members of the Committee appointed to examine the dissertation of  
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Chair

  
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Abstract

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This study explores the Montana Freemen movement through the lens of the agricultural crisis of the 1980s. The resulting shake-out in Jordan Country in the east-central part of the Big Sky state was a key link in the set of events that gave rise to the Montana Freemen and to the longest stand-off in U.S. history.

Among the last regions to be homesteaded, Montana's Jordan Country benefited throughout its century-long association with an interventionist, supportive federal government and capitalistic economic system. The agricultural crisis that began in the late 1970s struck hard at families, like that of Ralph Clark, which had recently expanded their operations. Struggling to weather the crisis, the Clarks won a temporary reprieve through the 1983 *Coleman v. Block* decision that placed a moratorium on farm foreclosures. When the moratorium ended in 1992, the Clarks, lacking finances and legal options, turned to an emerging nexus of anti-government activists who engaged the community on the issue of local sovereignty; it was in this context that the group termed the Montana Freemen emerged.

Led by LeRoy Schweitzer, the Montana Freeman—drawing their ideology and organizational style from earlier radical-right groups including the John Birch Society, Posse Comitatus, and Sagebrush Rebellion—proposed to establish a parallel government with common law justices' courts and extralegal financial instruments. These tactics led to confrontations between the Freeman and local and federal authorities, and the arrest of three Freeman leaders six months after relocating to the Clark ranch in September 1995 sparked an eighty-one day standoff with federal authorities, which ended non-violently, due in large part to the Clarks.

This study relies on interviews with several members of the Clark Family and others directly connected with the Freeman; on legal papers in the U.S. District Court in Billings, Montana, the location of the Freeman trials; on county prosecutors' files in Roundup and Jordan, Montana; on files in the Montana Historical Society and Montana Human Rights Network, both in Helena, Montana; and on secondary works.

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## CHAPTER ONE

### INTRODUCTION

There has never been an era in American history without rural protest. Although its influence on American society has been obscured by urban movements, agrarian protest has, at its best, increased self-determination, created egalitarian institutions, and challenged powerful organizations that lacked accountability.<sup>1</sup> Yet, as historian Catherine McNicol Stock states, as these movements have grown in the context of physical hardship and political isolation, the strong, self-defensive communities could be reactionary, illiberal, and racist.<sup>2</sup> In the early republic, Shays' Rebellion represented wide-spread rural unrest throughout New England where burdensome taxes and foreclosure suits threatened local communities. In the opening salvo of the Civil War, abolitionist farmers on the plains of Kansas, like John Brown, fought to keep slavery out of the territory. One-hundred years ago, American voters discarded the People's Party. This most famous and dynamic rural revolt threatened the established political powers and economic system of the day and has drawn the attention of historians for the next century. Prior to 1960s, scholars of western rural radicalism focused on the movements in terms of a backwards-facing membership and leadership that bungled the moment and

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<sup>1</sup> Patrick H. Mooney and Theo J. Majka, *Farmers' and Farm Workers' Movements: Social Protest in American Agriculture* (Chicago: University of Chicago Press, 1995), xii.

<sup>2</sup> Catherine McNicol Stock, *Rural Radicals: Righteous Rage in the American Grain* (Ithaca, NY: Cornell University Press, 1996) 6, 8.

caused the movement's death. Only in the 1960s did attention shift from the leadership to other significant factors that shaped rural radicalism.

Richard Hofstadter in *The Age of Reform: From Bryan to F.D.R.* argued that western revolts emerged from a backward-looking mentality. Hofstadter's criticism of the Populist agenda stemmed from the movement's "folkish" farmers who failed to make the capitalistic transition.<sup>3</sup> Agriculturists during the Populist era, who viewed themselves as Jefferson's treasured yeoman farmers, were pressed to transform the capitalistic system. Money served as the primary motivator for the evil forces that slowly squeezed the yeoman farmer resulting in a conspiratorial view. The farmers blamed Jews as the symbolic leaders of money, capitalism, and urbanism. Hofstadter accepted the prevailing naïve characterization of farmers that prevailed among historians. Theodore Saloutos and John D. Hicks' research on the Midwestern agricultural protests influenced Hofstadter. One noteworthy quote in the Saloutos and Hicks monograph had a leader telling his representatives, "Make the rubes pay their god-damn money to join and they'll stick—stick till hell freezes over."<sup>4</sup> The overall impetus of farmers' movements failed to give the dirt farmer much-needed relief from corporate capitalism despite the democratic reforms it had spawned.

John Shover, writing in 1965, examined the Depression era's Farmers' Holiday Association and the leadership of Milo Reno. The New Deal policies allowed agrarians access to production policies that mimicked big business' attempts to regulate selling prices. Ironically, the new policies squeezed small operations out of the process and

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<sup>3</sup> Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York: Knopf, 1955), 73.

<sup>4</sup> James Manahan, quoted in Theodore Saloutos and John D. Hicks, *Agricultural Discontent in the Middle West, 1900-1939* (Madison: University of Wisconsin Press, 1951), 162.

increased the consolidation of farms. Those benefiting from the policies of the New Deal became increasingly involved in expansion and mechanization and, therefore, more involved in shaping governmental policies. Conversely, small farmers were constrained by policies that failed to propel their operations into the new farm economy.<sup>5</sup> The noteworthy aspect of *Cornbelt Rebellion* is the author's allowance for the movement to be dynamic. Instead of portraying the Farmers' Holiday Association as a monolithic undertaking that failed to change with time, Shover acknowledged the variables that determined farmers' participation in the movement.

In the mid-1970s, a new group of historians attributed the results of farm protest to societal explanations. Lawrence Goodwyn's *Democratic Promise* and Garin Burbank's *When Farmers Voted Red* went beyond prior models to examine their particular farm movements' decay. In *Democratic Promise*, Goodwyn's narrative turned on the loyalty Populists had for sectional politics that prevented the national alliance between farmers and different classes of workers throughout the United States.<sup>6</sup> Garin Burbank's work, *When Farmers Voted Red*, examined Oklahoma farmers' flirtation with socialism during the first twenty years of the twentieth century. While the high point of the socialist movement among agriculturists reached only 21 percent of the vote in 1914, the greatest hurdles to socialism's development—religion, land ownership, and racial equality—hindered the interplay between leaders, followers, and ideals.<sup>7</sup> In both

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<sup>5</sup> John L. Shover, *Cornbelt Rebellion: The Farmers' Holiday Association* (Urbana, IL: University of Illinois Press, 1965), 2.

<sup>6</sup> Lawrence Goodwyn, *Democratic Promise: The Populist Moment in America* (New York: Oxford University Press, 1976), 13.

<sup>7</sup> Garin Burbank, *When Farmers Voted Red: The Gospel of Socialism in the Oklahoma Countryside, 1910-1924* (Westport, Connecticut: Greenwood Press, 1976), 108.

Goodwyn's and Burbank's work, the larger society played an active role in the rise and fall of both movements.

Historical surveys of twentieth-century agriculture highlighted changes in America. As Gilbert Fite noted in *American Farmers: The New Minority*, one of the most dramatic social shifts in American history was the shift of farmers from a large plurality at the start of the century to only 3 percent of the population by 1980. Although changing technology played a central role, Fite gave considerable attention to rural protest and farmers' organizations during the era, including movements familiar to Garfield County farmers like the National Farmers' Organization of the 1950s and 1960s and the American Agriculture Movement of the 1970s.<sup>8</sup> Fite asserted that the decline of the agricultural population limited the legislative power of farmers.

The analysis of the 1980s farm crisis added weight to Fite's argument. Mark Friedberger's *Shake-Out: Iowa Farm Families in the 1980s* examined the crisis on a local scale. Friedberger found that poor farm management failed to account for the huge number of Iowa farm foreclosures. Instead, he found family crisis, recent expansion, and spiraling inflation as key factors that threatened farmer solvency in the Midwest. Neil Harl's *The Farm Debt Crisis of the 1980s* chronicled the slow and reluctant institutional recognition of the farm crisis. Among the first agricultural economists to recognize the emerging crisis, Harl found politicians and economists reluctant to address farming issues since it had been such a fertile speculative industry in the previous decade. Pressure from

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<sup>8</sup> Gilbert Fite, *American Farmers: The New Minority* (Bloomington, IN: Indiana University Press, 1981) 162, 217.

farm organizations provided politicians, especially national leaders from rural states, with leverage to force action by the Department of Agriculture.<sup>9</sup>

In the 1980s, the study of Western history flourished. Environmental and multicultural history played a greater role in scholarship. While works on the traditional radical movements became scarce, radical individuals in the West received greater attention. The study of labor, immigration, and women received academic consideration and provided the foundation for a flowering understanding of the region that awaits a synthesis that will tie the scholarship together.

In the 1990s renewed scholarly interest in the rise of militias and anti-government movements, like the Montana Freemen, amplified the significance of rural rebellion scholarship. The interpretations of these new events, however, have been dominated by activists and journalists, rather than academics. Two activists, Kenneth Stern and Morris Dees, produced books in 1996 on the militia movement that spread across the United States in the mid-1980s and early 1990s. Kenneth Stern's book *A Force Upon the Plain* related the view of the former Director of the National Organization Against Terrorism that these anti-government groups posed a great threat to the nation. Stern argued for a greater participation by citizens in speaking out against the goals of the militias. The role of education served as the key to Stern's argument. "[S]ome university or think tank or foundation should convene the leading minds in the related fields, and give them a task: What would a field of study of hate look like?"<sup>10</sup> Morris Dees' *Gathering Storm* viewed the militia movement through his activism during the civil rights era. In both cases,

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<sup>9</sup> Neil Harl, *The Farm Debt Crisis of the 1980s* (Ames, IA: Iowa State University Press, 1990).

<sup>10</sup> Kenneth Stern, *A Force Upon the Plain: The American Militia Movement and the Politics of Hate* (New York: Simon & Schuster, 1996), 250.



according to Dees, radicals participated in lawless behavior that threatened the fabric of American society. Dees' solution of greater governmental enforcement of the law paralleled the civil rights movement: the federal government would oversee the enforcement of laws by state and local officials. For Dees, the greatest villains were those who tried to exploit the anger of people attracted to the message of the Patriot movement.<sup>11</sup> In comparing these two authors, it is striking how much they mirror the historiographical debate on the base root of rural protest. Dees harkened back to the methodology of the 1950s and 1960s, advocating a greater governmental role in limiting the effectiveness of leaders of the movement. Stern, on the other hand, recognized the democratic element of the movement and tried to address a solution in the form of education, thereby recognizing the more current scholarship.

Several journalists have also attempted to understand the militia movement. Three excellent examples of this work are James Corcoran's *Bitter Harvest*, Joel Dyer's *Harvest of Rage*, and David Neiwert's *In God's Country*.<sup>12</sup> The contribution of each author to future historians is profound. Journalists excel at reporting the facts and establishing a chronology of events: getting names, dates, and sources right. What each of these books lacks, however, is the historical context of agricultural problems. Yet, any worthwhile examination of extremist thought ought to go beyond leadership and provide a contextual explanation for why rural Americans became radicalized followers. In the five chapters that follow, this dissertation examines the Clark family's relationship to

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<sup>11</sup> Morris Dees, *Gathering Storm: America's Militia Threat* (New York: Harper Collins Publishers, 1996), 232.

<sup>12</sup> James Corcoran, *Bitter Harvest: Gordon Kahl and the Posse Comitatus: Murder in the Heartland* (New York: Viking Press, 1990); Joel Dyer, *Harvest of Rage: Why Oklahoma City is Only the Beginning* (Boulder, CO: Westview Press, 1998); David Neiwert, *In God's Country: The Patriot Movement and the Pacific Northwest* (Pullman, WA: Washington State University Press, 1999).

land, government, and capitalism that brought them to join the Montana Freemen movement.

The relationship between farmers, government, and capitalism in Jordan Country is the topic of the Chapter Two. Government intervention helped white settlers wrestle control of the plains from Native Americans and establish a market-oriented economy. Even after homesteaders established communities in eastern Montana, federal agencies funded programs designed to increase the efficiency of farms and ranches. The extension of programs during hard times, like the Great Depression, established an economic floor to buttress farm income. During good times, like the early 1970s, government facilitated partnerships with farmers and financiers to expand rural economies. But, as Chapter Three explains, reliance on federal funding and agencies produced disaster when a series of events shifted policy and financing away from agriculture. Just prior to the largest farm crisis to strike the nation after World War II, the Clark family of Garfield County acquired more land and modernized their operation with the help of federal funding programs. After the crisis hit in the late 1970s, the family volunteered to help other farmers and fought their own legal battle to retain their farm. Helped by a moratorium on foreclosures, the Clarks won a reprieve from foreclosure and criminal prosecution. Although the family and farm survived, the Clarks continued to seek information and build alliances for any forthcoming troubles.

Chapter Four explores the emergence of radical-right organizers in the post-World War II era, especially the American West. The most notable of these for the rise of the Freemen, the Posse Comitatus gave voice to a small population of radical decentralists who wanted to eliminate the federal government's power and replace it with local

control, namely the county sheriff. Although the Posse was not native to the state, several Montanans used the Posse ideology to pursue their anti-tax, Christian Identity, or financial schemes. By 1992, the birth pangs for a home-grown and radical movement, the Montana Freeman, had started.

When in 1992 foreclosure proceedings restarted on the Clarks, the family took action. Chapter Five examines the responses crafted by different family member to deal with their financial crisis. Although some were taken in by hucksters who cheated them out of money, a substantial effort went into crafting a democratic response that brought considerable community pressure and forced local officials to act. Still plagued by fiscal uncertainty, the Clarks continued to gather information that might help their situation. Without finances for legal guidance or government infrastructure to counsel them, the Clarks turned to the Freeman's radical decentralism and fraudulent financial scheme as a solution. Local law officials faced a crisis of their own. Worried, local sheriffs and county attorneys sought advice and support from state or federal officials. Although little support came to them initially, their coordinated efforts helped the effectiveness of the governments' responses.

Chapter Six describes the downfall of the Montana Freeman and the Clark family. Angered by a family member's divorce settlement, the Clarks became actively involved in the Montana Freeman. The arrest of armed Freeman associates, allegedly plotting to kidnap a county attorney, sparked federal interest in infiltrating the group. Informant intelligence provided the FBI with considerable evidence of fraud, but recent bloody conflicts with anti-government groups in Ruby Ridge, Idaho, and Waco, Texas, had soured the agency's taste for armed conflict. Seemingly without opposition, the Freeman

conducted classes and recruited new members at two different locations, one being the Clark ranch. Only when a local sheriff's posse threatened to oust the Freemen did the government make arrests and initiate a standoff. The eighty-one day standoff and resulting trials discredited and dispirited the Freemen movement despite the tough negotiation tactics of the members secluded at the Clark ranch.

Chapter Seven relates the charges, trials, and verdicts of the Freemen who participated in the stand-off and summarizes the circumstances, decisions, and actions that drew a law-abiding family into one of the most tense episodes of rural protest in postwar America.

The example of the Clark family adds to the long historiography of rural unrest and protest. Understanding the family's decisions, in conjunction with the ideological development of the Freemen's leadership, lends a greater understanding of how law-abiding citizens became entangled in the rise and fall of the Montana Freemen.

## CHAPTER TWO

### AN EVER-PRESENT COMPANION: THE MARRIAGE OF FARMING AND GOVERNMENT IN JORDAN COUNTRY

Montana's Wild West image seamlessly flowed from an ethic of rugged individualism and economic expansion associated with the booming economy on the Northern Plains between 1890 and 1920. Even nicknames for the state and region spoke to the stereotype of boundless possibilities: the Treasure State, Big Sky Country, or the Big Open. Americans loved the stereotype even if few travelers spent enough time in the area to have their idea challenged, and many residents of the Northern Plains continued to draw their identity from the stories of ancestors who forged a new life by homesteading on the Great American Frontier. This version of eastern Montana's development, however, lacked a few key actors.

In truth, it was government intervention and capitalistic economic development that shaped the region after the arrival of whites. Integral to this process was the suppression of aboriginal cultures, first with the slaughter of the bison and subsequently with the establishment of reservations. Settlers enthusiastically responded to the boosters' call and moved onto the sparsely populated plains. Establishing a commercial agricultural economy proved more difficult on the Northern Plains than it had in the Midwest, yet settlers were undeterred. Government intervention helped keep the rural economy humming. Federal legislation included local Montana elites as decision-makers to distribute the benefits of

agency programs. The transformation of the plains from Indian homeland to white homesteads partnered westerners with politicians and capitalists. Dependent on outside sources for credit, the alliance remained strong into the 1970s. Hence, westerners tended to dismiss the limits that the environment historically placed on those who inhabited the plains and instead focused on how government policy could boost their economic activities.

Each spring, green blades of grass are heralds of promise on the eastern Montana prairie. Winter snows provide seeds with the moisture needed for them to burst through the soil. The ranchers and the farmers are flush each year with the hope that the right amount of rain will fall at the right time in the right place to produce a harvest better than the last. As the twentieth century wound down, remembrance of the few years that exceeded all expectations continued to stir the hopes of these Montanans.

Geographer Isaiah Bowman coined the term “Jordan Country” for the distinctive region of near pioneer-like conditions on Montana’s windswept plains—roughly the area between the Missouri River to the north, the Yellowstone River to the south and east, and the Musselshell River to the west—that typifies the geography of eastern Montana.<sup>1</sup> The dry grassland gently undulates for miles, forming ravines for countless spring streams. Crests provide an ideal lookout to view the surrounding landscape, while the valley bottoms turn emerald green for as long as the moisture lasts. A car traversing this landscape appears much like a ship tossed on the open sea, rising and falling upon a seemingly endless

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<sup>1</sup>Isaiah Bowman, “Jordan Country,” *Geographical Review* 21 (Jan. 1931), 27-28. The area represents over five thousand square miles encompassing Garfield County entirely—4,453 square miles—and portions of neighboring Petroleum, McCone, Musselshell, and Petroleum counties.

journey, alternating between various shades of dry yellow and lively green.

The expansive grasses on this part of the Northern Plains have always attracted grazing animals and the people who relied on them. Approximately seven hundred years ago, after drought forced the retreat of bison, scarcely a Plains Indian inhabited the area. Only the blessing of rain brought the bison back to the Great Plains in large numbers.<sup>2</sup> Tribes that had been on the perimeter of the great grassland followed the returning moisture and the buffalo. Four hundred years ago, the Crow Indians moved west from present-day North Dakota and eventually became the tribe associated with Jordan Country. Although white traders first encountered the Crow in 1743, the contact failed to bring about significant trade exchanges. By the nineteenth century, however, white traders became a regular sight in Crow villages. Furs were traded for manufactured goods and foodstuffs. Crow hunters ranged from the Judith and Musselshell Rivers on the upper Missouri to the Green River basin, and whites welcomed the Crows who brought their furs to the Missouri River villages. Some traders commented on the plentiful hunts conducted by the Crows. Driving the bison over embankments, Crow hunters took only the best parts of the animal—the hump, tongue, marrow, and fetus—for themselves and to trade.<sup>3</sup> The exchange also brought European diseases that swept through tribes. The Plains tribes with the closest contact to white traders experienced population decreases of 50 to 80 percent, far more than

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<sup>2</sup>Dan Flores, *The Natural West: Environmental History in the Great Plains and Rocky Mountains* (Norman: University of Oklahoma Press, 2001), 174.

<sup>3</sup>Shepard Krech, III, *The Ecological Indian: Myth and History* (New York: W. W. Norton, 1999), 129, 134. Additional background on the impact of Native Americans on bison can be found in Dan Flores, “Bison Ecology and Bison Diplomacy: The Southern Plains from 1800 to 1850,” *Journal of American History* 78 (June 1991): 465-485.

those who suffered during any later battle with the U.S. Army. The diseases reduced the eight thousand-member Crow tribe to a scattered collection of family-sized bands.<sup>4</sup> In this weakened state, the Crow battled larger tribes, namely the Blackfeet and Sioux, for control of desirable locales and to stave off extinction. Additionally, the tribe divided into two regional bands, the River and Mountain Crow.

Eager for allies, the Crow fostered closer relations with whites than did either the Blackfeet or the Sioux. These ties hampered the encroachment of hostile tribes, yet Crow lands eventually came under the control of whites. In 1868, after negotiations established a reservation for the Mountain Crow near present-day Livingston, Montana, legislation to create a separate “River Crow” area north of the Missouri River died in Congress when the session expired. The rapid growth of white population in Montana, however, prompted settlers to question the establishment of an Indian reserve in an area that held so many promising natural resources.<sup>5</sup> Representatives of the United States government nevertheless assured the Natives that the area would serve as the “Crow” Reservation. Unable to take legal possession, and without the help of the Mountain Crow, the River Crow stayed near the forts to the south of Jordan Country, ranging out sporadically onto the plains that had sustained them.

Governmental officials forbade other Indians, in particular the Sioux, to use the area. During the Great Sioux War of 1876-1877, the U.S. Army pursued the Sioux in an effort to

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<sup>4</sup>Frederick E. Hoxie, *Parading through History: The Making of the Crow Nation, 1805-1935* (Cambridge: Cambridge University Press, 1995), 75.

<sup>5</sup>Ibid., 99.



“settle” the tribe on a reservation and away from whites. While the most notable conflict resulted in an Indian victory over General George Armstrong Custer’s forces at the Battle of the Little Big Horn, the winter campaign to eliminate free-ranging Indians drove the Sioux off the River Crow lands. Faced with the unrelenting pursuit of a well-fortified army, the Sioux’s inability to regroup, recuperate, and restock ultimately brought defeat.<sup>6</sup> In the interest of future settlers, the government vigorously pursued Indian removal from Jordan Country. By removing the area’s aboriginal inhabitants, government policy shifted from managing Indians to developing the region’s natural resources.

Dominant interests dictated that the Northern Plains be a frontier for capitalism. Entrepreneurs from the East eyed the plentiful resources and argued in the halls of Congress that only capitalists had the expertise and money to tame the vast spaces and make the high plains produce. Cattle interests that moved into the area benefited from the abundant grass and favorable government policies. Montana experienced its first cattle boom in the 1860s during the famous mining rushes in the western mountains of the state. In the 1870s, with good grasses and a promising market, the industry expanded into the north central region of the territory. These local cattlemen, along with stockmen driving longhorn cattle north from Texas, spawned large corporate ranches that “sprouted like mushrooms, thriving on the free grass of public domain,” according to the prominent Montana historian Michael Malone.<sup>7</sup>

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<sup>6</sup>Jeffrey V. Pearson, "Nelson A. Miles, Crazy Horse, and the Battle of Wolf Mountains," *Montana: The Magazine of Western History* 51 (Winter 2001): 67.

<sup>7</sup>Michael P. Malone, Richard B. Roeder, and William L. Lang, *Montana: A History of Two Centuries* (Seattle: University of Washington Press, 1991), 145.

Established Montana cattlemen like Granville Stuart, Con Kohrs, and James Fergus, financed by distant investors and local merchants, started the first herds grazing in central Montana.

Opening Montana to cattle reduced the area for bison on the open range. Although the two species arguably had a similar impact upon the land, the introduction of cattle required fundamental changes. Water became an ever-more important resource once cattle arrived. Cattle, which evolved to thrive in a wetter European environment, gather near drinking sources, often trampling riparian areas, lowering the water table, and diminishing water quality. Bison prefer drier forage than cattle and spend less time near water sources, a competitive advantage they developed on the plains. Bisons' physiological development allowed them to move greater distances than cattle did, and they generally stayed in an area less than three days. With their reduced mobility and greater need for water, cattle taxed the area's resources far more than did bison.<sup>8</sup> As detailed in William Cronon's chapter on Chicago's meat packing industry in *Nature's Metropolis*, "if livestock was to become the new foundation for agriculture on the High Plains, would-be settlers and ranchers had to alter the earlier landscape of the region. . . . they had to confine or eliminate its original human and animal inhabitants." As the bison disappeared, along with the Native cultures the sustained, major changes came in Great Plains ecology and economy.<sup>9</sup>

Cattlemen and farmers alike moved onto former tribal hunting lands and used legislation to control water through rangeland. Their primary concern during the nineteenth

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<sup>8</sup>George Wuerthner and Mollie Matteson, *Welfare Ranching: The Subsidized Destruction of the American West* (Washington D.C.: Island Press, 2002), 295-297.

<sup>9</sup>William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W.W. Norton & Company, 1991), 214.

century was to transfer ownership into private hands, fulfilling the vision of Thomas Jefferson's agrarian republic. According to historian Richard White, the federal government served essentially as "a real estate agent instead of a landlord."<sup>10</sup> The myriad of statutes that constituted U.S. land policy favored speculators who bought the land from the government and then passed it on to pioneers to turn a profit.<sup>11</sup> The goal for speculators, and later the railroads, was to use the land as a source of revenue without a thought to long-term sustainability. In the 1860s, speculators imagined that, with transportation and "its scores of tributaries," the Musselshell River would provide over 7,000 square miles of prime agricultural land extending thirty miles on each side of the river.<sup>12</sup>

Land was practically given away in order to populate the plains. Homesteaders "proved up" on their 160 acres by living on the land for five years and paying a modest filing fee. Although this policy worked well in more humid environments, the arid plains required more land to produce the same agricultural results. Responding to this difference, Congress passed the Desert Land Act of 1877 to expand the area one could claim to 320 acres, providing that the settler made attempts to irrigate the land. Cattle operations in comparatively arid areas like eastern Montana strategically locked up the local water access, ensuring that the surrounding rangeland would be the home of hooves and not

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<sup>10</sup>Richard White, *"It's Your Misfortune and None of My Own": A New History of the American West* (Norman: University of Oklahoma Press, 1991), 138.

<sup>11</sup>William G. Robbins, *Colony and Empire: The Capitalist Transformation of the American West* (Lawrence: University Press of Kansas, 1994), 61.

<sup>12</sup>Horatio N. Maguire, *The Pioneer Directory of the Metropolis of Montana* (Helena: Allen and Co., 1969), 85.

homesteaders.<sup>13</sup> Some ranch bosses dominated water resources by encouraging their cowboy employees to file land claims. Cattle entrepreneurs also secured water resources by fencing in the drainage areas of their acreage, thereby allowing their cattle to roam on property in the public domain while squeezing out any possible competitors. When the contract period ended and it was time to “prove up” and purchase the grasslands, the ranchers and cowboys abandoned their claims. The advantage was twofold. First, the range had been free and, second, ranchers could hold onto their most precious commodity, water. As long as water remained plentiful, cattle and sheep grazed together on the plains and the owners tolerated each other on the open range.

Later in the nineteenth century, violence became more prevalent. In Jordan Country, men of rough character populated the area: cowboys, sheep herders, and rustlers. Cowboys and sheep herders served the prevailing capitalists well, but cattle thieves were intolerable. Rustling reached epidemic proportions in the 1880s.<sup>14</sup> At the April 1884 meeting of the Eastern Montana Livestock Association, many fiery speakers advised taking vigilante action against the thieves. The Montana “old guard,” consisting of men like Granville Stuart, publicly tried to squelch such rash talk. In private, however, the problem had grown too large for big operators to ignore. At the conclusion of the spring roundup, a group of stockmen gathered with Stuart. As their leader, Stuart compiled a list of rustlers, ruffians,

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<sup>13</sup>Ernest Osgood, *The Day of the Cattlemen* (Minneapolis: University of Minnesota Press, 1929), 176-215.

<sup>14</sup>Malone et al., *Montana*, 162.

and wolf hunters whom he considered threats to the emerging cattle kingdom.<sup>15</sup> The vigilantes, assisted by their cowboy employees and Northern Pacific Railroad management which scheduled a special train, apprehended suspected thieves in central Montana, along the Little Missouri, and in the Powder and Lower Yellowstone River country. The group distributed its own rough justice, killing over one hundred men in shootouts and hanging captured suspects. The action temporarily decreased rustling in the area, but the group was severely criticized for its “arbitrary killing.”<sup>16</sup> One historian characterized the event as the most violent example of vigilantism in the history of the West.<sup>17</sup> Saving the livestock from rustlers protected the industry’s profits, while the isolation kept the event off the front pages of national newspapers. By 1886, at the height of Montana’s open range period, 664,000 cattle and 986,000 sheep grazed on the region’s blue grama, needle-and-thread, buffalo grass, and western wheat grass.<sup>18</sup> Resource extraction on the plains seemed to be in a perfect state, protected by industrial cowboys armed to prevent encroachment by settlers or rustlers.

Mastery of the Northern Plains proved to be elusive, however, as human efforts to tame the land unleashed terrible ecological consequences. The cattle barons overestimated the carrying capacity of the open plains, leading to one of the most colossal livestock failures in American history. For most cattle owners in the 1870s and 1880s, potential

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<sup>15</sup>Richard Maxwell Brown, “Violence,” in *The Oxford History of the American West*, eds. Clyde A. Milner II, Carol A. O’Connor, and Martha A. Sandweiss, (New York: Oxford University Press, 1994), 401-402.

<sup>16</sup>Malone et al., *Montana*, 163.

<sup>17</sup>Brown, “Violence,” 402.

<sup>18</sup>Malone et al., *Montana*, 157, 145.

profits far outweighed the risks. Eastern and European entrepreneurs quickly penned checks, lured by the easy money in open range livestock. Historian K. Ross Toole argued that the “vast percentage of fortunes made between 1879 and 1887 enriched stockholders and owners who had never seen Montana and knew of it only through glowing company reports of quick profits.”<sup>19</sup> So sure were the expectations of profit that no large operator took precautions against severe weather. Managers expected livestock to range freely and even paw through the light snows to eat the grass underneath. Unfortunately, the overestimated carrying capacity of the plains provided no margin for error. This fact, coupled with the state’s cruel weather, made disaster inevitable.

The winter of 1886-87 brought brutal temperatures of sixty degrees below and crusted snows that locked grass away from the herds.<sup>20</sup> Over 200,000 cattle carcasses, one third of the herd’s numbers, dotted the Northern Plains of Montana.<sup>21</sup> Managers who had probably never heard of Professor Justus von Liebig suddenly became fully educated in Liebig’s Law of Minimum. Liebig maintained that the growth, reproduction, and maintenance of life comes not from the abundance of resources but from their minimum availability.<sup>22</sup> Just as a barrel can only hold as much as the shortest stave, the Northern Plains could sustain no more. The issue was less about cattle displacing bison in Montana and more about exaggerated estimates regarding the carrying capacity of the land, where

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<sup>19</sup>K. Ross Toole, *Montana: An Uncommon Land* (Norman: University of Oklahoma Press, 1959), 143.

<sup>20</sup>Malone et al., *Montana*, 165.

<sup>21</sup>Edward Everett Dale, *The Range Cattle Industry* (Norman, University of Oklahoma Press, 1930), 108.

<sup>22</sup>Elliot West, *The Way West: Essays on the Central Plains* (Albuquerque: University of New Mexico Press, 1995), 49.

overgrazing had left little for animals to forage in winter. As snow mounted and temperatures dropped, the cattlemen saw their overpopulated herds die off in one of the greatest commercial disasters in the old West. Adept at gaining state and federal assistance, yet unwilling to decrease profits with more labor-intensive practices, investors left the livestock industry in favor of more lucrative transactions. Thereafter, the need for alfalfa, grass, and other winter forage took additional resources, cutting into the profits of commercial cattlemen and resulting in the opening of the range to smaller operators who could dedicate labor and resources more realistically.

For small operators who ventured into central Montana, the livestock of choice was sheep. Although Montana had developed a reputation as cattle country, sheep appeared at approximately the same time as cattle in the 1850s. Only after the establishment of transportation systems and a wool-purchasing exchange in Helena did the sheep industry take off. By 1879, 60,000 sheep grazed on the Musselshell River.<sup>23</sup> The growth of sheep herds on the Northern Plains outpaced the cattle population.

At the same time that the Northern Plains emptied of eastern investors and filled with small operators, farmers pushed for policy changes in Washington, D.C. that would dramatically affect agriculture. Formerly, the focus of Western land policy had been to control Indian populations and commodify land. By the late 1800s, however, agriculturalists sought new legislation to improve their market profitability. Many put their faith in Populist reforms. Populists urged governments at all levels to intervene on farmers' behalf against the unfair business practices of predatory eastern capitalists, known collectively as the plutocracy, who had reduced states such as Montana to colonial status. In

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<sup>23</sup>Malone et al., *Montana*, 153.

particular, Populists targeted the railroads that had overbuilt and were charging excessive shipping rates to farmers who had no other options for transportation.

In Montana, however, the Populist goals were no match for the state's mighty mining industry and the concomitant emphasis politicians placed on monetary issues, especially concerning the expansion of available money via free silver coinage.<sup>24</sup> Montana politics, nevertheless, continued to reflect key tenets of Populism: a steadfast faith in grassroots democracy, distrust of the East, and enmity toward railroads and other large corporations.<sup>25</sup> Although Populist ideals continued in Montana, the impact of the political movement came mainly from national legislation that incorporated part of the Populist agenda. In 1906, for example, the Hepburn Act set maximum railroad rates and created financial oversight to guard small volume shippers against price gouging.

Significantly, farmers at the turn of the twentieth century desired greater government involvement in their behalf. In that regard, they pushed for corporate and banking regulations that would ease tight credit policies. In fact, the story of farming policy during the coming decades revolved around the growth of farmers' and ranchers' dependence on the federal government as an arbiter to keep the plutocracy at bay.<sup>26</sup>

The Clayton Anti-Trust Act of 1914 helped small producers by making agricultural organizations, like cooperatives, exempt from anti-trust legislation. Many local farmers and

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<sup>24</sup>Thomas A. Clinch, *Urban Populism and Free Silver in Montana: A Narrative of Ideology in Political Action* (Missoula: University of Montana Press, 1970), 11.

<sup>25</sup>Malone et al., *Montana*, 218.

<sup>26</sup>R. Douglas Hurt, *Problems of Plenty: The American Farmer in the Twentieth Century* (Chicago: Ivan R. Dee, 2002), ix; Thomas R. Wessel, "Agricultural Policy Since 1945," *The Rural West Since World War II*, ed., R. Douglas Hurt (Lawrence: University Press of Kansas, 1999), 95.



ranchers had banded together in cooperatives to market products in a larger pool, in order to receive higher prices for their goods and to store products until prices improved, as they were most depressed around harvest time. Anti-trust laws were supposed to protect consumers and independent businessmen from the predatory practices of Standard Oil and many of the railroads. The problem was, however, that federal court rulings ignored large corporate violations and consistently applied anti-trust legislation against striking unions and farmer cooperatives that battled the large corporations. After passage of the 1914 Clayton Act, Jordan's sheep ranchers finally had the opportunity to pool their wool in a cooperative without fear of anti-trust lawsuits.

Farm groups and labor organizations, in conjunction with the progressive reformers of the period, also won their bid for a federal income tax. In 1913, the federal income tax was instituted as a social justice reform for middle- and working-class Americans. Instead of relying on import duties, excise taxes, and tariffs—all taxes that were passed on to the paying consumer—the government would now expect the wealthiest Americans would pay a greater portion of taxes. The income tax would only apply to 3 percent of the U.S. population. At the time, approximately seven thousand Americans had joined the ranks of the millionaires. The lowest rate was a 1 percent tax on \$3,000 in income. It rose to 7 percent on incomes over \$500,000. The policy checked somewhat the growth of American fortunes, precisely the point of its early proponents, and distributed the tax burden more evenly.<sup>27</sup>

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<sup>27</sup>Kevin Phillips, *Wealth and Democracy: A Political History of the American Rich* (New York: Broadway Books, 2002), 49. Steven Weisman puts the ranks of millionaires much lower, at 100. Steven R. Weisman, *The Great Tax Wars: Lincoln to Wilson, The Fierce Battles Over Money and Power That Transformed the Nation* (New York: Simon & Schuster, 2002), 278. In 1939, only 3 percent of the population paid income taxes; by 1943 that number had risen to 33 percent. During World War II, however, the income tax shifted from a “class tax” to a “mass tax.”

Government also influenced financial markets to redistribute credit to the poorer regions of the nation. Financial credit on the Northern Plains had been scarce in places such as Jordan Country. Most of the monetary notes in circulation were sponsored by independent banks and apportioned by the Comptroller of the Currency to eastern financial interests. The rural South, Midwest, and West desperately needed currency. In 1913, the Federal Reserve emerged as a central institution that could alter cash reserves in response to regional needs. This system allowed farmers to use credit to take care of expenses while they waited for prices to increase after harvest. For the first time, western farmers could borrow money by using land and commodities as security. In 1916, the Wilson administration pursued additional land based credit by forming twelve Federal Land Banks, modeled on the earlier Federal Reserve system.<sup>28</sup>

In the early 1900s, during the boom years on Montana's eastern plains, railroad companies sold parcels of land to large numbers of migrants brought by their iron horses. Three railroad lines and 4,342 miles of track crossed the state.<sup>29</sup> As the railroads opened access to Montana's natural resources, markets shifted to exploit the new profit opportunities. Congress had traded land for transportation to the region. Eastern financial interests, in many cases acting on behalf of European capital, ambitiously pushed settlement into the northern tier. The Northern Pacific Railroad owned as much as 15 percent of the state.<sup>30</sup> As historian William Robbins noted, regional railroad "land-office promotions

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<sup>28</sup>Hurt, *Problems of Plenty*, 26-27.

<sup>29</sup>Howard Elliot, "Montana: An Address by Howard Elliot President of the Northern Pacific Railway Company," Bozeman, MT, September 1, 1910.

<sup>30</sup>John Opie, *The Law of the Land: Two Hundred Years of American Farmland Policy* (Lincoln: University of Nebraska Press, 1987), 76

dwarfed all other interests in terms of influence."<sup>31</sup> Agricultural settlers favored areas within twenty miles of the track, due to their proximity to trade or generally easy access to water. Businessmen tried to funnel immigrants into Montana to use their services and settle where those services would be essential for a long time. A media blitz by the area's railroads added a new component to the land rush. The Milwaukee Road, Northern Pacific, and Great Northern showered the East with public relations material that tantalized people considering a move. Eager to generate additional income, the Northern Pacific sold sections of its land grant to settlers by consistently overestimating the area's promise. Exhibits, prizes, display trains, and brochures spoke of the West's golden opportunity. Having filled the other promising farming areas of the state, advertising agents for the railroads tried to find settlers for Jordan Country. Especially deft at profiting from the expansion, railroads sold homesteads on the promise of new transportation links and then brought settlers to the unbroken grasslands. Between 1900 and 1910, railroads sold 1.3 million acres of land, only a portion of their holdings that the United States government had deeded to them for laying down the ribbons of track. In the next seven years, the land boom in the eastern half of the state helped the Northern Pacific sell over nine million acres to settlers, some of it drawing as much as \$8.56 per acre.<sup>32</sup> In the 1910s, the railroads brought 135,750 new settlers to Montana.<sup>33</sup> But where would people live?

Again, governmental policy drove settlement. Montana's senators recognized the aridity of the land and actively pursued legislation that would open larger homesteads, limit

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<sup>31</sup>Robbins, *Colony and Empire*, 72.

<sup>32</sup>Malone et al., *Montana*, 238.

<sup>33</sup>William G. Robbins, "Persisting Reality: The Northern Tier States as 'Plundered Provinces,' 1900-1940," in *Centennial West: Essays on the Northern Tier States*, ed. William L. Lang (Seattle: University of Washington Press, 1991), 24.

the influence of open-range cattlemen, and make it easier for people to populate the newest Eden. When in 1909, Congress increased the size of homesteads from 160 acres to 320 acres, it clearly acknowledged the region's requirement for more space to produce a living. The increase, nevertheless, fell short of Montana U. S. Senator Joseph Dixon's proposed 640 acres. This latest incarnation of homestead legislation transferred ownership of the land to settlers even quicker than previous laws had done by requiring homesteaders to "own up" on the land in three years instead of five. Another significant change in the law cut the amount of land that needed to be under cultivation in half, thereby favoring ranching interests. Despite being ringed by rivers, the residents of Jordan Country discovered that the overall scarcity of water made river-based irrigation impractical. Settlers faced the challenge by investing in storage tanks, pumping with windmills, or diverting rain runoff. Raising hay and grass for livestock seemed to be the most productive way to use the limited irrigation water.

By 1909, many settlers, through hard experience, had learned that plows failed to bring rain. The search for different techniques to scratch out a living in semi-arid regions quickened. Meanwhile, boosters continued to promote the settlement of the Northern Plains. Hardy Campbell, a friend of railroads and western settlement, preached a fresh gospel: dryland farming. The Campbell system instructed farmers to accumulate moisture in packed fallow subsoil without intensive tillage. Campbell, with the assistance of railroad executives and Montana's State Experiment Station, persuaded thousands of farmers to test his ideas.<sup>34</sup> Although the neighboring Dakotas preferred crop rotation to maintain crop

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<sup>34</sup>Mary W. M. Hargreaves, *Dry Farming in the Northern Great Plains, 1900-1925* (Cambridge: Harvard University Press, 1957), 133.

productivity rather than summer fallow, confidence in Campbell's system ballooned as precipitation levels outperformed traditional norms, a temporary boon.<sup>35</sup> Armed with "proof," it was easy for boosters, railroads, and government officials to convince new settlers to tame the land. For many settlers, favorable economic conditions and above average rainfall sparked a belief in the boosters' promises, starting the largest migration to Jordan Country in its history.

Eastern Montana's greatest influx of people came at the end of America's homestead era. With little hope of any new homestead areas opening, government legislation again tinkered with previous legislation. One of the great inducements to settlement in Jordan Country was that no railroad had title to the land. Settlers were therefore free to select the best parcels. Legislation had required homesteaders to build homes and cultivate eighty acres of grain. Once again, the government moved public land into private hands. The 1916 Stock-Raising Homestead Act increased the size of grazing claims to 640 acres, since these lands were unsuitable for irrigation. In the fourteen years following 1909, 114,620 homestead claims were filed in Montana on almost twenty-five million acres.<sup>36</sup> In 1900, the earliest census of Jordan the town, from which Jordan Country takes its name, showed forty-six people living on the banks of Big Dry Creek. Population counts in 1905 and 1910 showed a slight increase to fifty souls. By 1915, however, the total jumped to two hundred. Beyond the budding town's population, countless communities dotted the landscape. It was

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<sup>35</sup>Ibid., 142; Allan G. Bogue, "An Agricultural Empire," in *The Oxford History of the American West*, eds. Clyde A. Milner II, Carol A. O'Connor, and Martha A. Sandweiss (New York: Oxford University Press, 1994), 300.

<sup>36</sup>Malone et al., *Montana*, 232.

the area's greatest population to that point.<sup>37</sup> From 1900 to 1918—eastern Montana's homesteading era—the last open spaces experienced a land rush. Five thousand settlers helped Jordan emerge as the county seat of the new five thousand square mile Garfield County, named in honor of President James A. Garfield.<sup>38</sup> As the county seat, Jordan bestowed jobs, wielded political influence, and helped the area form deeper and stronger ties to government.

Considering the wealth of resources in Jordan Country, settlers and local investors hoped for even greater prosperity. Almost any plan to reach that goal started with talk of a rail line that would connect them to the outside world. Although a great rush of railroad building put down tracks across the state, the state's rails primarily served to carry away Montana's mineral riches. Lacking the transportation and water of other promising areas of Montana, the lands of Jordan Country awaited further developments for a permanent white population to settle. Lacking rail transportation, the area limped along, utilizing wagon trains instead. With railroad lines running ninety-four miles to the south, all commodities raised in the Jordan Country had to be hauled or herded to a depot and then shipped for processing.<sup>39</sup>

Jordan Country's early history left its legacy on Garfield County's map. The tightly packed property lines of the earliest homesteads in the northwest corner of the county contrasted markedly with the expansive ranches in the rest of the county. Years later, the smaller 320-acre parcels still twist and contort themselves to hug stream beds in the most

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<sup>37</sup>Riley Moore Moffat, *Population History of Western U.S. Cities and Towns, 1850-1990* (Lanham, MD: Scarecrow Press, 1996), 132.

<sup>38</sup>Letter to Mrs. Fern Schillreff from W. A. McKinzie, n.d., copied from *Garfield County: The Golden Years* I, 3.

<sup>39</sup>Bowman, "Jordan Country," 27.

favorable farming areas. Surrounding this cluster are the larger, block plots that mask any hint of natural geography. This was in part a matter of timing. For early livestock producers in semi-arid regions of the intermountain west, land grant legislation was a boon despite the requirement to cultivate eighty acres of the property. For settlers on the Seven Blackfoot, a segment in the northwestern corner of the county, their efforts to raise forage to supplement stock production made good sense in the face of Montana winters. By late 1916, the formula changed when the government increased the livestock homestead to 640 acres. Although the early settlers, like those in the Blackfoot area, had access to the best land in Jordan Country, their plots were dwarfed by later settlers who enjoyed the benefit of more recent government legislation. White settlers streamed onto the plains, as Indians had centuries before, following hopeful rain patterns and hungry for prosperity.

The promise of the early wet years evaporated after 1917 as Montana's arid climate reasserted itself with a vengeance. Many of the first immigrants, only half of whom had farming experience, tumbled into hard times. Initially, onlookers attributed their failure to inexperience. Approximately 80 percent of the homesteaders with no farming experience were gone by the 1920 census. By then, even experienced farmers were struggling in eastern Montana, and 49 percent of them were gone by 1920 followed by another 20 percent drop in the next decade.<sup>40</sup> Justus Liebig's Law, "the tyranny of scarcity over abundance," claimed a growing number of victims.<sup>41</sup> When the clutches of aridity gripped the region, the marginal settlers left, leaving the Northern Plains "a witless nightmare as railcars rattled

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<sup>40</sup>Hargreaves, *Dry Farming*, 482.

<sup>41</sup>West, *The Way West*, 49.

empty through dying towns.”<sup>42</sup> Still, what had once been a flood of immigrants into eastern Montana in the 1910s had established lingering pools of settlements.

Even after the failures of the late 1910s, there were efforts to convince people moving west that Jordan Country would be the “New Corn Belt.” “The Montana farmer is easy, during his planting and growing seasons, whether skies blaze with aridity or open their gates in deluge: by means of his irrigating ditches he is independent,” one pamphlet stated.<sup>43</sup> The pamphlet asked prospective settlers, “Why linger, then, with your flocks and herds, on the threshold? A few weeks more of journeying will bring you to the land of promise . . . where an empire glowing in virgin beauty as it came from the hands of the Creator, is lying, undeveloped, awaiting you. . . .”<sup>44</sup> Booster literature assured pioneers that prosperity lay just over the western horizon.

In contrast to the pamphlet’s predictions, the farmers of Garfield County moved away from corn as the main crop. Experimentation proved that, although the first few years produced bountiful crops, the moisture and nutrients in the surface soil quickly played out. Bankers, orators, land speculators, and the railroad pamphleteers consistently encouraged farmers to utilize federal legislation to expand, produce more, and live better in the years before the Great Depression.<sup>45</sup> Despite booster arguments, the amount of crop land remained consistent and animal husbandry continued to anchor the area’s economy.

As before, however, government policies guided development. The federal

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<sup>42</sup>Joseph Kinsey Howard, *Montana: High, Wide, and Handsome* (New Haven: Yale University Press, 1943), 196.

<sup>43</sup>Maguire, *The Pioneer Directory of the Metropolis of Montana*, 87.

<sup>44</sup>*Ibid.*, 89.

<sup>45</sup>*Montana Agricultural Statistics* (Helena: Montana Crop and Livestock Reporting Service, 1946-1997).



government's role in agriculture increased during the early years of President Woodrow Wilson's administration. Politicians introduced legislation to boost farm income and promote greater efficiency. Overall, farmers supported these programs, as they had seen their income go down in comparison with urban dwellers. A few, nevertheless, worried about government intrusion into their ability to make independent decisions. To ameliorate the effect of legislation from Washington, D.C., the government relied on local boards, staffed by the largest and most efficient of the local farming population, to assist in making decisions. These boards operated through the United States Department of Agriculture (USDA). The reforms reflected the "producer-friendly" state that agriculturalists had argued for since the 1870s and encouraged government/farmer cooperation.

The entry of the United States into World War I complicated the concept of a producer-friendly state. During the war, demand for basic commodities increased greatly. Responding to the rallying cry "Food will win the war," farmers stepped up production and were rewarded when wheat prices rose substantially above prewar levels. In order to maintain reasonable food prices for urbanites, however, the Lever Act was passed in 1917 to cap commodity prices. Crying foul, farmer advocates urged the administration to allow free-market principles to govern prices, knowing that commodity prices would jump further, to the benefit of farmers. Their pleas failed to change the policy. In May 1917, wheat prices did climb from below \$2.00 per bushel to a high of \$3.48, which benefited those Montana farmers who had storage available, but those heights were temporary. After the war, prices bottomed out when international producers returned to the market and surplus grain stored in American silos glutted the market. The war taught the American farmer a great lesson: if government policy could depress prices, surely it could also stimulate an increase in prices

during farmers' time of need. American farmers called upon the government for help to soften the burden of the markets. Many Americans experienced the 1920s as a prosperous Jazz Age, but farmers languished.

During the 1920s and 1930s, Jordan Country farmers continued to explore the best uses of the land and adjust, as much as they could, to market forces and environmental limits. As the bountiful rainfall that blessed the crops in the early 1910s eluded the Northern Plains in succeeding years, few farmers eased toward diversification with flax, hogs, poultry, and cream. One constant in the area was livestock. Cattle and sheep owners carefully watched the carrying capacity of their land. About twenty-five head could pasture on a square mile of range. Given that seventy-five to one hundred head was required to support a family, the size of the plots demanded a grain crop to supplement the animals' feed. Farmers who maintained only fifty or sixty head did well by planting a garden with some grain production.<sup>46</sup> Most sheltered themselves by planting fewer acres, since in the worst years it did not pay to harvest the small amount of wheat they planted. Only 5 percent of Garfield County was under cultivation in 1930. One geographer saw a great opportunity for expanding that amount to 25 or 50 percent of the county if farmers used the latest methods in conjunction with greater farm loans.<sup>47</sup> Some locals estimated that \$150,000-\$200,000 of investment returned \$10,000-\$15,000 a year. Still, during the dry years, few farmers plowed virgin land to plant crops. Capital in the region, even with the Federal Reserve, had dried up as the agricultural travails in the 1920s worsened dramatically with the onset of the Great Depression. Not to be discouraged, one hopeful spectator commented on plants that were

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<sup>46</sup>Bowman, "Jordan Country," 30.

<sup>47</sup> John A. Alwin, "Jordan Country-A Golden Anniversary Look," *Annals of the Association of American Geographers* 71 (Dec. 1981): 483.

“astonishingly large even in the driest of years on account of the stored moisture and the weedlessness of the land.”<sup>48</sup> Experimentation with crops came at a cost, however. Without rain to nurture plants that held the soil, the northern plains experienced its own dust bowl. In one awful windstorm, some 350 million tons of Montana and Wyoming topsoil swept eastward toward Chicago.<sup>49</sup>

During the 1920s, the people of Jordan had continued to dream of a railway that could carry their goods without increasing their transportation costs despite the area’s diminished prospects.<sup>50</sup> But even this dream could not survive the economic collapse of the 1930s. Hopes of this risky railroad venture died with the economic crisis that engulfed the entire country.

As the Great Depression deepened, farmers turned to government solutions with renewed fervor. Entering office in 1929, President Herbert Hoover considered farming problems, and the farmer’s lobby, as little more than an annoyance. Farmers viewed Hoover with suspicion because during World War I he had run the Food Administration, which had capped prices for farm commodities. Now, Hoover championed the market approach as superior to any sort of direct government action for farmers. Although his administration will forever be linked to the depression, the depth of the crisis had not fully revealed itself to Hoover, especially considering the many economic panics of the prior sixty years. Hoover gave farmers a few legislative tools that he hoped would limit the depth of the agricultural crisis. His administration promoted cooperatives and voluntary agreements which the

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<sup>48</sup>Bowman, “Jordan Country,” 35.

<sup>49</sup>James Davidson and Mark Lytle, *After the Fact: The Art of Historical Detection, Fourth Edition* (Boston: McGraw Hill, 2000), 256.

<sup>50</sup>Bowman, “Jordan Country,” 27

Clayton Antitrust Act allowed. Hoover supported the passage of the 1929 Agricultural Marketing Act for farmers to market their products more efficiently. The act addressed longstanding concerns of agriculturalists by providing half a billion dollars to cooperatives in loans. Falling prices, however, required using much of the funding to bail out cooperatives that had purchased commodities at higher prices. Overproduction problems and the lingering glut of commodities continually undermined Hoover's legislation.

By 1931, the depression deepened and all marketing funds were gone. Hoover and most politicians refused to implement direct payment to farmers. Instead, farmers attempted to plant more acres and harvest more efficiently to offset low market values. They ignored Hoover's call for voluntary crop reduction in an attempt to stay solvent and be in a better position once market prices increased. The ineffectiveness of Hoover's proposals upset farmers and economists: the high wheat prices during that war had disappeared and wheat was now 39 cents per bushel. According to the historian R. Douglas Hurt, "the most important legacy of the Agricultural Marketing Act was its clear demonstration that the farm problem could not be solved through marketing reform."<sup>51</sup>

Whereas Hoover resisted direct government assistance to farmers, newly inaugurated Franklin D. Roosevelt was motivated, in Hurt's words, by a "peculiar conjunction in the 1930s of the history of Populist agitation, the urgent economic crisis, an aggressive agricultural constituency—and a singularly preexisting federal institutional framework."<sup>52</sup> Starting in 1933, as part of the New Deal, Roosevelt's blueprint to stabilize the rural economy became the basis of farm policy for the rest of the twentieth century. Much of the

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<sup>51</sup>Hurt, *Problems of Plenty*, 64.

<sup>52</sup>David M. Kennedy, *Freedom From Fear: The American People in Depression and War, 1929-1945* (New York: Oxford University Press, 1999), 202.

legislation born of the Great Depression went against conservative political thought. Although in the 1920s Roosevelt had agreed with Hoover's approach to farm problems, by the time he became president he had altered his view. In his inaugural address, Roosevelt told farm families that "definite efforts to raise the values of farm products" would come from his administration. He promised an attack on three fronts: improving farm prices to help farmers' purchasing power, placing a moratorium on farm foreclosures, and increasing access to world markets for farm products. The administration's actions took government's role to new levels. The devastating economic crisis proved critical in allowing experimentation with farm policies.

Within two months of entering office, Roosevelt guided the Agricultural Adjustment Act (AAA) through Congress. The new agency was to work under the auspices of the Department of Agriculture and control production for seven key commodities, including wheat and hogs, which were important in Jordan Country. Farmers who voluntarily controlled production of these commodities received benefit payment through the AAA. By reducing the surpluses in storable commodities, the government helped to influence the market and raise prices closer to the parity levels of the 1909-1914 era. To pay for the program, processors of the seven program commodities were taxed.

The New Deal was good for Montana in general and Garfield County in particular. An impressive list of programs, beyond the AAA, helped Montana. The Farm Credit Administration made 7,187 long-term farm real estate loans and 42,493 crop-producing loans. The Farm Security Administration aided 20,186 needy families. Federal land utilization established six projects, consisting of almost two million acres in central and eastern Montana, to convert marginal and abandoned cropland from wheat cultivation to

profitable range land. The New Deal's efforts to boost the welfare of the rural West improved conditions for many citizens in Garfield County. The New Deal brought needed construction projects to towns, like public buildings, sewer systems, water mains, and programs that improved individual welfare, like hot lunches for school children.<sup>53</sup> One of the most visible efforts in Jordan Country that came from the New Deal is Highway 22, Jordan's connection to Miles City, which was paved in 1935. Federal expenditures produced more miles of paved roads, but construction slowed during World War II. Only in 1952 was the east-west highway through Jordan completed.

The total expenditures of all New Deal programs from 1933 to 1939 was less than \$45 billion, but in Montana the per capita expenditure was \$710—\$652 more than the per capita average for the nation. Additionally, the state received almost \$142 million in federal loans.<sup>54</sup> Montana gained a great deal of federal attention because 22 percent of the state's workers were unemployed. Garfield County bordered the area of the government's greatest spending in the state, the \$100 million Fort Peck Dam that tamed the Missouri River. The Public Works Administration completed 113 projects. The Works Progress Administration completed over a hundred public buildings and 155 public recreation areas. The Civilian Conservation Corps operated 27 camps to restore and increase the state's natural resources. The fact that Montana received government help far beyond its ability to generate tax revenue apparently reflected the government's goal to restore, in one historian's interpretation, "each state's depressed income to its 1929 level, not to attempt an equalization

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<sup>53</sup>Leonard J. Arrington and Don C. Reading, "New Deal Economic Programs in the Northern Tier States, 1933-1939," in *Centennial West: Essays on the Northern Tier States*, ed. William Lang (Seattle: University of Washington Press, 1991), 236.

<sup>54</sup>Malone et al., *Montana*, 296.

among states.”<sup>55</sup>

To control production on marginal lands, the government encouraged small-scale producers to leave agriculture. In particular, the Resettlement Administration (RA), established in 1935, attempted to resettle the most marginal of farmers on more suitable land. The land left behind became part of a soil conservation program that federal agencies administered. The RA lacked financial backing to get beyond the experimental stage because opponents charged that it smacked of communism. It was succeeded in 1937 by the Farm Security Administration (FSA), which gave funding to small producers who could not qualify for loans at traditional lending institutions, but who still seemed good risks. Although the interest rates were low, participating farmers had to submit to a farm management program that the FSA supervised. The FSA achieved modest success despite a limited budget. The New Deal also provided assistance against foreclosure through the Farm Credit Act, which refinanced mortgages at better rates and provided short-term loans. By 1937, the Farm Credit Association (FCA) held 40 percent of all farm mortgages. Farmers grew to rely on the FCA’s low-interest loans.

The AAA failed, however, to stem overproduction. First, in Garfield County, for example, the designers of the program were in such haste to get cash to desperately poor farmers that unintended consequences resulted. In accepting payments for the wheat parity program, farmers agreed to cut their acreage by 15 percent to reduce the glut of wheat on the market. Although the system infused capital into the rural economy, the size of the payments failed to alleviate the needs of many small farmers, who had to use some of the money to pay for the next year’s seeds and supplies. Second, most farmers chose to remove their most

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<sup>55</sup>Ibid., 238.

marginal land from production, hardly reducing the crop by the 15 percent the government had anticipated, and larger operators shifted from farming their home places to renting neighboring land and continuing to produce. The real cause of decreased output during the depression, though, was the drought that gripped the Northern Plains. The Roosevelt administration moved quickly to pass the Soil Conservation and Domestic Allotment Act. The legislation paid farmers in environmentally marginal land for soil conservation practices and removing acreage from production. Large landholders in Garfield County benefited most from the program because they had the most land to shift out of production.

Several problems haunted the AAA and affected livestock production in Jordan Country. To eliminate the excess of pork, for instance, the government instituted a “purchase and slaughter” program in which the AAA would pay for and slaughter the surplus animals. Over eight million pigs nationwide were removed from the market and hog producer income went up 10 percent. Yet, the program created controversy because it seemed to favor farmers at the expense of millions of hungry Americans. Although a small portion of the pork was relayed to food assistance programs, six million slaughtered hogs went to lard and fertilizer. By 1939, in Garfield County so many pork producers had taken advantage of the program that only four hundred pigs remained.

The emergency economic plan spawned by the Great Depression became institutionally enshrined during World War II. Although New Deal legislation did not bring farmers into parity with urban dwellers, rural America prospered, with farm prices averaging 113 percent of parity by 1946, and farm income booming to three times its 1940 level. The AAA is still considered one of the most important pieces of legislation in farm policy history. The goals of improved marketing, controlled production, and generated income continued to



be the hallmarks of farm policy for the rest of the century.

At the end of World War II, Garfield County's economy regained a stable footing. Farmers learned hard lessons during the arid dust bowl years. The modernization of agriculture took time as many farmers frugally guarded against debt. Some operators expanded their operations without modern machinery, using government payments and loans to purchase horses instead of tractors. Farmers heavily invested in land, buying up the homesteads of neighbors. The county's 455 remaining farmers increased their land holdings from an average of 1,180 acres in 1935 to 4,166 in 1945, an increase of 350 percent.<sup>56</sup>

In Jordan Country, as elsewhere in America, the county extension agent and the state land grant college responded to farmers' demand for agricultural education. The USDA established demonstration farms, as did organizations like the Farmers' Cooperative Demonstration Work (FCDW). Land grant institutions provided agents familiar with regional needs, while the USDA provided technical and managerial expertise.<sup>57</sup> The USDA became one of the most powerful bureaucracies in the government. With the assistance of local administrators, agribusiness and farmers helped the agency expand its reach.

County extension agents promoted a system of agriculture in eastern Montana that, in addition to emphasizing machinery, included widespread pesticide and later chemical fertilizer use. Farmers eventually bought new technologies in order to be more productive. In 1950 in Garfield County, 143 combines worked the harvest, where none had operated in 1945, and that year farmers purchased 165 tractors, bringing the county's total to 530.<sup>58</sup> By

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<sup>56</sup>Alwin, "Jordan Country-A Golden Anniversary Look," 482.

<sup>57</sup>Hurt, *Problems of Plenty*, 32-33.

<sup>58</sup>*Montana Agricultural Statistics* (Helena: Montana Crop and Livestock Reporting Service, 1946-1997).

1954, the new machinery and good commodity prices had boosted the county's harvest cropland to almost 300,000 acres, double what the figure had been.

Farmers ignored old environmental wisdom to derive profits from intensive agriculture. Government policy encouraged the risk. Much of the land converted to cropland, as much as 80 percent, had "severe limitations that reduce the choice of plants or require special conservation practices, or both."<sup>59</sup> Economies of scale and new technology would matter little if a drought hit the region.

Two threats developed on eastern Montana's new cropland: soil erosion and saline seep. With soil so precious, damage to the top layer could irreparably harm livelihoods. One inch of topsoil lost to wind erosion "contained plant food equal to the amount removed from the soil by twenty crops of wheat."<sup>60</sup> By 1967, half of the pasture land in the area and 60 percent of the farmland were found by the USDA to "need some degree of conservation treatment."<sup>61</sup> Modern dryland techniques also caused salt buildup. Commonly called saline seep, minerals collected in swales after surface moisture evaporated. The problem is most acute on fallow areas that have no plant cover, allowing moisture to accumulate before it evaporates. As the salt poisons the earth, the land is taken out of production. By 1973, scientists estimated that Montana lost approximately 200,000 acres of cropland due to saline seep.<sup>62</sup>

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<sup>59</sup>United States Department of Agriculture, Soil Conservation Service, *Conservation Needs Inventory for Land Resources Planning: Garfield County, Montana* (Portland: United States Department of Agriculture, 1972), p.15.

<sup>60</sup>Howard, *Montana: High, Wide, and Handsome*, 278.

<sup>61</sup>Robert Bigart, *Montana: An Assessment For The Future* (Missoula: University of Montana Press, 1978), 96-97.

<sup>62</sup>*Ibid.*, 20-21.

In the face of increasing operating costs, Jordan Country farmers struggled with limited banking opportunities. Their narrow choices included banking services in cities like Miles City, Lewistown, Billings, and Great Falls, or they could employ government services. The Federal Reserve System had opened more credit to farmers, but banking by its nature created tensions. Small operators, drawing on longstanding resentments against large, impersonal financial institutions, resented banks for refusing or quickly foreclosing upon loans.<sup>63</sup> The Farmers Home Administration (FmHA), created by Congress in 1946 to replace the defunct Farm Savings Administration, made land purchase, production, and other loans to small farmers to help them survive in a modernizing farm economy, but as the historian Gilbert Fite argues the FmHA had neither the resources nor the expertise (and as some would add, the commitment) to help more than a small percentage of its targeted clientele.

In 1960, the most significant development in the county's banking was the opening of Garfield County Bank. Organized by local families with area assistance, the bank brought greater possibilities for farmers to purchase the newest technology and expand acreage. Starting with \$123,000 in deposits, it grew to \$6.3 million in assets by the early 1970s.<sup>64</sup> Some of the bank's critics nevertheless complained that it backed only in the surest of operations and did not serve the community well, as the government banking programs had.

Several trends characterized farm subsidies in Montana and Garfield County from their origins through 1972. Through 1955, total payments to Garfield County did not exceed \$62,000, nor did the total subsidy payments ever exceed 2 percent of the total agricultural cash receipts for the county. By 1956 in Garfield County, however, a great leap in subsidies

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<sup>63</sup>Bowman, "Jordan Country," 41; Gilbert Fite, *American Farmers: The New Minority* (Bloomington, IN: Indiana University Press, 1981), 121.

<sup>64</sup>*Jordan Tribune*, 10 March 1960 and 17 January 1974.

occurred. The Eisenhower administration's soil bank plan caused a large increase in subsidies. Farmers received payment for land that they retired from production for up to ten years. For wheat, farmers received \$19.80 per acre.<sup>65</sup> The increasing subsidy support, peaking at over \$1 million in 1969, made subsidies approximately 10 percent of total agricultural cash receipts. With the assistance of subsidies, Garfield County farmers increased their aggregate business from \$4.5 million in 1948 to over \$15 million in 1972.<sup>66</sup>

The difference in American agriculture between 1900 and 1970 was stark. Farmers who initially opposed direct government control over any aspect of agriculture later considered the government to be an essential arbitrator against unfair business practices. Even after the darkest days of the depression had passed and prices returned to near parity levels, farmers generally welcomed the government as a key player in agricultural policy. Technical innovation provided the key to agriculture's growth and productivity after World War II.<sup>67</sup> Farmers in eastern Montana reinvented their operations to incorporate mechanical, chemical, biological, and managerial improvements. Despite farmers' increased productivity, the federal government had become a persistent force in maintaining stability in the agricultural sector and promoting conservation practices. In fact, people who made their living on the land no longer communicated directly with their fellow citizens to change policy, but used farming organizations to fight proxy battles in the halls of Congress and at the U.S. Department of Agriculture. Farmers became unwilling to operate without a price

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<sup>65</sup>Fite, *American Farmers*, 108-109.

<sup>66</sup>Montana Agricultural Statistics (Helena: Montana Crop and Livestock Reporting Service, 1946-1997).

<sup>67</sup>Robert Paarlberg and Don Paarlberg, "Agricultural Policy in the Twentieth Century," *Agricultural History* 74 (Spring 2000): 136.

net that could save them in times of surplus goods. Historians have argued that because of their traditional place at the center of American society, farmers received a good deal. Yet, the increasing emphasis on agriculture for efficiency and economies of scale pushed for larger farms and fewer farmers, hurting smaller producers who relied on their farms as their sole means of support. Many operators, and their children, chose to follow another path as the number of farmers tumbled throughout the era. The exodus from the plains even had an impact on Jordan's population, shrinking from a high of almost 700 people in 1950 to only 485 by 1980. To survive the realities of agribusiness in the 1970s, small farmers bound themselves to government programs.

Historian Gilbert Fite wrote that, "farming has always been a risky, uncertain, and sometimes heartbreaking business."<sup>68</sup> Yet farmers used government institutions to secure help. Government institutions had been the constant companion of westerners. Keenly aware of their isolation from large populations, farmers dealt with policies, consulted with agencies, and listened to representatives of local, state, and federal governments whose supportive programs had shaped the Northern Plains since the arrival of the first settlers. Most of the powerful economic interests in the area had successfully lobbied agencies or had fully participated in crafting legislation. For people in Jordan Country, this aspect of companionship increased their access to the capitalistic economy, so necessary given the inherent instability of agricultural markets. Even the limitations of the region, particularly poor access to transportation, came at the hand of government unwilling to transfer land or money to the building of more railroads. Despite periodic frustrations, the marriage of

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<sup>68</sup>Gilbert Fite, *The Farmers' Frontier, 1865-1900* (New York: Holt, Rinehart, and Winston, 1966), 55.

farming and the federal government in Garfield County seemed a solid match. Only a titanic shift could threaten the partnership.

## CHAPTER THREE

### “GET BIG OR GET OUT”: THE FARM CRISIS IN GARFIELD COUNTY

In Jordan Country, it is conventional wisdom that good things stay the same. Yet the economic underpinnings of America’s farm economy changed greatly in the years after World War II as technological and managerial developments, bolstered by government policy, set the pace of production. The new agenda produced a difference in how eastern Montana residents operated businesses and evaluated success. Historian Patricia Limerick captured the dilemma of assistance, writing “heavy reliance on the federal government’s good graces . . . does expose the two principals to substantial risk—to inefficiency and mismanagement on the part of the benefactor and to resentment and discontented on the part of the beneficiaries.”<sup>1</sup> The reliance on government programs and agencies, however, produced a highly competitive and expansive business model that, in economic downturns, might threaten the fabric of a community.

As one of the longstanding families in Garfield County, the Clarks had built a smooth functioning farm. In the 1970s the family borrowed heavily to follow the conventional wisdom to expand. At the height of vulnerability, however, the farm crisis struck the Clarks with sudden fury. Rejected by the government agencies that had facilitated their expansion, the family struggled to maintain solvency. Facing bankruptcy and legal

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<sup>1</sup>Patricia Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W. W. Norton, 1987), 89.

charges, the family took the unusual step of organizing a community response to the farm crisis that emphasized volunteerism to help neighbors and outside legal assistance to fight on behalf of farmers who faced foreclosure and federal charges.

The experience of Clark family illustrates how the farm crisis helped to reshape Jordan Country's community politics. In the 1980s, many Montanans fought to maintain family farms in the face of economic insecurity. Communities split over how troubled farmers responded to their dire situation. Some who remained unshaken by the crisis claimed that those persons in financial difficulty brought the trouble on themselves. Others who had recently expanded their operations found themselves in an especially weak condition and were resentful of what they characterized as government malfeasance. When, by the late 1980s, federal courts placed a moratorium on farm foreclosures, the sense of crisis diminished. The 1989 Montana Centennial brought citizens together to celebrate their state's 100<sup>th</sup> birthday, as did vociferous grass-roots opposition to an environmental initiative launched outside the state, the Big Open. Still, the legacy of the agricultural crisis pushed those unable to extricate themselves from its punishing effects to see new pathways to confront what they saw as a political and financial leviathan.

The Clark farm lay northeast of Jordan, Montana, the most agriculturally productive area of Garfield County. Driving through, one sees slowly undulating plains speckled with rock outcroppings, and lined with cottonwood trees that drink from the gentle flowing stream beds of irregular flowing creeks. Farther on, near Brusett, the tiny store, post office, and meeting hall mark the edge of a fiercer terrain. Here, the plains give way to the highest



points in Garfield County and to steep ravines that drain water to the Missouri River's dammed lake, Fort Peck Lake. At an isolated intersection farther down the dirt road, sign boards list families and the distances and directions to their homes. Names like Stanton, Clark, Murnion, and Loomis go back to the homesteading years before the sod-busting boom of the 1910s.

The Clark family's history exemplifies the great changes that brought prosperity and despair to Garfield County. Abandoning an active shipping business in Ohio after the Civil War, the Clarks came to the Seven Blackfoot area of Jordan Country. They acquired land and passed it down through the generations. The good things seemed to stay the same. The Clarks raised sheep, expanded modestly, and eventually mechanized their operations.

In 1969, the fourth generation of the family took over when Ralph Clark became his own boss. He hadn't always been independent. Growing up in the 1940s, Ralph had attempted to make his way without the full benefit of schooling. In those years, rural Montana offered young men good opportunities without higher education. During World War II, excellent commodity prices gave farmers and ranchers the chance to expand and improve their operations. Clark resided next to his parents' place, and his strict upbringing demanded that he heed his elders' advice. His father, Bryon, dominated Ralph's operation by making decisions about how to run the farm and ranch.<sup>2</sup> Clark bowed to his father, who was right much of the time. The business of farming in the 1950s remained profitable, with only a slight postwar recession clouding the era. The nuances of farm management eluded

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<sup>2</sup>While the terms ranch and farm are specific to livestock and crops respectively, in the vernacular of the region, the terms are used interchangeably.

young Clark, as they did many farmers, however, as few troubles and limited independence provided little incentive to learn new skills. His wife, Kay, maintained the books and gave Ralph solid advice upon which he could base his final decisions. But when his father moved into town, Ralph assumed full control.<sup>3</sup>

Ralph Clark ran his 960-acre operation with moderate success. His sheep ranching periodically turned a profit, so he invested with his brother-in-law, Cecil Weeding, in a bulldozing Caterpillar. With the tractor, Clark had the ability to scoop out earth to give his sheep better access to precious water. In addition, he used the Caterpillar in some contracting work during slow times on the ranch. In 1972, with the collateral he had built, he secured a \$31,500 loan from the Farmers Home Administration (FmHA) to expand his game-farming business.<sup>4</sup> He built three cabins to house sportsmen who could fish in a stocked pond or, according to the plan, hunt antelope within the ranch's confines. The Clarks never put up the fences or purchased antelope. Still, many sportsmen visited the ranch, hunted, and became Clark's friends. His generosity got the best of him: good Montana manners dictated that invited friends stayed for free. According to some relatives, the people who came to the ranch became Clark's drinking companions. His brother-in-law commented: "They (visitors) were just boozin' buddies that happened along or Ralph picked up somewhere along the way. . . . He wasn't making any money with these cabins at all. I

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<sup>3</sup>David A. Neiwert, *In God's Country: The Patriot Movement and the Pacific Northwest* (Pullman, Washington State University Press, 1999),92; Kay Clark, interview by author, Musselshell, MT, 9 November 2003.

<sup>4</sup>United States v. Ralph E. Clark, CR 84-16-BLG, "Brief in Support of Supplemental Motions to Dismiss," (1984), 16.

doubt that he ever charged a soul to spend a night in them cabins."<sup>5</sup> The Clarks, though, reveled in the visitors' company. One group from Indiana enjoyed its visit so much they returned the next year with more family members. Ralph's son, Edwin, began a romantic courtship with Janet, the daughter of a guest. When Edwin left the ranch to serve in the Navy, he corresponded regularly with her. Meanwhile, the Clark ranch prospered despite Ralph's indifferent entrepreneurship.

Through the mid- to late-1970s, the families of Garfield County had generally experienced good economic years. During most of the decade, the county kept pace with the rest of the United States. In fact, between 1969 and 1974, Garfield County's per capita income exceeded that of most Americans. For the rest of the decade, the area's income—and that of Montana's as a whole—fell slightly behind the national average. Yet overall, between 1969 and 1978, Garfield County residents saw their incomes grow 166 percent.<sup>6</sup> The money provided opportunities to expand or diversify. Neighbors competed against each other to buy land, with their lending agencies offering more funding if necessary. Some farmers and ranchers expanded their operations by renting land, including lease agreements that specified occupancy terms to protect renters against owners who would terminate leases and sell the property to cash in on rising land prices.

Ralph Clark and his family wanted to expand their operation, but waited for the right situation. Their decision to grow made good economic sense, as financial investors on Wall

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<sup>5</sup>Cecil Weeding, interview by David Neiwert, in *In God's Country*, 93.

<sup>6</sup>CA04 Personal income and employment summary Garfield, MT. Bureau of Economic Analysis, U. S. Department of Commerce. <http://www.bea.gov>.

Street joined farmers in a bidding war on the land. In the 1970s, inflation grew at a pace that outstripped growth in stocks and bonds. Surging land values made farmland a smart investment. Borrowed money for land transactions also provided a nifty tax shelter. Huge investments from “suitcase farmers,” those who never intended to farm but who wanted to capture the increasing value of commodity and land prices, flowed into the region. With such frenzied investing, it seemed natural that land values would continue to increase. Therefore, when farmers purchased expensive land, many believed they were shrewd participants in a new agricultural era.

Starting in the 1970s, bankers, investment managers, university extension agents, and the U.S. Department of Agriculture presented a plan for small and medium-sized agriculturists.<sup>7</sup> The time had come, they said, for producers to “get big or get out,” a recommendation in stark contrast to the arguments from earlier in the century, when boosterism hailed the small, yeoman farmer. The prospects for American agriculture seemed unlimited. The use of fertilizers and chemicals to bring marginal land into crop production spawned a green revolution that increased agriculture worldwide. In the United States, farm programs rewarded economies of scale for maximum efficiency while foreign policy reduced surpluses by increasing food exports to developing nations. Many farmers and ranchers faithfully followed the advice to expand and borrowed large sums of money to do so. At the time, they needed little encouragement. The interest rates for loans ran well behind inflation, so, in effect, farmers and ranchers had access to “cheap money.”

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<sup>7</sup> Joel Dyer, *Harvest of Rage: Why Oklahoma City is Only the Beginning* (Boulder, CO: Westview Press, 1998), 15-18.

By 1979, and into the mid-1980s, however, the glowing forecasts dimmed for millions who made their living on the land. In the northwest corner of Garfield County, most land sales escaped the notice of large investors because the holdings were small. Descendants had inherited the original homesteads and typically divided them several times, leaving some of these small operations unable to support the expense of even one growing family. When land in the area came up for sale, local families competed to buy it, driving the prices to new highs. Land values rose quickly and, in such a competitive atmosphere, quick credit provided an advantage. Many local farmers turned to the Farmers Home Administration (FmHA) for help.

The FmHA arose out of the New Deal programs to provide credit to “limited resource farmers and new farmers,” earning it a moniker as the lender of last resort.<sup>8</sup> Given the lengthy time commitment for start up farms to become productive, commercial banks were unwilling to give credit without substantial collateral. To qualify for a FmHA loan, applicants had to show that they had failed to secure a funds from a private provider, but had a good credit history.

In 1979, the Clarks received a FmHA loan. The expansion was good news for the family. Ralph’s son, Edwin, had returned in 1974 from serving in Vietnam on the *USS Tuscaloosa*, and married Janet.<sup>9</sup> Ralph’s daughter, Kathy, and her husband, Kenny South, helped work the home place. The family had rented the Hellyer property, a several thousand-acre ranch, for two years. The land had served as a cattle range for decades, but the

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<sup>8</sup>Neil Harl, telephone interview with author, 28 May 2003.

<sup>9</sup>Edwin Clark, interview by author, 10 November, 2003.

Clarks decided to take advantage of high wheat prices and convert it to a grain farm. Ralph hoped the place could develop into an operation for his children. To get the farm under production, the Clarks required large outlays of capital to clear, till, and prepare the soil. Their decision drew little attention in the community, because other farmers, of all sizes, were doing the same thing. Furthermore, this trend failed to alarm much of rural America on the Northern Plains because farmers' rising land values had created surging equity that formed the basis of collateral to secure farm loans. Indeed, during the boom years of the 1970s, many farmers in Garfield County had become paper millionaires.

Despite rosy forecasts and exuberant dreams, however, the farm economy crested in the mid-1970s, then sharply declined. Inflation was a key factor. It had surged upward in 1973, during the first of the oil embargoes that the Organization of Petroleum Exporting Countries enforced. The second embargo, in 1979, exacerbated the country's economic crisis. The Federal Reserve tried to control inflation by constricting the money supply. The result proved disastrous for many Americans, particularly those in the agricultural community. Inflation rates went down, but interest rates went up. Most of the time, these two factors worked to soften the fall of a farmer's property value, but the sharp reining in of available credit dried up rural property purchases over the next five years. Property values tumbled. As the previously inflated property values plunged and no longer provided leverage against accumulated debts, farmers and ranchers went out of business at an alarming rate.<sup>10</sup>

For those who had undertaken a major expansion, as the Clarks had, the timing of

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<sup>10</sup>R. Douglas Hurt, *Problems of Plenty: The American Farmer in the Twentieth Century* (Chicago: Ivan R. Dee, 2002), 135.

their decisions put them in peril. The farm crisis of the 1980s had three unique factors that forced many efficient operators out of agriculture. On a macroeconomic scale, the era suffered from the consequences of the inflationary trend of the prior twenty years—a result of Vietnam War spending and the energy shocks of the 1970s, among other things; from an attempt to limit the spiraling inflation during the Jimmy Carter presidency; and from the experimental tax policies in the opening years of the Ronald Reagan administration. During the era, economists had argued that modest inflationary policy promoted economic well-being by providing businesses a way to expand with borrowed money that became “cheaper” as inflation whittled away the value of the initial loan. In the 1970s, the situation got out of control, as it became fiscally prudent to loan money rather than save. When the Federal Reserve chose to reduce inflation, it did so with full force by reducing the money supply, thereby driving up interest rates. For many people who had debt loads, the “negative value” of their loans shot up as interest rates soared to 17 percent. Additionally, the huge tax cuts that President Reagan proposed in 1981 ballooned the federal deficit and increased the demand for credit to finance the growing national debt. This development drove interest rates even higher and limited the government’s choice of responses to the financial crisis.<sup>11</sup> On a smaller scale, farmers who expanded their operations, changed their lenders, had long-term debt, or had not inherited money became statistically more susceptible to foreclosure.<sup>12</sup> Until early 1984, the full picture of what became the farm crisis failed to draw the attention of

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<sup>11</sup>Neil Harl, *The Farm Debt Crisis of the 1980s* (Ames: Iowa State University Press, 1990), xvii.

<sup>12</sup>Mark Friedberger, *Shake-out: Iowa Farm Families in the 1980s* (Lexington: University of Kentucky Press, 1989), 65.

government officials or agricultural economists since trouble had not come to enough farmers to warrant a response.<sup>13</sup>

Until this point, the Clarks had avoided heavy indebtedness. The Clarks' prospects dimmed, however, after they planted wheat on the Hellyer place. During the drought of 1978–1979, the family applied for and received disaster loans of \$202,000 and \$180,000. Trusting the booming market, the Clarks expanded by outright purchasing the Hellyer place. Although they had signed a rental agreement through 1985, the Hellyer family convinced them that if they did not purchase the land, they would lose their lease.<sup>14</sup> The FmHA overlooked the Hellyers' technical violation of contract, and Ralph took out another loan from the agency for \$221,000 to put down on the land.<sup>15</sup> Ironically, the Clarks paid a higher price because they themselves had "improved" the land by plowing and planting what had been grassland. The ranch's value had increased three-fold in the transition from rangeland to farmland.

In normal times, farmers could survive a few bad years, but these were not normal times. Farmers faced an extended fiscal crisis as credit dried up and land values crumbled. Farming families, like the Clarks, were caught in a cost-price squeeze and began to have a tough time paying loan debts. Making the situation worse, the Clarks received additional loans to make up for their lost crops. In 1980, they received loans to refinance their short-term obligations, provide disaster relief, and finance operating expenses. Then in 1981, they

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<sup>13</sup>Neil Harl interview.

<sup>14</sup>"Brief in Support of Supplemental Motions to Dismiss," 17.

<sup>15</sup>The Clarks used \$41,000 savings to bring the total cost of the down payment to \$221,000.



received a yearly operating loan. All told, these loans came to more than \$900,000. The Clarks managed to pay back over \$200,000, but the FmHA made a decision to foreclose.<sup>16</sup>

By all accounts, the Clark family worked hard to make the payments while being good neighbors. Ralph already possessed an aura of celebrity. In the early 1960s, he had developed a portable sheep-shearing trailer that vastly improved the art of trimming wool from lambs. Clark's trailer employed trap doors, elevated runways, and weighted pulleys to ease the shearers' task. In fact, the trailer, coupled with Clark's expert shearing technique, helped him set the world record for the number of sheep sheared in an hour. Clark's crew often sheared 1,200 sheep in nine hours and once reached 1,600 sheep on its best day. Ralph's son, Edwin, shared his father's flair for innovation. With his welder, his expert hands created cattle chutes, custom tools, and repaired implements. Ralph's son-in-law, Kenny South, often logged the trees in the Missouri breaks as another source of income. Together, Edwin, Kenny, and Ralph worked to pay down the family debt.

The women worked just as hard, freeing the men from the daily cooking, cleaning, and child-rearing duties. They tried their hands at chores such as driving tractors and milking cows. While they never considered themselves to be farmers, the women provided indispensable labor. Ralph's wife, Kay, played a crucial role. She took care of the farm finances and was responsible for the farm's ledger. In response to the crisis, the family organization showed a great deal of flexibility and teamwork.

Although it may sound unusual to many American families, the Clarks and Souths

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<sup>16</sup>Richard Clark and Craig Rivera, Producers, "Bitter Harvest," *ABC News 20/20*, 24 March 1983. Transcripts published by Journal Graphics, New York, Show #311, 11-12.

divided total profits among themselves, with a third going to each family. Even Ralph's daughter, who worked at the local rest home, served as a teacher's aid, and cleaned houses, split her checks.<sup>17</sup> While the income was shared, the loans were not. When the late notices came from the FmHA, they bore Ralph's name. When Ralph consulted with the county supervisor, he learned that the only through "voluntary liquidation" would his financial woes end. In January 1981, Ralph failed to meet his \$108,000 payment.<sup>18</sup> It was hardly a surprise, given the harsh environment by that time for farming and the steep increase in interest rates for borrowing.

After receiving a memo that Ralph would fail to meet his January payment, the Garfield County Supervisor for FmHA, Richard Hall, started foreclosure proceedings.<sup>19</sup> Immersed in financial woes, the Clarks readied their land and animals for spring. With a \$40,000 operating loan, the family could afford to operate the tractors that broke soil and to keep the sheep fed and healthy. Ralph presented the wool from his flock to the Garfield County Wool Pool, which marketed the area's fleeces cooperatively to earn higher prices. The Clarks were amazed to learn that their wool pool check had gone directly to the FmHA for loan repayment.

While a \$40,000 loan may have seemed sufficient, the money for operating expenses went fast at the start of the year. The Clarks quickly faced several months before the harvest with no way to cover essential expenses, such as taxes, fuel, food, and payments on the real

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<sup>17</sup>Kay Clark interview.

<sup>18</sup>"Brief in Support of Supplemental Motions to Dismiss," 17.

<sup>19</sup>"Bitter Harvest," *ABC News 20/20*, 11-12.

estate debt. Making the situation worse, Richard Hall informed local businesses that the Clarks had no way to meet their obligations. Their fuel and power providers cut services, despite Ralph's record of thirty years of on-time payment. The family installed a wood stove and ran emergency electricity from a tractor.<sup>20</sup> The Clarks started converting assets into cash with their only remaining commodity, grain. Some of the grain went to feed the sheep and a portion was sold to pay for the crop seed.

By June 1981, the *Jordan Tribune* began to pick up on the farmer/rancher problem. Editor Ann Barnes urged the citizens of Garfield County to become more active in local government: "When a rancher ten or twenty miles down the road is fighting (and often losing) a battle of government intervention on his land, how many of us take the time and energy to start organizing a coalition to combat this threat?"<sup>21</sup> The editorial called for locals to band together and attend the county commissioner's meetings.

Politicians also tried to fashion a response to the situation. In March 1982, Howard Lyman, a Democratic candidate for the U.S. House of Representatives, held a meeting to promote his campaign. Lyman charged the FmHA with "playing games" with Garfield County farmers.<sup>22</sup> At issue was the release of \$600 million in emergency loans to farmers to cover the costs of production. Secretary of Agriculture John Block had congressional authority to release the funds, but appeared reluctant. Lyman, a farmer from Great Falls, thought the Reagan administration failed to understand the extent of the crisis. The

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<sup>20</sup>Ibid., 13.

<sup>21</sup>*Jordan Tribune*, 24 June 1981.

<sup>22</sup>Ibid., 20 March 1982.

administration's policies were "making an extremely bad situation worse by adding to the already dangerous level of pessimism in the agriculture economy" and showing "no appreciation for the tremendous pressures on the farmers of this country."<sup>23</sup> U.S. Senator John Melcher (D-MT) echoed Lyman's comments in the local paper.

Three weeks after Lyman passed through Jordan, the Clarks received Notices of Acceleration and Demand for Payment on their debt. Longterm payback plans had been voided and now all payments were due immediately. The process did not end there. In May, the FmHA denied their application for operating funds, which the Garfield County committee, made up of local farmers, had already approved.<sup>24</sup>

Ralph survived the winter of 1981-1982 by cutting expenses to keep the operation going. His sheep faced the real danger of starvation, since he had no fuel to transport the stored feed. When Ralph appealed to the county supervisor for relief, the supervisor replied, "Let the goddamn sheep die."<sup>25</sup>

Meanwhile, state and local administrators of FmHA attempted to hold the line on debt by leveraging the current year's harvest against future operating loans. Although Art Lund, director of the state's FmHA, stated that the agency was not on the foreclosure trail, the FmHA refused Clark's operating loans until Ralph harvested his crop. Local farmers and ranchers, some of whom faced the same daunting situation, met to discuss the problem at the Fairview Hall, a small community center near Brusett. They wanted to go over the county

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<sup>23</sup>Ibid., 4 March 1982.

<sup>24</sup>"Brief in Support of Supplemental Motions to Dismiss," 20.

<sup>25</sup>Ibid.

commissioners' heads by having a congressional investigation of the FmHA's policies. Such a serious measure sparked rumors that the local FmHA representative had laundered loan money through an area bank, and that he wanted a list of all the farmers at the meeting.<sup>26</sup> The local paper put the proper western spin on the situation when it said, "This issue is likely to heat up further in the next few months and no matter who wins or loses, the federal government just might get a taste of what it's like to fight a group of Montana ranchers."<sup>27</sup> Tom Nichols helped organize farmers and ranchers for such a fight.

Nichols had grown up on a farm in eastern Montana and applied for a FmHA loan when his father died in 1976. As times got bad, Nichols wanted to extend the payment period for the loan. Instead, FmHA wanted to issue him new loans to pay for the older loans. This seemed like pure insanity to Nichols, especially since the Code of Federal Regulations allowed for an extension.<sup>28</sup> Slowly, he educated himself on federal procedures and gained a reputation as an advocate who could help farmers understand their legal standing within the regulations. Ralph Clark immediately contacted Nichols after reading an article in the local paper, even inviting him to attend a meeting with the FmHA.

While tension brewed over the summer, farmers tended their crops and livestock. In late summer, the FmHA sent its notices for hearings to area farmers. With harvests ripening and payments coming due, a second meeting of fifty farmers and ranchers took place at Fairview Hall. This time, experts from outside the community attended. Several lawyers had

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<sup>26</sup>*Jordan Tribune*, 29 April 1982.

<sup>27</sup>*Ibid.*

<sup>28</sup>Tom Nichols, telephone interview with author, 4 August 2004.

heard of the farmers' complaints and came to plan a strategy.<sup>29</sup>

While some of the farmers recognized Great Falls lawyer Joe Duffy and his friend, Pat Kelly of Miles City, no one knew Sarah Vogel. Vogel had earned her law degree at the University of North Dakota, after which she worked in Washington, D.C. for several government agencies. In December of 1981, Vogel returned to North Dakota. Her experience as a consumer protection advocate in the Treasury Department prepared her to tackle the problems facing rural areas, concerning government payments and due process. The underlying concept was the same in both instances, she joked, "if you just add a few zeros" for farmers.<sup>30</sup> Vogel's fledgling practice attracted farmers in dire need of assistance as FmHA foreclosure processes started. Raised in a family historically rooted in Populist ideology and Non-Partisan League activity, Vogel dug in to help. In the fall of 1981 and spring of 1982, she traveled the open plains of North Dakota advising farmers of their rights. Tom Nichols was impressed by her reputation for stamina and passion to defend farmers, so he invited her to the meeting at Fairview Hall. Vogel later had a discussion with Ralph Clark about his FmHA troubles.

In early August 1982, the locals again filled Fairview Hall and shared the experiences they had had with the FmHA. Kay Clark revealed that, during their recent appeal with the FmHA, the agency had told the family they were not permitted to view their records. The Montana attorneys at the meeting were taken aback. "No," one of them responded, "they lied

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<sup>29</sup>*Jordan Tribune*, 12 August 1982.

<sup>30</sup>Sarah Vogel, interview by author, 31 July 2003.

to you.” Joe Duffy urged the farmers to band together and fight. “Something has to be done to stop this and the only ones who can do it are sitting in this room right now.” Pat Kelly echoed Duffy, “The same problem is happening all over the United States. . . . Farmers are going under. The family farms in America are in terrible financial shape. What you need to do is organize yourselves first to get the best representation possible. You have to help each other.”<sup>31</sup>

During the meeting, Vogel expressed confidence that the system would correct itself, but that it would take time to fight for a moratorium on FmHA foreclosures and stop other abusive practices. Although the government lender’s original purpose was to provide stable financial support for farming, agriculture economist Neil Harl saw that the FmHA was “fast establishing the reputation of being the least cooperative and most hard-nosed of all lenders.”<sup>32</sup> In Vogel’s view, the best friend of the farmer was the court system. Her reading of a 1978 federal statute empowered the Secretary of Agriculture to suspend loan repayments if the risk of default had arisen from “circumstances beyond the borrower’s control.”<sup>33</sup>

Some folks at the meeting wanted more action than Vogel could provide. Karen Taylor, a local ranch wife, had her own way of working with the government’s employees. “Can’t we just shoot them?” she inquired half seriously.<sup>34</sup> The question took Vogel by

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<sup>31</sup>*Jordan Tribune*, 12 August 1982.

<sup>32</sup>Harl, *The Farm Debt Crisis of the 1980s*, 139.

<sup>33</sup>Richard Woodley, “Going Under: North Dakota Lawyer Sarah Vogel Fights to Save Family Farms,” *Life*, 6 (November 1982): 157.

<sup>34</sup>Sarah Vogel interview.

surprise, but it seemed to highlight an important difference between the civic spirit of Montana and her native state. In North Dakota, Vogel thought citizens viewed the government as belonging to the people, while in Montana many people had concluded that the government was against them. Still, Vogel marveled at how the community came together in a tiny room on the plains to face a common threat.

Vogel knew only the general nature of Ralph Clark's situation, so after the meeting they left for his house to discuss the following day's court appearance in Lewistown, 140 miles away. As she commiserated with Ralph about his farm hearing with FmHA and listened to him and Tom Nichols, she became more convinced that their case had merit. Although supportive of the FmHA as a concept, she was appalled by the agency's lack of management assistance, which should have included advising farmers of their right to seek moratoriums.<sup>35</sup> Even so, her sense of how the hearing system worked told her that the Clarks would lose their appeal.

The FmHA liked to claim that it had "quite an elaborate appeal and review system within the agency" that allowed a fair examination of allegations. On August 10, 1983, however, the hearing officer and county supervisor for FmHA showed the system's cronyism. Vogel characterized their relationship as boss-subordinate, noting that "they came together, sat together, left together."<sup>36</sup> That didn't stop Vogel from confronting the agency with regulations and legal precedents. Astoundingly, the FmHA officials responded that they

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<sup>35</sup>Woodley, "Going Under," 157.

<sup>36</sup>Sarah Vogel interview.



“didn’t follow the law or the regulation” and instead relied on policy. “I found those statements rather appalling,” Vogel recalled.<sup>37</sup> The hearing probably reflected the attitude of FmHA state directors like Ralph Leet, who said that Vogel’s efforts were a “disservice to taxpayers” and only delayed the inevitable foreclosure on marginal or poorly managed farms.<sup>38</sup>

The hearing progressed as Vogel expected, with the Clarks losing their appeal. The outcome hit the Clarks especially hard, since they expected vindication. It was a tough day for Ralph, who was at first confused during the hearing, and then insulted. After making his final point, he concluded, “I’m mad!” and jammed his hat down on his head. Kay sat with him, listening carefully to the testimony while cupping her hands over her face. The hearing officer repeatedly rebuffed attempts to hold Richard Hall accountable by stating that he was “not on the witness stand of any type,” nor was the issue of adequate supervision “very relevant right now.”<sup>39</sup> After four hours, the FmHA ruled against the Clarks. Although Vogel put the hearing to good use, building a class action case for federal court, the Clarks found little consolation since they were another step closer to foreclosure.

Once again, the Clarks tried to cut down on expenses and improve cash flow. Janet, Edwin’s wife, took a job in Jordan as a medical assistant. Her paycheck was split among the three households.<sup>40</sup> The family also continued to cut small amounts of timber in the Missouri

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<sup>37</sup>Ibid.

<sup>38</sup>Woodley, “Going Under,” 158.

<sup>39</sup>“Bitter Harvest,” *ABC News 20/20*, 14.

<sup>40</sup>Janet Clark, interview by author, 10 November, 2003.

breaks. For now, the weather cooperated and the farm produced a 20-bushel-per-acre crop, a considerable improvement over the paltry production of the prior two years.

Only in late 1982 did some Republican congress members finally recognize the family farm crisis. U.S. Representative Ron Marlenee (R-MT) called for reform of FmHA policies. Many farm organizations also joined the fight. But the Reagan administration stymied their efforts. Donald Regan, the president's chief of staff, remembered that he kept the crisis far away from Reagan, to the point of denying access even to farm groups that generally agreed with corporate agribusiness: "It was a no win situation in which the President could be damaged."<sup>41</sup> Regan believed the old standard that farm foreclosures signaled increasing efficiency. If any "proprietor makes a wrong judgment," Regan reasoned, "and gets caught, that's his fault. If farmers do the same things—gamble, buy more land at inflated prices as they did during the seventies and early eighties and then are unable to farm it properly in order to make a profit during a period of disinflation and receding commodity prices—why shouldn't they suffer the same consequences?"<sup>42</sup> The government's attitude played poorly with farmers, mainly because the statement reflected a stark truth: bailing out agriculture was a low priority. Massive bailouts of the savings and loan industry and bank defaults on third world debt took precedence.<sup>43</sup>

The Reagan administration blithely ignored the seriousness of the situation. In 1984,

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<sup>41</sup>Donald T. Regan, *For the Record: From Wall Street to Washington* (San Diego: Harcourt Brace Javanovich, Publishers), 240.

<sup>42</sup>Ibid.

<sup>43</sup>Neil Harl interview.

during a U.S. House Agriculture committee meeting, a representative of the USDA stated, “This year’s number of farms going out of business will not be significantly different from the normal turnover.” Some lawmakers blasted the representative for such “happy talk” that failed to reflect the real suffering of farm families. Secretary of Agriculture John Block attempted to deflect worry about the agricultural outlook. In a National Agriculture Day address on March 20, 1984, Block said reassuringly, “We are definitely turning the corner.”<sup>44</sup> Block blamed the growing angst on agriculture economists and policy analysts who recommended credit assistance for farmers.

Sarah Vogel’s work came to fruition in late 1983. The information which Vogel collected to help farmers led to one of the most important agricultural legal decisions of the century. The case of *Coleman v. Block* pitted Secretary Block against nine farmers from North Dakota.<sup>45</sup> The FmHA’s refusal to allow farmers’ applications for deferments under a 1981 statute constituted the heart of the case. The agency argued that the Secretary of Agriculture had unfettered administrative discretion in determining the financial prospects of farmers who had loans from the FmHA. The farmers charged that the agency’s termination of funds for necessary living and operating expenses had “subjected farmers to a biased and unconstitutional appeals process.”<sup>46</sup> During the case, the FmHA’s unsympathetic stance toward foreclosures became coldly evident. Once the agency decided loans were insolvent, it generally reached a unilateral decision to liquidate all security, with the possible exception of

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<sup>44</sup>John R. Block, Remarks at the National Press Club, Washington, D.C., 20 March 1984.

<sup>45</sup>Ralph Clark was not named as a litigant in the case. He was probably excluded because of logistics as he lived outside the 8<sup>th</sup> Circuit Court’s jurisdiction.

<sup>46</sup>“Brief in Support of Supplemental Motions to Dismiss,” 24.

\$600 for minimal family needs. The agency then attempted to persuade insolvent farmers to liquidate voluntarily. Once those farmers agreed, the agency waited sixty days to inform them of their right to appeal the liquidation decision. If they refused liquidation, the FmHA froze their income stream by refusing to release crop proceeds. The court believed that the agency based decisions solely upon reducing incurred losses, when it should have instead considered the dual responsibility of running a form of social welfare legislation and administering a loan program. The United States District Court of North Dakota ruled that the act of freezing the income stream defeated the agency's "charitable purpose."

The decision against the FmHA was a scathing indictment of the agency's procedures. The court ruled that the the Constitution's guarantee of due process applied to FmHA's decisions. In fact, the court expanded its ruling to cover farmers like Ralph Clark. In Montana, 1,874 farmers benefited from the decision's due process protections.<sup>47</sup>

Unaware of how the *Coleman* case would turn out, Ralph had taken his story to the media. The Clark family appeared in several documentaries, including the ABC news program *20/20*. In an interview that aired on March 25, 1983, the Clarks explained to investigative reporter Geraldo Rivera their frustration with the FmHA and their desire to stay on the farm. At one point, Edwin promised that he would do anything he had to do, including rake leaves, to pay off the family's debts. Ralph echoed Edwin's feelings during a subsequent interview. "I'm not out to get sympathy or charity," he declared. "I just want my

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<sup>47</sup>Montana Crop and Livestock Reporting Service, "Montana Agricultural Finance Summary" (Helena, Montana, Montana Department of Agriculture, 1984), 7.

neighbors to help themselves and understand their God-given and constitutional rights.”<sup>48</sup> The FmHA, he said, had failed to prove its allegations, and he demanded an FBI investigation of the state headquarters of the FmHA in Montana. The FmHA administrators appeared inept under Rivera’s questioning. At one juncture, Arthur Lund, the state’s FmHA director, agreed that it was not Ralph Clark’s fault that the agency failed to have an adequate supervision plan for the loan. Instead, Lund argued that because it was a one-person office, Richard Hall had been stretched too thin. Indeed, Hall’s one-person office handled over \$30 million in loans to 224 families in two counties.<sup>49</sup>

The FmHA publicly complained to the TV program’s director, Craig Rivera. FmHA administrator Charles Shuman charged that the feature had “slanted or ignored a number of facts” that were accessible in the 400-page Clark file. In the letter, Shuman argued the futility of the Clark family’s situation. By March, he said, the Clarks owed \$1.3 million; over \$820,000 in principal and interest were delinquent. Liquidating the loan was the “only answer to both protecting the taxpayer’s [sic.] interest and preventing further descent by the Clarks into a lake of unpayable debt.”<sup>50</sup> Prior to his appointment at FmHA, Shuman served as president of the Farm Bureau, the most powerful lobby for large agricultural interests and one unsympathetic to critical inquiry. Despite the charge that Rivera slanted his coverage in favor of the Clarks, the agency had denied *20/20* an interview with County Supervisor Hall,

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<sup>48</sup>*Jordan Tribune*, 5 May 1983.

<sup>49</sup>“Bitter Harvest,” *ABC News 20/20*, 12.

<sup>50</sup>*Jordan Tribune*, April 28, 1983. While this is the date the letter appeared in the papers, the letter had been written the day of the telecast, 25 March 1983.

who had earlier slammed a door on a camera crew.

In a press release, the FmHA also charged that the Clarks had failed to consult the agency when they sold property that they had secured through a government loan. Moreover, according to the agency, an insurance check for losses due to hail and grain for the sheep amounted to \$50,000 in converted assets. FmHA denied that Ralph Clark suffered any hardship because of a lack of loan counseling. Richard Hall's predecessor and other supervisors had made four farm visits to the Clarks. During the greatest time of crisis, however, from late 1980 forward, all sixteen conversations between the county supervisor and Clark took place at the FmHA district office in Circle, Montana, over one hundred miles from the Clark ranch. Additionally, no officials had visited the property once the FmHA considered foreclosure as a solution.<sup>51</sup> The agency never denied two of the most telling charges against Richard Hall: that he had informed local businesses of Ralph's insolvency and that he had told Ralph to let the sheep starve.

The FmHA's letter also revealed much of what was wrong with the government's case, as the *Coleman* decision later showed. The Clarks had increased their assets from \$180,000 in 1976 to \$1.2 million in 1980, but it was the tremendous increase in land values in the 1970s that made this increase possible. Additionally, the agency stated that in the whole state "only 27 farmers were in such dire straits as to require acceleration of their loans." In fact, over 40 percent of FmHA loans were delinquent.<sup>52</sup> Many operators paid only

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<sup>51</sup>Ibid., 28 April 1983.

<sup>52</sup>"Montana Agricultural Finance Summary," 7.

the interest without reducing the principal.

Public pressure grew for the FmHA to do a better job of training farmers to manage their loans. On September 21, 1983, the agency held an orientation meeting in Circle. State FmHA Director Lund asserted that future meetings would provide training for farmers and ranchers in technology, economies of size, capital requirements, and the availability of agricultural credit. The farmers would also learn how to read the agency's Coordinated Financial Statements for Agriculture that evaluated liquidity, solvency, profitability, and financial efficiency.<sup>53</sup>

Although the FmHA claimed that it had changed, Ralph Clark still believed that the agency had a vendetta against him. Immediately after the release of the *Coleman v. Block* decision, the Montana FmHA started a criminal conversion case against Clark. The U.S. Attorney charged that Ralph Clark had stolen mortgaged holdings via the loans he received. The court in *Coleman* acknowledged that the FmHA, as a government agency, could foreclose on property if a borrower was guilty of conversion. But the court noted that foreclosure in such a case would be difficult to prosecute because FmHA field officers exercised "untrammeled discretion" and could take entirely different approaches to the same circumstances, including the decision to file charges.<sup>54</sup> With no established due process, any attempt to prosecute a criminal conversion case might be selective prosecution and was thus not permissible.

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<sup>53</sup>*Jordan Tribune*, 1 August 1983.

<sup>54</sup>"Brief in Support of Supplemental Motions to Dismiss," 32.

In the spring of 1984, the U.S. Attorney convened a grand jury that indicted Ralph Clark for criminal conversion. Pat Kelly, an attorney from Miles City who had attended Vogel's presentation, prepared to defend the Clarks, along with co-council Charles "Timer" Moses, a Billings attorney with an excellent reputation in the agricultural community. Kelly thought that the Clarks had a strong case and that they could use the *Coleman* case to bring a moratorium on this specific foreclosure. It seemed to Kelly that the "FmHA was trying to foreclose in a way they were prevented from doing through civil litigation."<sup>55</sup> The prosecution's case, while rhetorically strong, had a fatal flaw. The security agreement that Clark had signed with the FmHA was incomplete. Key paragraphs securing the loan to the Clarks' property did not exist. Without a collateral attachment to the loan, there would be nothing to ensure the repayment of the loan. Hence, if Ralph defaulted on the loan, the FmHA had no collateral for foreclosure. But the lawyers pushed this case beyond the missing security agreement language to trace a history of bad faith on the part of the FmHA. The FmHA's withholding of funds to repay loans troubled the court. The defense proved that the security agreement never granted the FmHA an interest in the sheep that Ralph had sheared, and by extension, no right to withhold the wool pool check. Nor did the FmHA determine where the sheep feed had been harvested; instead the agency assumed coverage by the security agreement. A pretrial letter to the defense team from the assistant U.S. Attorney stated that he based the entire indictment upon the security agreement of 1980. That contract, however, would compromise the government's case if the grain and the sheep had originated

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<sup>55</sup>Pat Kelly, interview by author, 26 May 2004.



on the Hellyer place, and not the Clarks' home place.<sup>56</sup>

Further weakening the government's case, the defense introduced testimony that the FmHA was aware that the granting clause in the 1980 security agreement was missing. In his brief, Pat Kelly wrote: "No effort was made to get Mr. Clark to sign a new security agreement even though the Government, having recognized this defect, demanded that it be corrected. It is difficult for the Government to argue now that it did not make any difference."<sup>57</sup>

With the case's validity in question, Kelly and Moses brought two more points to the attention of the judge. The lawyers charged that Ralph Clark was being selectively prosecuted by the government. The least damning charge was that the government had not prosecuted Ralph with the same facts in 1982. Arthur Leek, North Dakota director of FmHA, had testified during the *Coleman* case that even when the agency was convinced that conversion occurred, the FmHA had ignored the violation if it did not actually affect the farmer's foreclosure proceedings. Hence, it was acceptable to disregard conversion as long as the agency's purpose, here voluntary liquidation, would continue unabated. Arthur Lund, Leek's counterpart in Montana, testified that the policy considerations in Montana and North Dakota were the same. Given the fact that Ralph Clark was the only individual the federal government pursued in three or four years, the case smacked of selectivity. According to Kelly's brief:

It is one thing to suggest that a mistake was made in the investigation or that a claim was overlooked. It can be likened to a criminal case where one admits that one shot

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<sup>56</sup>"Brief in Support of Supplemental Motions to Dismiss," 39.

<sup>57</sup>*Ibid.*, 40.

in the back could be a mistake; two shots in the back creates doubt about the assailant's innocence; three shots in the back indicate serious intent; four shots in the back indicate more than is necessary; five shots in the back demonstrate clear intent and the sixth shot simply indicates malice and bad faith. The serious defects in the investigation . . . demand only one conclusion; that is, an intention to prosecute regardless of the merit of the claim and to single out Ralph Clark for prosecution.<sup>58</sup>

In November 1984, the U.S. Attorney dropped the criminal charges against Ralph Clark.

Kelly saw the outcome as a great victory for the Clarks. Ralph had a "complete bar to prosecution on the same facts."<sup>59</sup> If the case had gone to trial and had Ralph been deemed innocent, the government could then have ignored or overturned the verdict, calling it an aberration. Kelly thought that the decision might dissuade the government from future prosecutions of farmers in similar circumstances.

The Clark and *Coleman* cases brought administrative change to FmHA as well. By late 1984, both the national director and Montana's state director of FmHA had been replaced. Within a year and a half, the county supervisor had been reassigned. The FmHA never prosecuted Ralph again for his non-payment of loans.

Given the findings of the case and its impact on thousands of farmers in Montana, it surprised the defense team that the case went unreported. Kelly failed to recall a single newspaper article or interview. Even the Clarks' local paper, the *Jordan Tribune*, neglected to publish an article on the case. The community's response disappointed the Clarks, too. Despite the organizational meetings, talk among farmers, and numerous court dates, the end of the criminal trial left some thinking that the Clarks had done something wrong. Some of

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<sup>58</sup>Ibid., 42.

<sup>59</sup>Pat Kelly interview.

those who had not stood with the family suddenly wanted help. “As the FmHA failed to take possession of the land,” Edwin Clark contemptuously remembers, “people told me that they just couldn’t understand it. Now they want to know what we did.”<sup>60</sup>

Perhaps timing was the biggest reason that the Clark case failed to draw greater notoriety. It was only at the beginning of 1984 that national media started to notice the deeply troubled farm sector. Between September 1984 and January 1985, two motion pictures with Hollywood’s brightest stars focused attention on farmers facing an unprecedented crisis. Jessica Lange’s portrayal of a farm wife in *Country* earned her nominations for a Golden Globe and an Academy Award in the best actress category.<sup>61</sup> The night before his father’s hearing on criminal conversion, Edwin Clark remembered watching *Country* in a Billings hotel.<sup>62</sup> Despite critical acclaim, the films failed to translate into larger support for farmers.

The Clarks saw this all too well in how neighbors responded to their situation. Earlier in the twentieth century, many farmers abandoned the profession because their operations were inefficient or they lacked good management skills. During the 1980s, however, agricultural economists and other scholars discovered that the farmers who were in trouble often did not fit the mold. Yet amid these shifting prisms, the Clarks never escaped the stigma that they had unfairly been allowed to remain on the land.

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<sup>60</sup>Edwin Clark interview.

<sup>61</sup>The two movies were *The River* starring Sissy Spacek and Mel Gibson, *Country* starring Jessica Lange and Sam Shepard.

<sup>62</sup>Edwin Clark interview.

In contrast to the Clarks, some local farmers did escape with untarnished reputations. Jim Murnion clashed with First Security Bank of Glasgow, Montana. In July 1981, the bank instructed Murnion to sell seven hundred cows, his primary income-producing assets. He refused. In January 1983, the bank refused to issue another credit line and forced Murnion to file for bankruptcy. Finally, the bank agreed to carry Murnion for another year on the condition that he sign over his entire ranch as collateral. He filed a lawsuit against First Security, alleging that “the bank interfered with Murnion’s ranching business decisions by instruction sales to be made, [and] ended the line of credit without notification and interfered with the acquisition of an FmHA loan.”<sup>63</sup> Murnion negotiated out of court and won a multi-million dollar settlement, as noted in the *Jordan Tribune*.

While many farmers and ranchers battled banks, others radically changed their operations. By the mid-1980s, most farmers had cut their expenses, according to the Montana State University Research Center. Limited social activities, reduced charitable contributions, deferred equipment expenditures, or delayed household purchases became common facts of life for two-thirds to three-fourths of Montana’s agriculturalists.<sup>64</sup> Claude Saylor of Brusett sold 250 head of cattle and started a wagon train business. Similar to the hunting camps run in western Montana, and even Ralph Clark’s game farm, Saylor had operated a small hunting camp profitably for ten years prior to this wagon venture. Now he earned a \$100 per person per day by taking tourists on a wagon train that traversed property

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<sup>63</sup>*Jordan Tribune*, 17 October 1985.

<sup>64</sup>*Ibid.*, 18 February 1988.

lines. For three to four days, Saylor entertained guests by telling stories about his pioneering family and giving his riders a taste of the Old West.<sup>65</sup> His business earned him local celebrity.

Despite its aura of a community banding together, Brusett divided along sharp lines. Saylor's operations brought community tensions to the surface. One letter to the editor asserted that it was "too much recreation that has gotten a lot of these people in the shape they are in."<sup>66</sup> Pointing to others in the neighborhood who expanded their business during the farm crisis, the author thought it was selfish of Saylor "to use someone else's ranch to help make them a living!"<sup>67</sup> The second letter was even more pointed. "I feel if they would take an honest look at things they would find it [problems on the farm] to be too much recreation and not enough riding or too much plan and not enough work. Always looking for something free without having to work for it or sitting around waiting for a government handout. Our ancestors worked for what they got and when things got tough they just tightened their belts. They made ends meet, paid back what they'd borrowed, and made a go of it by hard honest work."<sup>68</sup> In a 1988 study, one quarter of respondents thought that poor management had been a very important factor for families in the farm crisis.<sup>69</sup>

Saylor's daughter, Colleen, gave a spirited response to her father's detractors. Counting the numerous jobs her father had done to keep the farm going, Colleen retorted that

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<sup>65</sup>Ibid., 12 September 1985.

<sup>66</sup>Tom Wilson, Letters to the Editor, *Jordan Tribune*, 26 September 1985.

<sup>67</sup>Ibid. No one formally charged Saylor.

<sup>68</sup>Flossie Phipps, Letters to the Editor, *Jordan Tribune*, 26 September 1985

<sup>69</sup>*Jordan Tribune*, February 18, 1988.

“the work on the ranch was always done.”<sup>70</sup> “He, along with thousands of other farmers and ranchers, is a victim of high interest rates, low selling prices, droughts or hail, . . . but he’s fighting back and if it means taking someone from the city on a wagon train then what’s wrong with that?” she asked.

People attributed the farmers’ failure to many reasons, but no one disputed that the farm crisis forced thousands of people to leave farming and ranching. The numbers were staggering. Each year between 1983 and 1990, at least 500,000 people in the United States lost their farms and ranches. In 1986 as the farming crisis peaked, land values dipped to their lowest levels, having already prompted over a million foreclosures.<sup>71</sup>

Between 1974 and 1992, Garfield County’s residents failed to match the overall gains in per capita income enjoyed by their fellow Montanans. During the few years when the county did exceed the state average, it was by only a few percentage points. In contrast, when the annual average fell below the standard, it was often by 15 percent or more. During half of those years, the county never reached the national per capita average. Overall, a Garfield County resident earned three-quarters the salary of an average American.

In the face of continuing financial stress, local churches, organizations, and businesses mobilized to help individuals. Even these well-intended efforts brought conflicting interests. In October of 1985, the local Women in Farm Economics (WIFE) chapter held a “Learning to Cope With Stress Workshop.” The day-long program featured professional counselors in psychology, religion, and banking. The session centered on acknowledging the problem of

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<sup>70</sup>Colleen Saylor Butler, Letter to the Editor, *Jordan Tribune*, 10 October 1985.

<sup>71</sup> Alan Barkema and Mark Drabenstott, “Agriculture Rides Out the Storm.” Federal Reserve Bank of Kansas City (January, 1994): 4.

stress in the farm community, giving practical advice for dealing with stress, and providing follow-up sessions.<sup>72</sup> Gene Buxcell, executive vice president of Garfield County Bank, looked at the situation from a banker's point of view. Garfield County Bank's performance during this difficult economic term had been excellent. The bank bucked the difficulties of other small agricultural-based banks that had lost millions during the farm crisis. Montana's banks ranked third in the nation in the percentage of customer delinquencies over ninety days.<sup>73</sup> Still, FmHA worked closely with the bank and some community members may have avoided the meeting, given their past experiences with the bank.

After the worst of the farm crisis, government assistance to farmers in Garfield County increased. In 1977, the ratio of government payments to total cash earned hovered around 6 percent of family income and totaled \$14.5 million. By 1994, however, the ratio rose to 13 percent as \$77 million in government payments went into the county.<sup>74</sup> Onlookers might have viewed this income as a boon to the community to help buoy farm income, and by extension, farm communities. The payments, however, also showed how far farm income had fallen, reflecting a lethargic international market for commodities and national overproduction.

Many farmers in the area also used a state appeals process to reappraise tax values of land. In 1986, Montana agriculturalists saw their land values continue to slide. Their

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<sup>72</sup>*Jordan Tribune*, 17 October 1985.

<sup>73</sup>*Ibid.*, 6 November 1986. Only Oklahoma and Wyoming had a greater percentage of delinquent loans.

<sup>74</sup>*Montana Agricultural Statistics* (Helena: Montana Crop and Livestock Reporting Service, 1946-1997).

property taxes, however, failed to reflect current values, so they paid inflated 1978 values. After the State Tax Appeal Board sent out notifications to Garfield County about the appeals process, it received 162 requests for reappraisal.<sup>75</sup>

By 1988, researchers began to examine another casualty of the farm crisis: mental health. The first Montana Farm and Ranch Survey report stated that almost a third of farmers reported feeling nervous or stressed “fairly or very often.”<sup>76</sup> The percentage increased to 43 percent when the survey asked farmers with debt-to-assets ratios above 0.40. Four in ten farmers stated that their families provided a great deal of support during times of financial hardship. This number far outweighed other traditional support mechanisms in the community such as that from friends or churches. John Saltiel, a sociologist from Montana State University who was in charge of the survey, said, “You get the sense that events outside their [farmers’] control are having a very important impact on farm and ranch operations in Montana.”<sup>77</sup>

A second Farm and Ranch Survey, conducted in February 1988, expounded on topics of community disengagement. Over 40 percent of respondents stated that the closeness of the community had decreased. Fewer people were willing to run for public office, and fewer people were willing to volunteer for community projects.<sup>78</sup> Sixty-one percent stated that the time neighbors spent visiting together had decreased. Overall, 38 percent of those sampled

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<sup>75</sup>*Jordan Tribune*, 8 May 1986.

<sup>76</sup>*Ibid.*, 18 February 1988.

<sup>77</sup>*Ibid.*, 19 February 1988.

<sup>78</sup>*Ibid.*, 15 September 1988.



said their quality of life had decreased. Not all areas of community activity declined; over 60 percent thought that school systems and law enforcement were good to excellent. Still, the overall impression of the respondents reflected a feeling of stagnation or decline in the community.

A Harvard University study identified the 150 “hunger” counties in America by comparing income and food stamp statistics. Six of the hungriest counties were in eastern Montana.<sup>79</sup> Ron Marlenee, the region’s Congressional representative, attempted to blunt the study’s findings with humor. Marlenee joked that the University of Montana-Rygate (a small town north of Billings that has no university) had supposedly issued a report on the top 150 “snob” counties in America. Heading the list was Middlesex County, home of the Ivy League campus. Marlenee’s fictional Rygate professor stated, “I’m not saying that our study is perfect, but I am saying us folks [sic] in Montana can recognize snobbery a lot easier apparently than the people of Harvard can recognize hunger.”<sup>80</sup> Marlenee’s comments reflected the division within Montana between those who experienced economic troubles and those who maintained their healthy financial status. While many farmers did struggle, approximately 40 percent of them had no debt or extremely low debt. Both groups urged action: one argued that agriculture needed to pull together, and the other urged all people to pull themselves up by their proverbial bootstraps.

Undoubtedly, Garfield County spoke with many voices during the 1980s. The community still had a measure of cohesiveness, however. Two events that rallied its citizens

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<sup>79</sup>The counties were Petroleum, Golden Valley, Carter, McCone, Garfield, Prairie, and Wibaux.

<sup>80</sup>*Jordan Tribune*, 6 March 1986.

were the Montana Centennial celebration in 1989 and the Big Open controversy that started in 1987. The farm crisis had built tensions for years, but here were reminders to eastern Montanans of their common heritage and values. Both events drew the community together in a passionate defense of local values on one hand, and against ill-intentioned outsiders on the other.

Jordan celebrated the state's centennial with local panache. A barbeque with baked beans and beef or buffalo served on paper plates was enjoyed by eight hundred locals. The Blackfoot Home Demonstration Club hosted an ice cream social and a style show. Sporting fashions from the early 1900s, the women paid tribute to their foremothers. The modern men who most resembled the old-time sheep herders entered the beard-growing contest. Sixteen candidates sported hairy chins worthy of a Montana winter, when whiskers kept off the bitter cold. Chariot racers riding carriages, fashioned through trial and error, thrilled onlookers. The most planning, however, went into the county-wide Pony Express. Starting from eleven old-time post offices, riders readied their mounts and rode into Jordan, sometimes taking a few days, to deliver over five thousand letters. The proud riders, a cross-section of generations and genders, arrived in town to fanfare and photographers. And, then, there was the hanging.

Arguably, nowhere in the West is the concept of vigilante justice more revered than in Montana. The organizers of the centennial celebration hired the Montana Gunfighters to perform for hundreds of onlookers lining the sidewalks of Main Street. The gunfighters staged a brawl at high noon, awing the crowd. The sheriff, dressed in a long coat and topped in a bowler, fought a drunken cowboy and his gang. Gunplay ensued, with bodies littering

the streets. The action culminated in a hanging during which the gunfighters prepared a lawbreaker to meet his maker. When someone kicked a box from under the outlaw's feet, the bad guy fell, the noose tightened, and he was "strung up." Most of the crowd could see the special harness system that kept the outlaw's neck from breaking. As the cameras clicked and hands clapped for the performers, the community celebrated order and justice provided by the common citizens of the Old West.

The Big Open project, the second development that united the people of Jordan Country, existed as part of a larger proposal, the Buffalo Commons, that hoped to establish a huge ecological preserve for bison that would encompass 139,000 square miles in ten Great Plains states from Texas to Montana.<sup>81</sup> Adding to the seeming deluge of interest in buffalo outside of the Plains states, *Time* and the *New York Times* carried articles on the project.

The Big Open concept came from an academic couple teaching at Rutgers University. Frank Popper, an urban and regional planner, and Deborah Popper, a geographer, traced the demographic and historical changes to the region. They determined that the current land use of the area could be more ecologically friendly and provide a better economic return to its inhabitants. The opportunities that had brought people to the Great Plains, the Poppers argued, resulted in the greatest agricultural and environmental miscalculation in the nation's history. The Poppers had a good deal of evidence to show that the Plains states were in distress. The combination of soil erosion, lost population, increased average age, and economic depression portended collapse. The solution seemed straightforward. "The federal government's commanding task on the Plains for the next century will be to recreate the 19<sup>th</sup>

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<sup>81</sup>Anne Matthews, *Where the Buffalo Roam* (New York: Grove Weidenfeld, 1992), xi.

century,” the Poppers asserted. It could do so via “a historic preservation project, the ultimate national park.”<sup>82</sup> It would include the return of buffalo to the area and get the terrain back to its native state. Frank spoke in a public meeting about how the potential building blocks were already in place, since thousands of properties had been foreclosed by the FmHA, the Farm Credit System, and private banks. Thousands of additional acres had been placed into non-productive status through the Conservation Reserve Program (CRP) or were already government-owned by the Bureau of Land Management (BLM), the Forest Service, and state parks or preserves. Private individuals and environmental groups like the Nature Conservancy had purchased some acreage on the plains to set aside as private preserves, but without land acquisition on a grand scale, the buffalo commons remained a pipe dream.

The Big Open rankled Montanans concerned with property rights, governmental power, and local control. Janet Guptil, editor of the *Jordan Tribune*, tried to downplay the effort by stating that most newspapers “played the story more as a Big Joke than a Big Open.”<sup>83</sup> Organizations rushed to make sure the idea remained unpopular in Big Sky country. The Montana Association of State Grazing Districts, the Montana Stockman magazine, and various politicians took aim at the Poppers’ proposal. Cecil Weeding, the local representative in the state legislature, protested that two-thirds of the land in the proposal was privately owned: “The galling part is that this scheme is being developed right under our very noses as if we didn’t even exist” and the advocates “propose to totally reorganize our social and economic structure - for our benefit they say.”<sup>84</sup>

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<sup>82</sup>*Jordan Tribune*, 13 July 1987.

<sup>83</sup>*Ibid.*, “Another Big Open Story,” 26 November 1987.

<sup>84</sup>*Ibid.*, Letter to the Editor, 4 June 1987.

Given the poor public relations status of the proposal and the financial crisis on the Plains, the resistance to the Big Open concept was understandable. The result in Garfield County, however, was that a growing number of residents began to view with suspicion anyone who came from outside the community and studied land use, or who wanted to participate in planning, or who voiced environmental concerns. Locals put their faith in farmers and ranchers who knew the problems of agriculture firsthand. They tended to view environmentalists as outsiders who would oppose the area's agricultural tradition.

Eastern Montana farmers had reservations about environmentalists, but they knew from experience that the region had environmental hotspots. In the two decades prior to the farm crisis, for example, thousands of virgin areas had been plowed to plant a wheat crop, but not by small local farmers. Large corporate farmers plowed the soil from horizon to horizon. As a result, when drought conditions gripped the region, tons of dirt blew off Montana's topsoil. While some decried the practice, calling it an act of greed, many kept silent due to a deep-seated belief in property rights. They were even hopeful that the prosperity to the region would outweigh the soil damage.

The most organized and effective resistance to environmental degradation on Montana's plains was the Northern Plains Resource Council (NPRC). Founded in the early 1970s by ranchers' sons and daughters, it soon included young, educated, idealistic people from both Montana and out of state. The NPRC battled to mitigate the impact of large coal-mining interests. The organization commanded respect in the area for its hard-fought legal victories, but business also regarded the NPRC as a reasonable advocate for Montanans'

interests.<sup>85</sup> In 1986, agriculture economist Neil Harl, a prominent supporter of farmer debt relief, spoke to the NPRC in Billings about how healthy farms needed citizen activists.<sup>86</sup>

By early 1990, some local papers declared that farms would be the next “environmental battlefield.”<sup>87</sup> While the tone was alarmist, few could deny that the old combination of farming and politics had eroded since the early 1970s. Whereas businesses, farmers’ organizations, and government bureaucracies had once formed an iron triangle, citizen groups were now active in the legislative process. The increased democratic participation of environmentalists, for example, upset the old network. It was easy for anti-environmentalists to point to significant legislation and court cases that had come at the expense of the common farmer, because the system had been changed irrevocably.

To battle environmentalists and their “war on the West,” anti-environmentalists formed organizations to advocate for property rights.<sup>88</sup> Anti-environmentalists received support from multibillion dollar entities like the American Farm Bureau Federation, National Cattlemen’s Association, the Realtors Association, Chamber of Commerce, American Sheep Industry Association, and probusiness law firms. Although plenty of money flowed into the debate on both sides, groups opposed to environmental legislation often received “in kind” services that went unreported on their financial statements, an accounting procedure that

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<sup>85</sup>Keith Edgerton, “Bridging Ideology in Rural America: The Northern Plains Resource Council, 1971-1975), unpublished paper.

<sup>86</sup>Neil Harl interview.

<sup>87</sup>*Star Tribune*, Cody, Wyoming. Quoted in the *Jordan Tribune*, 1 February 1990.

<sup>88</sup>Two good examples of western anger are William Perry Pendley, *War on the West: Government Tyranny on America’s Great Frontier* (Washington, D.C.: Regnery Publishing, 1995); Richard D. Lamm and Michael McCarthy, *The Angry West: A Vulnerable Land and Its Future* (Boston: Houghton Mifflin, 1982).

made their power and influence look considerable smaller.<sup>89</sup> Hence, many locals saw their fight as one to maintain the status quo against rich, elite environmentalists.

One of the most effective anti-environmentalists was William Perry Pendley, executive director of the Mountain States Legal Foundation. Pendley's organization played to people who believed, as Pendley said, in "individual liberty, the right to own and use property, the free enterprise system, and the constitutional liberties for which our forefathers fought and died."<sup>90</sup> The enemy, according to Pendley, was anyone who chose environment over people. This list included not only the environmental community, but also President George H. W. Bush and judges who allegedly threatened the continued existence of western communities. Pendley tried to appropriate the message of the environmentalists to form a "true environmentalism." At a Tax Reform Coalition and Association Roundtable of Montana meeting, Pendley asserted: "We are the people who live on and love the land. We are the people who want clean air and clean water and an absence of toxic waste. . . . Not the no-growth advocates who wish to shut us down. . . . No one is safe. You are only safe today. These folks, they'll gobble you up and turn to your neighbor."<sup>91</sup> Pendley consulted with groups interested in maintaining uncontested property rights, convincing them to build a unified opposition to the environmental restrictions that limited use of the national resources. Eastern Montana's besieged farmers and ranchers embraced Pendley, a reassuring speaker and outsider, as someone who seemed to provide sound advice.

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<sup>89</sup>David Helvarg, *The War Against the Greens: The "Wise Use" Movement, the New Right, and Anti-Environmental Violence* (Sierra Club Books: San Francisco, 1994), 123.

<sup>90</sup>William Pendley quoted in *Jordan Tribune*, 24 May 1990.

<sup>91</sup>Ibid.

Pendley's Mountain States Legal Foundation was one of a growing number of advocacy groups promoting "Wise Use" policies. Members of People for the West! (PFTW!) also painted themselves as a group dedicated to both people and the environment. Such groups claimed that their solutions eliminated government involvement by advancing privatization, deregulation, and free-market environmentalism.<sup>92</sup> Even the editor of the *Jordan Tribune* stated, "The Environmental Crusade has targeted free enterprise for extinction."<sup>93</sup>

A number of Jordan residents attended distant meetings featuring Wise Use speakers, and in some cases, the speakers came to the Jordan community. In February 1992, personnel from the government's Soil Conservation Service office, directors of the Soil Conservation District, county commissioners, and the local state senator met with a representative of PFTW! PFTW! handed out membership information and presented proposals on how the county could use a planning board that preserved agricultural uses of the land while rejecting federal and state interference. According to the speakers, a "recently discovered" Montana law allowed county commissioners the right to opt out of legislation if the proposal was "detrimental to the tax base in a county or encroached on the customary, cultural economic uses of the land."<sup>94</sup> As one local resident stated, ranching, farming, mining, hunting, and other forms of recreation generated revenue and "have peacefully coexisted in the past and

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<sup>92</sup>Helvarg, *The War Against the Greens*, 9.

<sup>93</sup>*Jordan Tribune*, 16 January 1992.

<sup>94</sup>*Ibid.*, 27 February 1992.



should continue to do so.”<sup>95</sup>

Much of the populist rhetoric of an earlier era became part of the rallying cry for the anti-environmental movement. Instead of targeting monopolistic capitalists, farmers saw environmental groups as the ones who threatened life on the plains. Locals derided government action, too, since it purportedly sided with the environmentalists in forcing regulations and hidden “taxes” on common people. Ranchers, who had their cattle herds reduced by grazing restrictions experienced real legislative burdens.

Citizens of Garfield County thus mobilized to block the threat of the Big Open and other environmentalist activities that were, according to the local paper’s editor, “false prophets whose concern for the environment masks their real agenda which is social engineering, and their ultimate goal, which is power.”<sup>96</sup> Given the sense of alarm, the Garfield County Taxpayers Association reconstituted. Dormant since 1977, the group reorganized to fight the Big Open and give the community a larger voice in Helena and in Washington, D.C. Members hoped to bring people of the county together to “give a true consensus of the opinion of taxpayers on such vital issues as land use, zoning, water resources, local government study commission, local impact of coal development and many other issues.”<sup>97</sup>

By 1992, the community of Jordan on the eastern Montana plains behaved in ways consistent with a democracy. Citizens took full responsibility for the well-being of their

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<sup>95</sup>Ibid., 5 March 1992.

<sup>96</sup>Janet Guptill, Editorial, *Jordan Tribune*, 16 January 1992.

<sup>97</sup>*Jordan Tribune*, 5 March 1992.

community. Farmers educated themselves in the law, hired advocates to defend their interests, and sought advice from helpful organizations. Although there remained considerable disagreement, the citizens of Garfield County hoped to make a better community through social and political activism. And the fear of economic hardship spurred them on. While the 1990s Freemen movement would become the most radical expression of community activism, its roots resembled those of earlier movements which had coursed through the postwar American West and which would find unimagined turmoil in Jordan Country.

CHAPTER FOUR  
AN UNHOLY ALLIANCE: THE INTELLECTUAL ORIGINS OF  
THE FREEMEN MOVEMENT

Many Montanans were surprised to see a militant, radical-right movement arise in the state in the early 1990s. Although the Big Sky state had long rejected extremist groups, some of their ideas found an audience and eventually gave rise to a home-grown off-shoot that, in turn, inspired the Montana Freeman. The ideology that animated the Freeman originated outside of the state in groups that had longstanding histories. Of particular importance was the Posse Comitatus. Drawn in part from and clearly entwined with Christian Identity precepts, the Posse's political and religious radical-decentralization ideology—recognition of county government as the ultimate source of authority, adoption of a “revised” Christian theology, and opposition to the federal income tax—became increasingly threatening to public officials. When law enforcement agencies like the FBI and sheriff's departments failed to act—partly out of disbelief that the group posed a credible threat and partly from political sympathy—the Posse exploited local conditions to recruit new members.

In the late 1970s and early 1980s, Posse ideas began to resonate among troubled ranchers and farmers in the Big Sky state. Although the Posse had formed far from Montana, the basic source of its appeal was the deep and widespread crisis that gripped agriculture after the collapse of commodity prices and the accompanying credit crunch.

Producers faced the loss of their livelihood and their land. As the agricultural crisis deepened, native-born activists succeeded national Posse leaders, including William Gale and James Wickstrom, and laid the foundation of the Montana Freemen movement. Martin J. “Red” Beckman, LeRoy Schweitzer, and Rodney Skurdal had easily imbibed Posse ideas and molded them to fit significant local issues. The new leaders’ ability to bridge events and Posse ideas appealed to farmers and ranchers whose lengthy legal battles with the former had left them open to radical responses.

William Porter Gale (1916-1988) organized the Posse Comitatus in California. Gale initially drew elements of ideology and organizing tactics from earlier movements. The most prominent of these organizations was the John Birch Society (JBS), which had emerged in 1958.<sup>1</sup> Attacking the spread of communism, the JBS urged members to resist this “gigantic conspiracy to enslave mankind” and the unwitting helpers of the communists who controlled the United States government. The Birchers consisted of local elites—businessmen and other notables—who saw education and grassroots politics as the best way to eliminate the creeping red menace. Organizationally, the group enjoyed considerable success, earning support from citizens by attacking communist elements in

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<sup>1</sup>Daniel Bell, ed., *The Radical Right* (Garden City, N.Y.: Doubleday, 1963); Eckard V. Toy, Jr., “Ideology and Conflict in American Untraconservatism, 1945-1960” (Ph. D. diss., University of Oregon, 1965); Richard Hofstadter, *The Paranoid Style in American Politics and Other Essays* (New York: Knopf, 1965); George H. Nash, *The Conservative Intellectual Movement in America since 1945* (New York: Basic Books, 1976); David Bennett, *The Party of Fear: From Nativist Movements to the New Right in American History* (Chapel Hill, N.C.: University of North Carolina Press, 1988); Sara Diamond, *Roads to Dominion: Right-Wing Movements and Political Power in the United States* (New York: Guilford Press, 1995); Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001).

public schooling and supporting the primacy of strong gun rights. Between 1961 and 1966, the JBS's membership rolls nationally swelled by 76,000 members whose membership dues brought in some \$5,000,000.<sup>2</sup>

One assessment of official reports on the JBS found approximately thirty chapters in Montana, by the mid-1960s, foremost among states in the northern Rocky Mountain tier. Despite considerable activity, however, the JBS failed to gain much ground politically in Montana, nor did it stir much enthusiasm in neighboring Idaho and Wyoming. Overall, California and Utah had far greater membership numbers, especially compared to the relatively lethargic northern Rockies.<sup>3</sup>

The JBS avoided the most violent confrontations of the era, especially when compared to the Ku Klux Klan. Indeed the Klan's bombings in the South between 1954 and 1963 diverted negative attention from the Birchers. Robert Welch, the founder of JBS, claimed anti-communism as his most important crusade. He avoided direct attacks on Jews, yet anti-Semites were a constant presence in JBS circles. Distorting historical events, he traced communism to the Illuminati, a secret society from the eighteenth century. Welch thought the outcomes of the French and Russian Revolutions revealed that communism was an all-important tool to establish a global "new order." In 1965, Welch opposed civil rights since "racial turmoil of the past several years . . . does not make sense unless you realize

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<sup>2</sup>Robert Welch, *The Blue Book of the John Birch Society* (Belmont, MA: Western Islands Press, 1966), 21.

<sup>3</sup>Benjamin R. Epstein and Arnold Forster, *Report on the John Birch Society 1966* (New York: Vintage Books, 1966), 87, 200.

what the communists behind all of this agitation are trying to accomplish.”<sup>4</sup> As Welch advanced increasingly outlandish theories unrelated to communism, the JBS lost members, including many in Montana. Yet Welch was the harbinger of a larger trend. Between 1958 and 1961, nearly one hundred new groups coalesced that were more extreme, conservative, and far right than the hundred or so preexisting groups.<sup>5</sup> Although many groups successfully recruited members, Welch lost the most radical individuals, like the minister Wesley Swift, who found the Birchers more interested in polemics than action.

The origins of the radical right in Montana stemmed not with mainstream conservatism or even the Republican party (which had supported much of the early civil rights legislation), but with those who claimed that America had sold out its traditional rights and values. Instead of arguing in favor of violence in defense of segregation, the political right transformed the key issue into opposition for newly passed civil rights legislation. Special rights for minorities and women, the argument went, confirmed the loss of traditional American values of individual choice, state’s rights, and merit as a source of freedom. From 1955 to 1965, conservatives in the Republican Party slowly transformed the GOP from a party that supported civil rights legislation to one that defended states’ rights.

The longer the federal government remained active in civil rights enforcement, the more the radical right tried to exploit the race issue. In 1966, for example, 48 percent of whites approved of federal efforts to promote school integration; within two years that

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<sup>4</sup>Robert Welch, *The New Americanism: And Other Speeches and Essays* (Boston and Los Angeles: Western Island Publishers, 1966), 153.

<sup>5</sup>Three excellent examples of this trend are Young Americans for Freedom, the Liberty Lobby, and Americans for Constitutional Action. Diamond, *Roads to Dominion*, 59-62, 86.

number fell to 36 percent among all whites and to just 20 percent of southern whites. The Civil Rights Act of 1965 had outlawed employment discrimination, but, when pollsters asked three years later whether the federal government should “see to it that black people get fair treatment in jobs, or leave these matters to the states and local communities,” the majority of whites (63 percent) endorsed states’ rights.<sup>6</sup>

Still, into the 1970s, although Montanans rallied around the Cold War theme of anti-communist rhetoric and listened to proposals to limit the federal government’s influence, they largely resisted organizations that peddled hatred. It was out-of-state activists who initiated charges of conspiracy by attacking the recently passed Montana state constitution’s Voter Review law. Montana’s new constitution, passed in 1972, emphasized greater community participation. The Voter Review measure emerged from a study conducted by over 150 locally elected Montanans to “permit local governments to be partners with the state instead of step-children of the state.”<sup>7</sup> Any proposed change emerging from the Voter Review process would then be voted upon in state-wide elections. Overall, this would seem to be a victory for local review and control of government. A vocal minority, however, thought the process would subvert Montana’s independent status and place the area under federal control. The Committee to Restore the Constitution (CRC), interestingly based in Fort Collins, Colorado, issued a four-page bulletin with a strong warning. Challenging the recent ratification of the state’s 1972 constitution, the CRC urged citizens to oppose the

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<sup>6</sup>Daniel Levitas, *The Terrorist Next Door: The Militia Movement and the Radical Right* (New York: St. Martin’s Press, 2002), 95.

<sup>7</sup>Thomas L. Judge, *Modernizing Local Government* (Bozeman: Montana State University Cooperative Extension, Bulletin 112, 1974), iii.

review process. The ideologically driven CRC worried that federal agencies would use the review to usher in the “Federal Regionalism Concept,” potentially through which federal officials would govern vast sections of the nation. The CRC claimed that intergovernmental cooperation between the state’s leaders and *any* outsiders subverted Montana’s sovereignty. This included organizations like the National Governors’ Conference, to which all fifty state governors belonged. People serving in the review process would be duped into giving up their rights and “be the instrument of their own destruction.”<sup>8</sup>

The leader of the CRC, Archibald E. Roberts, maintained impeccable right-wing credentials. While serving in the U. S. Army under General Edwin Walker, Roberts helped the general and coordinated the distribution of JBS materials to soldiers. The politicizing of soldiers breached military guidelines and resulted in a scandal that led to both men’s dismissal from the service. Later, Roberts joined the Liberty Lobby and spoke for more authority at the county level. County government, Roberts maintained, consisted of “a self-contained lawful authority charged with doing whatever is necessary to apprehend, try and punish criminals,” with the sheriff empowered to “enforce the provisions of the U.S. Constitution within the boundaries of his county.” . . . “[I]f you can make your county government function,” Roberts wrote, “ you will have thrown back the crazed mobs of regional revolutionaries.”<sup>9</sup> Roberts presented a familiar-sounding Christian justification for county government. “Here are the battlements of Christian liberty in the United States:

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<sup>8</sup>Committee to Restore the Constitution, Inc., “Bulletin: Regionalism: The Montana Rip-Off.” (Fort Collins, CO: Committee to Restore the Constitution, July/August 1974), 3.

<sup>9</sup>Ibid., 1,3.



County governments administering justice as they are empowered and commanded to do: local authorities apprehending, trying, and punishing, with death if need be, those who commit crimes in their land.”<sup>10</sup> Guilt by association provided Roberts with his favorite tactic. In Montana, the CRC tried to attach its concerns to such apple-pie issues such as gun control, land use regulation, and federal administrative regionalism, all unpopular in the state. Roberts accused the Montana Cooperative Extension Service of carrying out the plans of “the Rockefellers,” a common reference in radical circles to international bankers and Jews. The Rockefellers, Roberts argued, controlled the Council on Foreign Relations, the Institute of Public Relations, and the Bureau of Economic Research. The ties, in Roberts’ mind, even reached the Montana League of Women Voters and the Association of County Commissioners. Despite the careful effort of the state to include locally elected representatives—an effort that should have resonated with Roberts’ views—the CRC claimed over five thousand members, largely from the western side of the state.

Montana public officials defended the democratic process against the CRC’s charges. They argued that Roberts had misrepresented the review process, which was encouraging participation and input from representatives.<sup>11</sup> State leaders even cited *Reader’s Digest*, hardly a bastion of communism, that participation in conferences provided expert solutions to Montana’s community needs despite “opposition from disgruntled politicians who fight a rearguard action against improved methods.”<sup>12</sup> Despite garnering five thousand members,

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<sup>10</sup>Reverend T. Robert Ingram, quoted in *Ibid.*, 3.

<sup>11</sup>Rick Reese, speech at the Public Education Workshop, Helena, Montana, March 13, 1976.

<sup>12</sup>Karl Detzer, “‘1313’ Magic Number for Better Local Government,” *Reader’s Digest* (April 1962):

the broadside against Montana's government failed to attract any more attention than the John Birch Society of the 1960s.

Although small, the influence of the John Birch Society and the Committee to Restore the Constitution nevertheless attested to the radical right's presence in Montana. While the JBS and CRC whetted the appetite of Montana's radical right, it was William Potter Gale's ideology that most inspired the Freemen. Gale preceded even Roberts and the CRC in arguing that the primary governmental power rested at the county level. He published a plan for radical government decentralization based on the concept of the *Posse Comitatus*, Latin for "power to the county." The local sheriff, in this model, constituted the supreme law of the county and was the only recognized law enforcer, eliminating any federal authority. Gale's philosophy of radical decentralization of government contrasted sharply with the growing federal role in protecting individuals, particularly their civil rights. Pushed by blacks, women, senior citizens, homosexuals, and Native Americans, who had previously been denied equal rights as Americans, the federal government extended protections to those citizens, as it had protected the political and economic entitlements of the white population.

In one sense, Gale's family story typifies the American experience of so many immigrants who experienced prejudice when they arrived on the shores of the United States and ultimately themselves became bigots. He was born in 1916 after his family had immigrated this country from the Jewish Pale region of western Russia. At the age of sixteen, he entered the U.S. Army. Gale received the benefits and honor due to those who served, but later exaggerated his service to include training insurgents in the western Pacific in guerilla tactics and survival methods to gain acceptance from survivalists. Also, despite

his exposure to other ethnic groups in the military, Gale opposed pluralism in America and worked politically to limit the influence of anyone he considered un-American (i.e. nonwhite). After military service, Gale joined the anti-communist Constitution Party, a group he eventually led. Expressing alarm by the purported growth of communism in California after World War II, Gale agitated against the “poisonous talk of Jews and communists in Hollywood.”<sup>13</sup> His discussions with San Jacinto Capt, a former Klansman from Texas, and Father Eustace Mullins, an anti-Semite Catholic priest, converted Gale to Christian Nationalism. Although it was a little-known sect, Christian Nationalism touted the cohesiveness of the Anglo-Saxon race and advocated the exclusion of others, particularly Jews. One minister close to Gale instructed his parishioners: “Your destiny is not to absorb all these people [Jews], but to destroy them. They all deny Jesus Christ; they hate us. Therefore they must be destroyed before they destroy us.”<sup>14</sup> Ironically, Gale became enmeshed in Christian Nationalism despite his family’s Jewish heritage. His father, Charles Grabifker, came from an area of Russia restricted to Jews. While Gale knew of his Jewish ancestry, he followed his father’s path and tried to separate himself from family members that continued to practice their ancient faith.<sup>15</sup>

The most prominent minister in Gale’s eyes was Wesley Swift, who preached in the Antelope Valley, seventy miles northeast of Los Angeles. Swift and Gale believed that Jews

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<sup>13</sup>Levitas, *The Terrorist Next Door*, 22.

<sup>14</sup>Ibid., 25.

<sup>15</sup>Ibid., 14-21.

and communists were synonymous: “Do not call them Reds, call them Jews.”<sup>16</sup> Gale fully embraced the anti-Semitic and anti-communist teachings of Swift and Christian Nationalism and attributed newsworthy events to the influence of Jews and communists. Upon Swift’s death, Gale attempted to ascend to the pulpit and lead the Christian Nationalism movement. Richard Butler, however, outmaneuvered him, sending Gale to search for a following elsewhere.

National events pushed Gale toward a decade-long journey that culminated in the founding of the Posse Comitatus. In 1957, President Dwight Eisenhower sent federal troops to enforce the desegregation order of *Brown v. Board of Education* at Arkansas’s Little Rock Central High School. Gale denounced Eisenhower’s use of troops because he believed that the President had violated a law: the 1878 Posse Comitatus Act. Gale twisted the history of the act, and the strange politics that produced it, to serve his ideology of radical decentralization.

After the Civil War, the United States governed the rebellious southern states by dividing the former Confederacy into five military districts. In an attempt to reform the southern political system, Congress pushed for southern black males to have full citizenship and suffrage rights by passing the Fourteenth and Fifteenth Amendments to the U.S. Constitution. These measures helped both black and poor white males escape discriminatory practices and property qualifications in voting. The old Southern political leadership, which Democrats had dominated prior to the war, now faced competition from newly empowered African-Americans and Republicans. But, ultimately, the federal government backed down,

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<sup>16</sup>Ibid., 28.

as defenders of the old guard turned increasingly violent. As white violence increased in the 1870s, President Ulysses Grant declined to support black rights by restraining federal troops from interfering when Democratic “rifle clubs” intimidated Republican rallies and shot blacks. For many Americans who cared more about peace than enfranchisement for the slaves, the Posse Comitatus Act satisfied the nation’s needs. The post-Reconstruction act stated:

it shall not be lawful to employ any part of the army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress . . . .<sup>17</sup>

Southern politicians and northern Democrats supported the bill. In the era of Jim Crow segregation it hamstrung the federal government’s ability to authorize troops to enforce laws. With bi-regional support, the Posse Comitatus Act blocked government action from defending African-Americans’ newly recognized rights. African-Americans bore the price of the act as they faced a nation weary of fighting and desirous of reconciliation.

Gale sympathized with the governmental obstructionists of seventy years earlier, despite subsequent legal and political decisions supporting President Eisenhower’s use of troops to enforce *Brown vs. Board of Education*. In 1958, incensed by federal troops being deployed to Little Rock, Arkansas, Gale ran for governor of California on the Constitution Party ticket. His platform sought to impeach Eisenhower and members of the U. S. Supreme Court, withdraw from the United Nations, end all foreign aid, eliminate the income tax, and establish specie as the nation’s only legal tender. Giving him under five thousand votes,

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<sup>17</sup>Congressional Record—House, 45<sup>th</sup> Cong., 2<sup>nd</sup> Sess., vol. 7 (June 15, 1878), 4686.

Californians dismissed Gale's platform. Still, the campaign trail allowed Gale to hone his beliefs.

In his speeches, Gale also brought religion into the debate by expounding on the Christian Nationalist views of his mentor, Wesley Swift, and of Richard Butler, who later founded the Aryan Nations. William Gale's theology, adapted from Swift and Butler, rested on the twin beliefs that race separation was God's most important law and that any mixing created inferior forms. Using "Israelism"—an ideology from the mid-eighteenth century that saw Britons as the direct descendants of the lost tribe of Israel—Gale argued that miscegenation constituted a sin as egregious as the "original sin" of Adam and Eve. As had Swift and Butler, Gale argued that Adam and Eve represented God's "pure seed": Aryans. Yet Gale took Israelism further. Although many Biblical literalists insisted that no other human forms were on the planet, Gale asserted that, eons prior to Adam and Eve, an alien race immigrated to Earth after losing a galactic battle. When these "Pre-Adamites" copulated or mixed with the Aryans, they formed a new race that Gale named the "Enosh." Gale's alien theory explained the origins of all people of color. His "Enosh" were not malevolent, but Jews and the devil could manipulate the group.

Gale's race-centered version of history influenced his reading of Biblical passages. According to Gale, the copulation of Eve and Satan resulted in the mixed offspring Cain.<sup>18</sup> God's judgment in Genesis 3:15 was directed at the cursed offspring: 'I will put the enmity

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<sup>18</sup>Jerome Walters, *One Aryan Nation Under God: How Extremists Use the Bible to Justify Their Actions* (Naperville, Illinois: SourceBooks, Inc., 2001), 13. Walters ministered at Zion Lutheran Church in Roundup. Rodney Skurdal's religious beliefs were filed in a common law edict, "Israel/Appointing Power," 24 October 1994, Roundup, MT.

between you and the woman, and between your offspring and hers.”<sup>19</sup> According to Gale’s interpretation of enmity, a baleful and sinister people emerged: Jews. Gale referred to Jews as the Edomites and other mixed-race people as Yehudi. Preaching in 1963, Gale argued that Jesus had viewed the Yehudi:

. . . as the children of Satan. . . . He revealed their atheistic form of government as one we know today by the name of communism. These were the “Yehudi” in the days of Jesus and they are the “Yehudi” today. They are still doing the works of their father the Devil and it includes the efforts of Satan to mix the holy seed of Ad-am’s family in order to destroy them, as Satan has tried to do since Ad-am and Eve came out of the garden.<sup>20</sup>

Of the three groups, Aryans, alien Pre-Adamites, and Jews, only the Aryans maintained the purity of God’s creation through Seth, the third son of Adam and Eve. The other barbaric and humanoid beings created a “pollution of the Holy Celestial Seed.” Mixing races, from this viewpoint, demanded opposition. Although Gale’s heavy reliance on race as the basis of God’s favor set his teachings apart from other radical discourse in Montana in the 1970s, race became more prominent during the early years of the Freeman. One Montana minister who fought these teachings when they were used by the Freeman said, “[E]very other commitment that they espouse—however unconnected from other parts of their agenda it may seem at first—flows from the belief that the Bible was written for the white race only.”<sup>21</sup> Some Freeman agreed with Gale’s assertion that Christians were, and always had been, the only Israel.

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<sup>19</sup>Gen. 1:15.

<sup>20</sup>Wesley Swift, “God, Man, Nations, and the Races,” sermon delivered January 27, 1963, Hollywood, CA. Quoted in Levitas, 81. Spelling of Adam in the original speech text.

<sup>21</sup>Walters, *One Aryan Nation Under God*, 12.

Following his unsuccessful challenge to Richard Butler as the successor in Swift's church, Gale formed his own congregation and sought members by using pre-recorded cassette tapes and a newsletter, *IDENTITY*. Working with tax protesters Arthur Porth and Jim Scott, Gale educated people about the alleged Internal Revenue Service (IRS) usurpation of governmental power and the necessity of shutting down the agency. Soon followers began to call for a tax strike, calling the action "a moral imperative by the pages of time in the white man's long struggle to retain his liberty from the ambition of tyrants of all descriptions."<sup>22</sup> Thus, starting in the mid 1970s, the radical right connected taxation to white rights. Gale's work connected the radical right's arguments into a single narrative: the existence of an unholy alliance of communists and Jews hurting middle-class Americans through taxation. Gale energized the anti-tax movement despite the federal prosecution of several friends for tax evasion and judicial refutation of his legal arguments. In fact, the risk of prosecution seemed slight, as his friend Arthur Porth served only seventy-seven days of a five-year sentence for tax evasion.<sup>23</sup> Gale's anti-tax argument provided the Posse Comitatus with a specific agenda that eventually reached more converts than Richard Butler's Aryan Nations.

Despite the heated rhetoric from the Posse for execution of those who violated local opinion, the threat to officials seemed slight. From its inception, the Posse Comitatus had separatist goals to reestablish a decentralized government, reminiscent of localist ideology in

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<sup>22</sup>Martin A. Larson, "The Great Tax Strike," *American Mercury* 108 (Summer 1972), 3-4.

<sup>23</sup>Levitas, *The Terrorist Next Door*, 101.



seventeenth-century England. This plan assumed that the local sheriff would be independent from the control of higher-ups. According to one Posse pamphlet:

The unlawful use of County Sheriffs as LACKEYS of the Courts should be discontinued at once. There is no lawfull [sic.] authority, for Judges and the Courts to direct the law enforcement activities of a County Sheriff. The Sheriff is accountable and responsible only to the citizens who are the inhabitants of his County.<sup>24</sup>

The Posse Comitatus exhorted fellow “Patriots” to be intolerant of such violations of the law. It asked men to do their duty and fight the lawless groups in power who “destroy our freedoms and mak[e] us serfs of a ONE-WORLD GOVERNMENT, ruled by the ANTI-CHRIST.”<sup>25</sup> The Posse’s argument consistently advocated a form of radical decentralization of government, a key plank of later Freemen ideology.

By the mid-1970s, the harsh tone of the Posse activity attracted members willing to take a militant stand against state and federal officials and the risk of confronting the group increased. As Posse ideology spread throughout the West and Midwest, from Mariposa County, California, to Bonner County, Idaho, agents at FBI headquarters saw a worrisome trend. The local Wisconsin Posse kidnaped an IRS agent, held him for several hours, and assaulted him. The following year, an Illinois Posse member earned a contempt-of-court charge during a divorce hearing for refusing to acknowledge the court. In San Joaquin County, California, the Posse attempted to prevent organizers from the United Farm Workers from speaking to laborers, despite a court order. After the Posse drove them off,

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<sup>24</sup>“It Is the Duty of Government to Prevent Injustice—Not to Promote It,” quoted in Lyman Tower Sargent, ed. *Extremism in America: A Reader* (New York: New York University Press, 1995), 346.

<sup>25</sup>Ibid, 348.

sheriff deputies and Posse members exchanged weapons fire. Although no one was seriously injured in these events, a new, tougher Posse gained momentum. The best estimates of the FBI established the national membership of the Posse Comitatus at between twelve and fifteen thousand with twelve times that number sympathetic to the Posse's goals.<sup>26</sup>

The Posse's militancy also grew in the Northwest. Although some Posse members introduced their ideas to a mainstream urban audience through organizations with innocuous sounding names, like the Northwest Regional Posse Comitatus and Tax Convention, others used violence. In Stanfield, Oregon, a Posse member, armed with dogs and guns, attempted to take over a large wheat and potato farm to settle a land dispute. Richard Butler, leader of the Aryan Nations, led his followers in an unsuccessful attempt to arrest Roger Davis, a Coeur d'Alene, Idaho, police officer who was scheduled to testify in court on an assault charge against a Posse member.<sup>27</sup>

Gale's religious teachings inspired Posse recruiters like James Wickstrom. Wickstrom joined the movement in 1975 and used Posse beliefs to blame the farm crisis on Jewish "land-grabbing devils" intent on "financially and morally rap[ing] the WHITE CHRISTIAN PEOPLE."<sup>28</sup> The message included elements of Christian Identity, telling farmers that Jews were biblically cursed, and a "race of serpents." By the early 1980s,

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<sup>26</sup>Diamond, *Roads to Dominion*, 158-159.

<sup>27</sup>"Roots of Common Law: An Interview with an Expert on the Posse Comitatus" *Intelligence Report* 90 (Spring 1998). Daniel Levitas was the expert interviewed.

<sup>28</sup>James Wickstrom, *The American Farmer: Twentieth Century Slave* (Wisconsin Posse Comitatus, c. 1978).

Christian Identity had spread even farther than Wesley Swift or William Gale could have predicted. Two compounds fueled much of the early growth of Christian Identity: Richard Butler's Aryan Nations in Hayden Lake, Idaho, and the Covenant, the Sword and the Arm of the Lord (CSA), established by James Ellison on the border between Arkansas and Missouri at Bull Shoals Lake. Although Christian Identity had few supporters within close proximity to these areas, training seminars and media materials spread the ideology. These two organizations promoted CI to a larger public, often with the support of wealthy donors.

As with the Posse Comitatus, Christian Identity still had no central authority for orthodoxy. Swift, Gale, and their compatriots held a general set of beliefs but modified beliefs as circumstances changed. For example, Gale's earth-populating aliens were replaced in most pamphlets with "mud people" that a supreme being created prior to Adam and Eve. In the 1970s, CI traced two lines of ancient Jewish origin, the mating between Eve and Satan, and the conversion of the barbaric Khazar tribe to Judaism.<sup>29</sup> Selective interpretations of the Bible abounded, mixing ancient texts with modern books to vilify the Jews and portray them as the enemy.

By 1971, Gale's idea of a Posse Comitatus had blossomed. He focused on four major issues that fused religion and politics: federal intervention in education, the Federal Reserve System, the graduated income tax, and the judiciary's "unconstitutional" activism. Until his death in 1988, Gale remained a significant voice for his brand of Christianity that questioned the authority of the federal and state governments and that inspired the Posse

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<sup>29</sup>Jeffrey Kaplan, *Radical Religion in America: Millenarian Movements from the Far Right to the Children of Noah* (Syracuse: Syracuse University Press, 1997), 48.

Comitatus, Christian Identity, and, later, the Montana Freeman. While he had sculpted the message, another courier delivered it to a broader audience.

Henry Lamont “Mike” Beach of Portland, Oregon, had listened to Gale’s tapes with growing interest. Beach had longstanding connections to the radical right through William Dudley Pelley’s Silver Shirts, an American fascist movement during the 1930s and 1940s. During World War II, Beach’s Silver Shirt involvement prompted a government investigation into his possible subversive activities. The U.S. Supreme Court viewed Beach as a security threat and mandated that he move more than 150 miles inland (to prevent spying for Nazi Germany).<sup>30</sup> By the 1970s, although he had been politically inactive for thirty years, Beach, prompted by Gale’s tapes, renewed his mission. He marketed the Posse Comitatus to new converts, effectively spreading Gale’s ideas. The key publication that commercialized the Posse Comitatus, Beach’s *Blue Book*, plagiarized Gale’s writings and bore the exact title of a John Birch publication. Beach operated by mail, offering the *Blue Book* for a quarter and a local chapter charter for seven dollars. Shorn of Gale’s blatant anti-Semitism, the tract’s message focused on purported government corruption and the dire need for radical decentralization.

American voters never seriously considered William Porter Gale’s political vision. His ideology, however, contributed to conservative arguments, particularly on taxes. By the late 1960s, the backlash against the Great Society revitalized anti-government, especially anti-tax rhetoric. The West played a key role as states copied California’s Proposition 13, which severely limited property tax increases. Churches became more conservative during

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<sup>30</sup> Levitas, *The Terrorist Next Door*, 119.

the period as well, with evangelicals and fundamentalists reading the Bible literally while many of America's established faiths saw a decline in memberships. Finally, both right and left argued for greater local control. From this strange brew of political ideas, the Posse's three components gained traction.<sup>31</sup>

Beach's increasing popularity quickly drew the attention of the Federal Bureau of Investigation (FBI). Concerned with an increasing level of extremist activity, FBI headquarters designated the Portland office to become the regional center for monitoring Posse activities in the Northwest. Strangely, according to author Daniel Levitas, some agents refused to use undercover methods or pursue information on group activity despite orders from FBI headquarters and reports that Posse members were armed and dangerous. The Posse was a priority at Bureau headquarters in Washington, D.C., but field agents' reports played down its threat. One agent in Butte, Montana, reported that he did not plan to interview any members of the Kootenai County Posse Comitatus members who attempted to arrest a local patrolman. The agent ignored requests from headquarters to file a fuller account. In Oregon, the Multnomah County sheriff's department did not think much of the organization's threat. One deputy said, "If brains were gunpowder, they couldn't blow their nose."<sup>32</sup> This low opinion may have been planted in the deputy's mind by an informant who

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<sup>31</sup>Mark Hamilton Lytle, *America's Uncivil Wars: The Sixties Era from Elvis to the Fall of Richard Nixon* (New York: Oxford University Press, 2006); Bruce Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (Cambridge, MA: Da Capo Press, 2001); Rick Perlstein, *Before the Storm: Barry Goldwater and the Unmaking of the American Consensus* (New York: Hill and Wang, 2001); Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001); Maurice Issermann and Michael Kazin, *America Divided: The Civil War of the 1960s* (New York: Oxford University Press, 2000).

<sup>32</sup>Marvin Woidyla, interview by Daniel Levitas, in *The Terrorist Next Door*, 153.

had infiltrated the organization in 1974. Unknown to the county, the spy sympathized with the Posse. “I think we lost him after the second meeting,” one officer remembered.<sup>33</sup> Even with clear information of a threat, it would take a month to get an undercover agent in place.

Many in the FBI perceived the goal of Posse members was to embarrass officials. Yet, law enforcement’s ambivalence toward the Posse only emboldened its membership to portray themselves as the true lawmen. Some purchased sheriff’s stars from a local manufacturer and brandished them in Portland. Only one imitator received a fine and spent a hundred days in jail. By late 1975, many offices closed their investigations on the Posse Comitatus. The culture of the FBI made radical-right extremism a low priority. Field agents saw that promotions would not be gained through these investigations, and many agents wanted more “real” casework. Additionally, the FBI had recently gone through the embarrassing disclosure of the COINTELPRO program, authorized by FBI Director J. Edgar Hoover, that included spying illegally on civil rights groups and other political activists from the 1950s through the 1970s. Journalists and congressional investigations exposed the FBI’s illegal surveillance department and characterized it as the “most dangerous manifestation of J. Edgar Hoover’s countersubversive and anti-democratic ideology during his fifty-year reign as director of the FBI.”<sup>34</sup> The exposure of illegal surveillance methods helped the Posse’s argument because it made the FBI look like a power-hungry bureaucracy. Although the Posse had not been a target of COINTELPRO, it used the revelation of illicit FBI activity to

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<sup>33</sup>Ibid.

<sup>34</sup>Michael Cohen, “COINTELPRO,” in *Conspiracy Theories in American History: An Encyclopedia* (Santa Barbara, CA: ABC-CLIO Inc., 2003), 1:185.

justify its fears of government persecution. Because of the recent revelations and the political nature of the Posse's actions and Beach's pamphlets, FBI headquarters hesitated to initiate or maintain investigations. This political focus blinded agents to the growing militance of the Posse. The local policing authorities and the FBI acted slowly in investigations and assumed self-proclaimed leaders, like Mike Beach, should receive the greatest attention.

The FBI's limited investigation caused it to miss another aspect in the developing ideology within the Posse Comitatus. The radical decentralization of government espoused by the group applied to its operations, too. The Posse broke down hierarchy and encouraged autonomy within its membership, an organization detail missed by the government's agents. While the FBI focused on the public face of the Posse, Mike Beach became increasingly marginal because he continued to focus on local issues. He also toned down the rhetoric of the *Blue Book*, by eliminating references to hanging as an acceptable form of execution for public officials. Behind the scenes, however, more violent members of the Posse advocated tax protest, racism, and anti-Semitism. Often, members layered their own concerns on top of Posse rhetoric to generate interest. Thus, William Gale's radical decentralization arguments found support in the mainstream of American society, even if his religious beliefs failed to find a larger audience.

Toward the end of the 1970s, interest in the Posse Comitatus peaked as it began to address troubled farmers and ranchers. The lengthy legal battles fought by thousands of farmers in the 1980s shook their belief in a fair court system. The agricultural crisis augmented a foundational membership of those deeply distrust of government who were

urban and cosmopolitan with farmers and ranchers radicalized by their run-ins with authorities responsible for federal land-management and commodity-support programs.<sup>35</sup>

It was within these circles in the late 1970s and early 1980s that the Posse's radical decentralization plan started to resonate. Resentment toward the national government was prominent among westerners, especially regarding land policy. In 1979, the Nevada Legislature attempted to gain control over all Bureau of Land Management acreage in the state, approximately forty-nine million acres.<sup>36</sup> The Sagebrush Rebellion brought together a variety of property rights advocates who wanted exclusive state authority over federal lands in Nevada, which state authorities would administer and possibly sell to private individuals. It was not entirely clear whether any sales of public lands would go to the ranchers who overwhelmingly supported the rebellion. In a flurry of action, six state legislatures voted to enact a similar statute.<sup>37</sup> Five western states failed to muster a majority or had a bill vetoed by the governor.<sup>38</sup> In Montana, which had the fewest acres of federal and Indian land among the eleven western states, the issue cleaved along population rather than partisan lines. Urban Democrats unanimously opposed the lands bill, while 96 percent of rural Republicans favored the legislation.<sup>39</sup> Urban Republicans were more tepid in their support, 57 percent

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<sup>35</sup>Diamond, *Roads to Dominion*, 261-262, 275.

<sup>36</sup>Patricia Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton & Company, 1987), 47.

<sup>37</sup>The states were Nevada, Washington, Wyoming, Utah, New Mexico, and Arizona. Washington's bill was voided by referendum and Arizona's bill was vetoed by the governor, then overridden by the legislature.

<sup>38</sup>The states were Idaho, Colorado, Montana, California, and Oregon.

<sup>39</sup>John G. Francis and Richard Ganzel, *Western Public Lands: The Management of Natural Resources in a Time of Declining Federalism* (Totowa, New Jersey: Rowman & Allanheld Publishers, 1984), 39-40.



compared to 67 percent among rural Democrats, who by a two-to-one margin favored the legislation. By 1981, the fervor on the part of state legislatures died relatively quickly when the new Reagan administration claimed to support states' rights. Much of the fight seemed to pivot on who had authority, and some westerners wanted local governments to exercise power.<sup>40</sup>

In 1977, the newly organized American Agricultural Movement (AAM) announced a platform that supported farmers, but acknowledged that there were legitimate arguments among members on the political right and left about agricultural policy, such as parity. AAM garnered additional support from conservative agrarian production groups like the National Organization for Raw Materials (NORM). NORM leaders argued that the basis of all new wealth came from natural resources, echoing a theme common in AAM. Charles Walters' book, *Unforgiven*, became the fullest explanation of NORM's themes. Within NORM and AAM, members supported a conspiratorial view that denying producers just prices for commodities enriched the elite, choked credit lines, and deprived producers of deserved income. As historians Patrick Mooney and Theo Majka point out, "This adaptation of a Marxist labor theory of value and ruling-class theory blended with right-wing literature that contained anti-Semitism and saw conspirators as interested in eroding democracy, family, individualism, and patriotism so as to facilitate the emergence of a world government that would be their more effective servant."<sup>41</sup> The AAM lobbied Congress to

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<sup>40</sup>Ibid., 43.

<sup>41</sup>Patrick Mooney and Theo Majka, *Farmers' and Farm Workers' Movements: Social Protest in American Agriculture* (New York: Twayne Publishers, 1995), 105.

change farm legislation and found champions like Kansas Republican Bob Dole. The effort, however, was successfully parried by agri-business groups and other larger farming organizations with better financing, like the Farm Bureau. Large farmers, represented by the bureau, favored unlimited production of commodities. Farm legislation through the era reflected these arguments since a surplus of commodities would lead to lower consumer prices and fuel commercial farms' profits with subsidies. For some within the NORM and AAM, this only confirmed their conspiratorial views.

Since the late 1800s, farmers had battled any economic policy that tightened the money supply or deflated prices. Even more than Charlie Walters, the author of *Unforgiven* and a man familiar to the Clark family, some farmers started to believe that a conspiracy among international bankers had corrupted the system. Seldon Emry, a minister at the Lord's Covenant Church in Phoenix, Arizona, published a pamphlet that spoke to farmers' economic troubles.<sup>42</sup> In *Billions for the Bankers, Debts for the People*, Emry argued that the Federal Reserve System violated God's law. Using quotes from Timothy, Exodus, Leviticus, and Deuteronomy, Emry equated the Bible's condemnation of usury to the illegal nature of the Federal Reserve System.<sup>43</sup> He then urged debt-ridden individuals to opt out of an unjust banking system, and restore righteousness with God by not paying debts to the

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<sup>42</sup>Levitas, *Terrorist Next Door*, 181.

<sup>43</sup>“The love of money is the root of all evil” (1 Timothy 6:10); “If thou lend money to any of my people that is poor by thee, thou shalt not be to him as a userer, neither shall thou lay upon him usury” (Exodus 22:25); “Take no usury of him, or increase . . . thou shalt not give him thy money upon usury” (Leviticus 25:36-37); “Unto thy brother thou shalt not lend upon usury: That the Lord thy God my bless thee” (Deuteronomy 23:20).

“MONEY-LENDERS CONSPIRACY.”<sup>44</sup> Emry’s ideas became enmeshed among a faction in a farm activist organization, especially the AAM.

At least some of the leaders of the AAM allied themselves with like-minded individuals in the Posse Comitatus. Lacking support from government programs or in some cases victims of them, some rank and file members of the AAM were increasingly willing to blame the banking system. By 1980, according to author Daniel Levitas, *AAM News* shifted away from arguing the real causes of farmers’ problems—parity prices, commodity production controls, stricter regulation of the Federal Reserve, and a moratorium on foreclosures—and toward publishing tracts from Wisconsin Posse leader James Wickstrom.<sup>45</sup> Posse leaders like Wickstrom enjoyed using the AAM as a legitimate cover for their cause. The elimination of good will between the organization and national politicians gave farmers fewer places to turn for relief.

Wickstrom’s words also strained ties between some farmers and their local ministers by calling the clergy “false prophets” for failing to warn their congregations about the anti-Christian nature of world Jewry and the planned takeover of American farms.<sup>46</sup> The pamphlet called the income tax illegitimate. In 1982, James Wickstrom and William Gale gathered with fifty-six like-minded individuals on an AAM activist’s farm in the Midwest. They trained farmers in insurgency methods and devices: explosives, guerrilla warfare, and hand-to-hand

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<sup>44</sup>Leonard Zeskind, *The “Christian Identity” Movement: Analyzing Its Theological Rationalization for Racist and Anti-Semitic Violence* (Atlanta: Division of Church and Society of the National Council of Churches of Christ in the U.S.A., 1987), 40.

<sup>45</sup>Levitas, *The Terrorist Next Door*, 182.

<sup>46</sup>*Ibid.*, 179.

combat. The growing influence of the Posse in the AAM circles coincided with the emergence of the financial trials of Gordon Kahl, a North Dakota farmer who became a rebel celebrity among the Posse.

In the early 1980s, Kahl dramatized the plight of farmers as he spread Posse ideology. He learned the hard lessons of farming on his family's homestead, where he also enjoyed hunting and playing the piano. During the Great Depression, he worked for the Civilian Conservation Corps, a New Deal job program, and then picked fruit in California. During World War II, he earned an impressive list of citations, including a Silver Star, for his duty as a B-25 tailgunner. Upon his return to the states in 1945, his political views gained a conspiratorial edge. Amid the deep patriotism of the armed services, some officers used the barracks as a forum to voice their strong opposition to President Franklin Roosevelt's wartime administration and the New Deal. As Kahl's wife later said, "When Gordon returned from World War II he realized something was drastically wrong in the United States, but he didn't know what."<sup>47</sup> Kahl read the anti-Semitic text *The International Jew: The World's Foremost Problem*, which outlined a supposed plan among Russian Jews to control the world. Although the book's financier, automobile entrepreneur Henry Ford, had publicly spurned the publication in 1929, it captured Kahl's interest. Kahl's belief in the Jewish conspiracy made it easier for him to take the next step toward the Christian Identity movement.

From the 1950s to his death in 1983, Kahl preached Christian Identity's message. Consistent with the Christian Identity theology, he believed that as a white male, he was a true

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<sup>47</sup>James Corcoran, *Bitter Harvest: Gordon Kahl and the Posse Comitatus: Murder in the Heartland* (New York: Viking Press, 1990), 47.

Israelite, the chosen of God. His neighbors recounted that he discussed how the Anglo-Saxons, Scandinavians, Germans, and other northern Europeans migrated to their homeland from Israel and then to the true holy land, the United States. Conversely, he said, Jews helped Satan on Earth to destroy civilization. According to Kahl, whites had founded and maintained all great civilizations. Therefore, to keep Western civilization alive, whites must band together to drive out the evil forces of Satan consisting of the Jews, racial minorities, and non-believers.<sup>48</sup>

Kahl read about Mike Beach's Posse Comitatus and started appearing on local television programs, describing why he refused to pay taxes and urging others to follow his lead. In 1975, the IRS indicted him for failing to file his income taxes, and subsequently he spent three years in jail, from 1977 through 1979. Although the court ordered him to pay his taxes, he still refused.<sup>49</sup> To recoup the \$25,000 that Kahl owed, the government placed a lien on his eighty acres and issued an arrest warrant. The attention made him a perfect recruiter for the Posse: a troubled farmer whose speaking skills allowed him to communicate his hatred of government and belief in Christian Identity. In Kahl's words, "When you become a Christian, you put yourself on the opposite side of the government. You cannot serve Satan and be a Christian at the same time."<sup>50</sup> Later, as a recognized leading tax protestor and member of the Posse Comitatus, Kahl told followers, "Jews are now behind the theft of family farms in America; and their flunky Masons are involved in it up to their ears."<sup>51</sup> His continued tax

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<sup>48</sup>Betty A. Dobratz and Stephanie L. Shanks-Meile, *The White Separatist Movement in the United States: "White Power, White Pride!"* (Baltimore: Johns Hopkins University Press, 1997), 76.

<sup>49</sup>Levitas, *The Terrorist Next Door*, 193.

<sup>50</sup>Ibid., 194.

<sup>51</sup>Ibid., 195.

evasion and troubles with the IRS led to an FBI investigation. When six federal officials and a local lawman attempted to arrest him near Minot, North Dakota, a shootout between them and Kahl's protectors left five officers dead or wounded. Kahl escaped and went into hiding until federal agents killed him in 1983 in Arkansas following an exchange of volleys.<sup>52</sup>

Kahl's efforts to evade federal taxation struck a sympathetic chord with debt-ridden and anti-tax individuals. At the time of Kahl's death, the IRS announced that 58,000 illegal tax-protest forms had been filed, up ten fold from five years earlier.<sup>53</sup> Significantly, as small circulation publishers helped spread the Posse's message into previously untapped areas, the ideology of the Posse became increasingly intertwined with the rural agriculture crisis.

Publisher Roderick "Rick" Elliot dispensed a small but successful weekly tabloid, the *Primrose and Cattleman's Gazette*, from Colorado. His publishing career started after his incarceration in the Utah State Penitentiary for passing bad checks, unlawful flight, and selling securities without a licence.<sup>54</sup> The *Gazette* operated for seven years as an innocuous newspaper that discussed rural matters. By 1981, however, the paper had become an outlet for the Posse's economic and religious views. The paper offered a six-part series on *The Hidden Tyranny: The Issue That Dwarfs All Other Issues*. Reminiscent of the anti-Semitic *International Jew* series of the 1920s, the *Hidden Tyranny* outlined a Jewish plan to take over the world.<sup>55</sup> Elliot played

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<sup>52</sup>Corcoran, *Bitter Harvest*, 248.

<sup>53</sup>Levitas, *The Terrorist Next Door*, 201.

<sup>54</sup>*Ibid.*, 225.

<sup>55</sup>To prove the Jewish conspiracy, Elliot cited an interview with Harold Rosenthal, an administrative assistant to a U.S. Senator, who was murdered by Arab terrorists. With Rosenthal's death, the interview's authenticity was never proven. The interviewer was an associate of the anti-Semitic minister Gerald L. K. Smith. Levitas, *The Terrorist Next Door*, 226.

to the worst stereotypes of Jews, Asians, and Latinos, placing articles into the *Gazette* from fascist and anti-Semitic writers like William Pierce, author of the *Turner Diaries*. After trumpeting the Jewish threat to America, Elliot published several tracts calling for a farm strike and 100 percent parity. In late 1982, he formed the National Agricultural Press Association (NAPA). He traveled to rural areas, holding out hope for farmers embroiled in economic troubles by offering programs on how to stop foreclosures. Elliot's bogus financial advice had misled many farmers, causing them to miss court-filing deadlines, which weakened their court cases' standings.<sup>56</sup>

But by 1986, after failing to pay back \$256,500 in loans, Elliot faced nineteen counts of fraud in Colorado.<sup>57</sup> Seeking greener pastures he organized a NAPA chapter in Montana.<sup>58</sup> Although local newspapers reported on his fiscal shenanigans, he drew a crowd of ninety farmers and ranchers to a meeting along Montana's Hi-Line in Malta. Elliot downplayed the seriousness of the charges against him by acknowledging that he did not "meet the public very well and is too controversial."<sup>59</sup> The Montana meeting of NAPA reflected a shift in marketing the Posse's message. Gone were the harangues against Jews and calls for violence. Instead, a greater reliance on civil suits against the Federal Reserve System and local banks promised a home-grown remedy for farmers in turmoil. Questioning the legitimacy of attorneys, NAPA had developed lawyer-free legal answers. One Elliot sympathizer referred to Sarah Vogel, the

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<sup>56</sup>Levitas, *The Terrorist Next Door*, 228.

<sup>57</sup>"How to stop farm foreclosures is program at Malta meeting," *Billings Gazette*, 13 January 1986.

<sup>58</sup>Levitas, *The Terrorist Next Door*, 246.

<sup>59</sup>Bert Linder, "NAPA seeks farmers to sue credit system," *Great Falls Tribune*, 14 January 1986.

lawyer who had helped Ralph Clark, as an “agent of Satan.”<sup>60</sup> Despite her help to thousands of farmers, NAPA’s adherents villainized Vogel and the legal profession, arguing that they made themselves the repository of specialized legal knowledge. Many of the lawyers who helped farmers win class action lawsuits against the FmHA denounced Elliot and others for defrauding farmers in pursuit of a radical agenda.

While the hard-line Posse Comitatus movement faded in the mid-1980s, its philosophy of decentralized government authority continued to reach an audience eventually inspiring the Freemen. Although Gordon Kahl died before the era of the Freemen, the “lessons” he drew from the Christian Identity and Posse Comitatus movements shaped the ideology of a second generation of believers. Although, Wickstrom and Gale advocated a racist and anti-Semitic view that was well outside the mainstream of Montana politics, financially stressed farmers listened to voices that addressed their situation. In the late 1980s, cult expert Jim McCarthy analyzed the Posse’s recruiting scheme: “The Posse goes out to people who are under attack, who see their entire way of life disappearing while they stand by helplessly. . . . The Posse . . . offers its adherents support, solidarity, the comfort of a like-minded people, and the chance to do something about what they perceive is running their lives.”<sup>61</sup> The Posse offered powerless individuals control of their lives in two ways. First, it gave the legal instructions to escape debt; then Christian Identity provided religious sanction from God. Only with the conflation of these twin justifications did the radical right gain traction in Montana.

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<sup>60</sup>Reverend David L. Ostendorf, memo to key rural contacts, fall training participants and invitees, “Rural Radical Right Update,” *PrairieFire*, 27 January 1986.

<sup>61</sup>Jim McCarthy, quoted in Daniel Stern, *A Force Upon the Plain* (New York: Simon & Schuster, 1996), 3.



The individual most responsible for making this happen was Martin J. “Red” Beckman. Beckman, a former hubcap salesman, long-time Montanan, and small-time rancher, became a popular lecturer on anti-tax issues.<sup>62</sup> He refused to pay taxes, relishing an ongoing legal battle with the IRS from 1974 to 1994. In speeches, Beckman offered himself as proof that the federal government lacked authority to collect taxes. Based on his loose interpretation of the Fourth, Fifth, and Sixth Amendments in the Bill of Rights, he cobbled together a legal argument to shield himself from prosecution for tax evasion.<sup>63</sup> Beckman’s defining contribution, however, came from his argument that the Sixteenth Amendment to the Constitution had never been ratified.<sup>64</sup> Therefore, Beckman asserted, the IRS lacked the authority to demand information about a citizen’s earnings.

Despite his reliance on the Constitution, Beckman’s argument had a serious legal flaw. According to Beckman and his co-author William J. Benson, the Sixteenth Amendment never passed state legislatures because small errors in the document given to legislators changed the meaning of the document. The pair suggested that the typographical errors invalidated the states’ approval of the amendment. Legal scholars discounted the validity of the duo’s legal argument: “Contrary to the claims made by Benson & Beckman, there is no evidence that any ratification of any amendment was ever invalidated because of some typo in repeating the proposed amendment, and in fact there is a distinct shortage of precedents for invalidating an

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<sup>62</sup>Wade Lambert, “More Angry Men: Militias are Joining Jury-Power Activists to Fight Government,” *Wall Street Journal*, 25 May 1995, sec. 1A, p. 1.

<sup>63</sup>Martin J. Beckman, *Do Unto the I.R.S. as They Would Do Unto You* (Billings: Common Sense Press, 1983), 9-11, 21.

<sup>64</sup>Martin J. Beckman and William J. Benson, *The Law That Never Was* (South Holland, IL: Constitutional Research Associates, 1985).

Act of Congress because of a comparable typo distinguishing the bills adopted by the House and the Senate.”<sup>65</sup> Both men paid a price for their poor legal analysis, as the government repossessed Beckman’s property and Benson served jail time.<sup>66</sup>

While his case worked its way through the system, Beckman also urged followers to assert their legal rights via the ballot box, grand jury duty, and trial juries. An individual could “vote” to restrain government through tax nullification, by refusing to indict any individual of income tax evasion or by finding them innocent when serving on a jury. Beckman believed the privilege of nullifying a law did not apply to all citizens. Those paid through government funds—teachers, firemen, or politicians to name a few—were tainted by their connection to the government and could not exercise their “votes.” Beckman argued that only “non-tax consumers”—citizens with jobs outside of government payrolls—had the right to serve on a jury. Beckman, therefore, undermined any notion of equality in citizenship by dividing rights between “authentic” citizens and public servants.

Beckman gave followers permission to lie. “If you are called for Grand Jury or Trial Jury, put on whatever act you must to get on the Jury,” Beckman advised.<sup>67</sup>

Don’t ever let them know how much you know. Wait until the Jury begins its deliberations to show your knowledge. . . . You will show how intelligent you are by acting the part of the brain-washed voter. Your tax-consuming public servants and

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<sup>65</sup>ADL Law website, *US v. Thomas* (7th Cir 1986) 788 F2d 1250 cert.den 479 US 853.

<sup>66</sup>Benson was convicted of tax evasion and sentenced to four years of prison followed by five years probation. *US v. Benson* (7th Cir 1995) 67 F3d 641 reh.den 74 F3d 152. It appears he violated the terms of his parole. Beckman lost his home in 1994 after a lengthy court battle. Lambert, “Militias Are Joining Jury-Power Activists To Fight Government.”

<sup>67</sup>Beckman, *Do Unto the I.R.S.*, 72.

politicians have been covering up a bad act for years. Now it is your turn to put on a good act and they won't be able to cover-up their act any longer.<sup>68</sup>

In Beckman's view, because judges and lawyers strike citizens who know too much law from any jury, deception was necessary. Beckman asked prospective jurors to answer one question: "[I]s the defendant a threat to you, your family or your community?"<sup>69</sup> For criminal offenses identified in the Bible, like theft, rape, and murder, a jury should convict the guilty. Regarding civil matters, however, the jury member could nullify an unjust law.

Beckman's arguments spawned the Fully Informed Jury Association, led by Larry Dodge and Don Doig. The pair often called Red Beckman the "granddaddy" of the FIJA.<sup>70</sup> Within eighteen months, the FIJA seemed to be on the cutting edge of law. In 1991, the *American Bar Association Journal* outlined FIJA's arguments in an article that focused on the emerging interest in jury-rights bills pending in sixteen states and being lobbied in thirty-five states.<sup>71</sup> Interestingly, the article did not mention that jury nullification seemed to clash with legal precedent under *Sparf and Hansen v. United States*, an 1895 U.S. Supreme Court case, and *People v. Dillon*, a 1983 California Supreme Court decision. The article found its way to Garfield County's residents when the *Jordan Tribune* republished it.

In Beckman's view, democracy was a curse, and restoration of a republic required jury nullification. His writings often drew a sharp distinction between a "Democracy" and a

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<sup>68</sup>Ibid., 72.

<sup>69</sup>Ibid., 104

<sup>70</sup>Lambert, "Militias Are Joining Jury-Power Activists."

<sup>71</sup>Ted Cilwick, "Power to the Juries," *American Bar Association Journal* 77 (June 1991), 18. Reprinted in the *Jordan Tribune*, August 29, 1991.

“Republic.”

In a Democracy the majority is sovereign. When the majority begins to vote themselves benefits from the public treasury, you will find creative, productive individuals are plundered. In a Democracy individuals who produce wealth are penalized and those who do not produce wealth are subsidized. In our Constitutional Republic, the individual is King and the government has no power to write law that will loot and plunder the wealth produced by the sovereign individual.<sup>72</sup>

Reinforcing his point, Beckman later explained his war on democracy and his faith in jurors:

“Our present government should be thrown onto the junk heap of history. . . . Our jury votes can trash our present government and bring our lawful government back in a peaceful and orderly process.”<sup>73</sup> Beckman’s greatest hope was that the “sacred cow, we call democracy and majority rule” would be rejected by property owners in favor of a republic.<sup>74</sup> “In our Republic,” Beckman stated, “the individual has the final say on the law because he is sovereign.”<sup>75</sup> In other words, “authentic” citizens would judge if a law should be followed. “A Caesar [government] is forbidden by law,” Beckman wrote, since “our government is to be a lower power than man.”<sup>76</sup> By extension, Beckman argued, “One person on the Jury has more power than the President, all of the Congress and all of the Judges including the nine Justices of the Supreme Court.”<sup>77</sup> Beckman argued, throughout his tax-protesting career, that such radical

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<sup>72</sup>Beckman, *Born Again Republic*. Quoted in Zeskind, *The “Christian Identity” Movement*, 37.

<sup>73</sup>Beckman, *Walls in Our Mind*, 42-43. Quoted in Devin Burghart and Robert Crawford, *Guns and Gavels: Common Law Courts, Militias & White Supremacy* (Portland: Coalition for Human Dignity, 1996), 8.

<sup>74</sup>Ibid.

<sup>75</sup>Beckman, *Do Unto the I.R.S.*, 162.

<sup>76</sup>Martin J. Beckman, *The Church Deceived* (Billings: Common Sense Press, 1984), 111.

<sup>77</sup>Beckman, *Do Unto the I.R.S.*, 143.

decentralization would render unjust laws unenforceable. The unspoken assumption that certain men were above government, an idea the Montana Freemen later emphasized.

Beckman extended his anti-tax stand from the jury box to the pulpit. If a minister refused to condemn the income tax, or if his or her church filed for tax exempt status, that preacher was “telling a lie,” because they acknowledged the government’s sovereign power to tax citizens.<sup>78</sup> Romans 13:1-7 particularly bothered Beckman. In that scriptural passage Jesus said, “Render unto Caesar that which is Caesar’s.” According to Beckman, that quotation did not apply to United States citizens since the nation had no “Caesar” who is a higher power. “Religious leaders are masters at changing the meaning of words or whatever they must do to justify their particular doctrine,” Beckman argued, adding, “These men of the cloth are masters of deception and twisted logic.”<sup>79</sup> In fact, “Not only is such a preacher telling a lie, he is also guilty of treason.”<sup>80</sup> Beckman demanded that readers purify their churches by casting out these wayward ministers.

Beckman often painted a world of dichotomies, and in the case of religion he saw a world divided into a “For-Christ Church” and an “Anti-Christ Church.”<sup>81</sup> The Coalition for Human Dignity stated that Beckman’s Anti-Semitism earned him respect among “organized bigots.”<sup>82</sup> Beckman’s assertions soft-pedaled the hate that typified the Posse era after Gordon

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<sup>78</sup>Ibid., 108.

<sup>79</sup>Ibid., 41, 109.

<sup>80</sup>Ibid., 108.

<sup>81</sup>Beckman, *The Church Deceived*, 35.

<sup>82</sup>Burghart and Crawford, *Guns & Gavels*, 10.

Kahl's shootout. This restraint, however, thinly veiled Beckman's reading of the Bible regarding Jesus's death. Many religious scholars have placed Jesus at the center of his own death to fulfill prophecy or attributed responsibility to Pontius Pilate as the head of civil authority. Beckman argued that the Jews held greater sway than the "kangaroo court" of the Romans, and murdered Jesus against his wishes.<sup>83</sup> As a result of the Jews' betrayal of Jesus, God forsook them, as Beckman explained:

The nation of Judah was destroyed by the Babylonian army because of the evil choices of political and religious leaders. The people [Jews], who believed and served Satan as their god, have been judged many times in this church age. They were forced to exodus from Portugal, Spain, Hungary, and in our recent history, we saw the judgment of a Holy God upon this Anti-Christ religion. They talk about the terrible holocaust of Hitler's Nazi Germany. Was that not a judgment upon a people who believe Satan is their god? It was a judgment, not a holocaust, when Judah was destroyed in Jeremiah's day. Every nation that had been used by the true God to judge the Anti-Christ and Satan's chosen religion, has been evil itself and has also been judged. The true and almighty God used the evil Nazi government to perform judgment upon the evil Anti-Christ religion of those who had crucified the Christ. . . . The Anti-Christ church was not a victim during World War II because they were getting their just reward for their evil choices.<sup>84</sup>

Beckman's category of "Anti-Christ" churches went far beyond the Jewish faith to include anyone outside his small circle of belief. "Church membership has become a trap for millions of people who choose to accept the role of a religious puppet," he argued, "People choose not to question what they are taught, or told, by a religious leader. Such leaders, who choose to manipulate individuals as puppets, are the world's most dangerous people."<sup>85</sup>

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<sup>83</sup>Beckman, *The Church Deceived*, 31.

<sup>84</sup>*Ibid.*, 42-43.

<sup>85</sup>*Ibid.*, 48.

While Beckman's rants fit into Christian Identity beliefs, he did not share all of the Identity tenets. In his book, *The Church Deceived*, he sidestepped William Gale's two-seed theory of creation. Still, Beckman demanded justice against the evil men who had murdered Jesus, required religious leaders to free themselves of meddling government, and granted followers of Christ absolution in defying government statute: "Christians chose to serve Christ in a world where the evil men, who had murdered their Messiah, were still serving the false god. Satan's chosen are now more evil than ever. . . . We are still confronted with Satan's Chosen."<sup>86</sup>

Beckman never claimed membership in the Posse, but in speeches and publications, he echoed William Gale's themes of tax protest, radical decentralization, and a new religious orthodoxy. Beckman, who lived in Billings, became the celebrity of the radical right, "an elder statesman among Posse Comitatus and Christian Patriot judicial strategists."<sup>87</sup> His extensive list of privately published books made him a purported expert on the IRS. When Gale formed the Committee of the States in 1982, he asked Beckman to contribute to the common law grand jury manual.<sup>88</sup>

Beckman toned down his rhetoric when he campaigned for governor in 1987. In Jordan, the crowd seemed to favor his "cut the taxes" theme. Dressed in a coat and tie, the "fighting red head" spoke at the VFW hall. The local newspaper seemed to agree with his positions, asserting that,

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<sup>86</sup>Ibid., 34.

<sup>87</sup>Burghart and Crawford, *Guns and Gavels*, 8.

<sup>88</sup>Ibid.

we all left the meeting with a lot of knowledge that we should have been taught in school [that,] our Constitutional Republic form of government has been stolen from us and we are now functioning as a Socialistic Democracy. He brought out the fact that ‘We the People’ have the power to regain control. The power lies in our vote and when we are called to Jury duty. For the most part the politicians have stolen our vote at the polls, but as yet can’t steal our jury vote, if we get informed. . . . By gaining a knowledge of the restraints that the constitution puts on government we can nullify unconstitutional (bad) law when serving on the jury.”<sup>89</sup>

Beckman asserted that he had evidence “proving that the required number of states did not properly ratify” the Sixteenth Amendment, which had supposedly given the federal government the power to impose an income tax.<sup>90</sup> He equated himself with Massachusetts Rebels since “it was a bunch of tax protesters that made this county a thriving constitutional Republic back in the late 1700s.”<sup>91</sup> “Red” and his wife Earlene must have felt comfortable with their reception in Jordan, because they hinted at making another trip there before the election. Beckman’s campaign attempted to elevate the modern anti-tax movement to the level of the Founding Fathers, while questioning the wayward path Americans had since taken in modifying their government. The passion generated by Beckman’s ideas failed to translate into an election victory, but his arguments struck a harmonious chord with anti-tax enthusiasts; one of whom was LeRoy Schweitzer.

Schweitzer had graduated from a high school near Belgrade, Montana, in 1957. After getting married, he moved with his bride to Moscow, Idaho, on the fertile Palouse. There he flew crop dusters, an extremely hazardous profession. Guiding a lightweight plane loaded with

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<sup>89</sup>*Jordan Tribune*, 26 November 1987.

<sup>90</sup>*Ibid.*

<sup>91</sup>*Ibid.*



liquid chemicals, crop duster pilots strafe young crops from only a few feet off the ground, turning frequently at the edges of fields. The danger of the job spawned the pointed remark that there aren't many retired crop dusters. Within a few years, Schweitzer started his own business, Farm-Air, in Colfax, Washington, where he earned loyalty among his customers. "He's simply the best pilot I've ever ridden with," a fellow pilot remembered.<sup>92</sup> He taught himself to fly a helicopter. He also tested an experimental plane engine by flying it over the Sierra Nevada Mountains. When the engine's oil leaked onto the windshield, Schweitzer stuck his head out the window to land the plane.

In 1976, Schweitzer's business caught the attention of the IRS when he underpaid his taxes by \$700. Following the advice of his accountant, Schweitzer refused to pay the bill and fought the IRS. The bureau responded by freezing his \$6,000 business bank account. Although his partner paid the bill, the incident sparked Schweitzer's opposition to the power of government officials over citizens' monetary assets. "I can remember LeRoy saying, 'The IRS can steal my money, but nobody else can.'" A friend remembered, "That's when his trust in banks went down the drain and his hatred of the government began."<sup>93</sup> A pilot friendly with Schweitzer told another story, perhaps apocryphal, that typified Schweitzer's attitude. When a state inspector confronted Schweitzer over a small electrical problem in his airplane hangar, LeRoy fired his only employee, since the codes existed to protect employees. "Now there are no employees who work here, so see how your regulations protected that man," Schweitzer

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<sup>92</sup>*Spokesman Review*, 26 March 1996.

<sup>93</sup>*Ibid.*

reportedly told the inspector.<sup>94</sup> In 1978, when the IRS audited his accounts again, he became a full-blown tax protestor.

While Schweitzer experienced trouble with the government, he maintained an active home life, volunteering at his church and maintaining a close relationship with his wife, Carol, and his children. He used his planes to help neighbors. When fire broke out in a farmer's wheat field, he loaded his plane with water and extinguished the blaze without being asked. His impetuous helpfulness also landed him in trouble. When swarms of flies harassed visitors at the local county fair, LeRoy volunteered to spray the area with the pesticide malathion. When he accidentally sprayed some fairgoers, however, at least one lawsuit was filed.

Embittered by the government pestering, Schweitzer partnered with a local farmer, Ray Smith, who had lost his land because of one million dollars in unpaid FmHA loans. Together, they attended Posse Comitatus meetings in Whitman County, Washington.<sup>95</sup> Although the connections between Schweitzer and extreme groups remained tenuous, Smith's ideology was clear. Smith allowed a neo-Nazi group, The Order, to practice its marksmanship with automatic weapons on his ranch, and hired a ranch hand who had served as the security chief at Richard Butler's Aryan Nations compound. Authorities subsequently arrested and convicted the employee in a murder-for-hire plot connected to The Order. By the mid-1980s, with legal pressures building, Schweitzer sold his business and moved back to Belgrade, Montana, one step ahead of the law.

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<sup>94</sup>Ibid.

<sup>95</sup>Ibid.

In Montana, Schweitzer's actions and associations again put him in the company of common law believers. He opened a fireworks business and continued to fly planes, while defending himself against the IRS's lien. He also frequented the Road and Ranch Supply store, owned by Jack Bolls. Bolls was a fellow believer in common law theories and his store became a meeting place frequented by Schweitzer. Schweitzer allowed all licenses on his airplanes and cars to lapse. According to a friend, "He contended that they [government officials] had authority over him only because he became voluntarily licensed. Without licenses they had no authority over him."<sup>96</sup> Drawing upon Posse Comitatus ideology, Schweitzer believed licenses provided government with an opportunity to make free white males subordinate to the Fourteenth Amendment, thus subsuming their superior God-given rights under Constitutional rights. Although Schweitzer participated in the burgeoning radical-right movement in Montana, he was not yet a leader. It would be a while before he acquired the knowledge necessary to form an organization like the Freemen.

With a group of fellow believers, Schweitzer grew bolder in his protests. Unlike many tax dodgers, he filed his yearly taxes and attached a sheet explaining why he refused to pay.<sup>97</sup> Schweitzer's family supported his protest, saying that he was only following his heart.<sup>98</sup> In Belgrade, he served as a de facto lawyer for individuals who ran afoul of the law. One case involved a city ordinance against unvaccinated dogs roaming without leashes in the town. Arguing the case in front of a local magistrate, Schweitzer questioned the court's jurisdiction.

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<sup>96</sup>Ibid.

<sup>97</sup>*Great Falls Tribune*, 8 August 1998.

<sup>98</sup>Ibid.

He asserted that the local jurisdiction practiced admiralty law in violation of his “client’s” common law privileges. The judge rebuked Schweitzer’s common law argument as unintelligible and fined the dogs’ owners.<sup>99</sup>

Schweitzer’s courtroom performances emboldened him. When dealing with the county sheriff, he would question the officer on matters of jurisdiction and rights. Or he would ask the officer personal questions: Did the officer have a bank account and a home. Bill Slaughter, known throughout the state as an effective police officer, attempted to speak to the Road and Ranch supply group, but even he could not assuage Schweitzer’s mistrust of the government. Once, in a confrontation with Slaughter, Schweitzer attempted to assert “voluntary right” by not opening up his car window for the sheriff. “When I told him I was going to stick a shotgun butt through the window, he opened up,” remembered Slaughter.<sup>100</sup>

Schweitzer’s increasingly hard-line attitude frightened several county employees, in particular the clerks. These officials became terrified of Schweitzer when he filed legal documents at the court house. Some of his documents incorporated contorted legal theories and Biblical language of common law. Clerks who refused to file the papers incurred the wrath of the Belgrade group. “They became demanding,” one clerk recalled, “They became belligerent.”<sup>101</sup> In May 1992, the IRS issued a warrant for Schweitzer’s arrest when he failed to appear on a misdemeanor income tax charge. The IRS asserted that he owed approximately

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<sup>99</sup>Neiwert, *In God’s Country*, 90.

<sup>100</sup>*Billings Gazette*, 28 March 1996.

<sup>101</sup>Neiwert, *In God’s Country*, 90.

\$400,000, dating back to 1973.<sup>102</sup> The Federal Aviation Administration (FAA) also wanted him on felony charges for flying an airplane without an FAA certificate.<sup>103</sup> Schweitzer's tax troubles culminated in the loss of his house, which was auctioned off for \$8,000 in back taxes. Once his house went to auction, Schweitzer disappeared from the view of county officials.

The brazen rhetoric from the Belgrade group attracted attention from outside areas like moths to a light. In 1992, Rodney Skurdal went to Belgrade to discuss his concerns about the government and met Schweitzer and the Ranch and Supply group. Skurdal fit in with the gathering immediately. He had grown up in Montana in Lavina, Montana, east of Roundup. After graduating from high school, he joined the United States Marine Corps and liked it so much he reenlisted for a second stint.<sup>104</sup> During his service, he was in the presidential security guard, which provided security for President Nixon at the White House and Camp David. At the end of his military career, he was stationed in Trenton, Michigan, as a recruiter.<sup>105</sup> Returning to the West, he worked in the Wyoming oil fields. In 1983, a derrick he was on tipped over, causing a severe head injury that permanently affected his memory.

In 1988, Skurdal decided to leave Gillette, Wyoming, where he was in trouble with the local police for driving without a license or license plate and issuing his own checks. Driving without licenses was nothing new to Skurdal. He had been charged in 1985 in Billings,

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<sup>102</sup>*Billings Gazette*, 7 October 1994.

<sup>103</sup>*Ibid.*

<sup>104</sup>Neiwert, *In God's Country*, 90.

<sup>105</sup>Rogers Worthington, "Freemen Leader a Man with a Mission," *Chicago Tribune*, 15 April 1996.

Montana, for the same offense and for obstructing a police officer.<sup>106</sup> When the officer asked him to turn over his license and registration, Skurdal refused to comply. Instead, he handed the officer a Public Servant’s Questionnaire: a homemade document questioning law enforcement’s policing role. When the policeman asked him a second time to turn over the items, Skurdal refused, saying “that the Constitution did not require him to do so.”<sup>107</sup> After another officer arrived, the pair pulled Skurdal from his vehicle, then handcuffed and charged him.

Skurdal’s tussle with officers continued in the Montana courts. Found guilty of several misdemeanors—speeding, foreign license plates, foreign driver’s license, no proof of insurance, and obstructing a police officer—in district court, Skurdal argued that the police had violated his constitutional rights. Skurdal claimed that he was not given a Miranda warning at the traffic stop and that he was brutalized by police, illegally searched, and denied a trial by jury. He also claimed that the state illegally required drivers to have a license, title, and proof of insurance. In the district court hearing, Skurdal discharged his court-appointed attorney and served as his own lawyer or *pro se*. He was found guilty on all charges.

Skurdal appealed his case to the Montana Supreme Court. The court found that the state’s interest in public safety had a reasonable requirement to license drivers. Additionally, the court found no proof of police brutality or denied access to legal council. The case showed that Skurdal was becoming well versed in arguments against state government, but still learning.

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<sup>106</sup>*City of Billings v. Rodney O. Skurdal*, Supreme Court of Montana No. 86-269 (1986).

<sup>107</sup>*Ibid.*

Skurdal remained in contact with the Gallatin County group and kept a post office box in Belgrade. Using pre-printed forms, he filed with the county clerk his legal standing as a “white natural born state Citizen” of Montana.<sup>108</sup> The document, from January 1991, outlined Skurdal’s basis for his “common-law Citizen of Montana” status, declaring that both his parents were “of the White Race,” that he changed his domicile to Montana in 1980, that he was not a Fourteenth Amendment citizen of the United States or an “alien, foreign corporation, officer, director, stockholder, or employee of a foreign corporation.”<sup>109</sup> In March of 1992, he filed an oath of “allegiance to the Montana Republic” promising to defend the Constitution of Montana from both foreign and domestic enemies, a common tactic of the Belgrade group.<sup>110</sup> The filings clearly showed that the ideology of the Posse Comitatus inspired Skurdal.

The year 1992 proved significant for Skurdal and the growth of what became the Freemen. Not only did Skurdal connect with the Belgrade group, but a modest monetary windfall helped him. Workman’s compensation and an out-of-court settlement from his oil derrick accident almost a decade earlier provided him with enough money to buy a small twenty-acre ranch in the Bull Mountains, south of Roundup, Montana. Coincidentally, LeRoy Schweitzer’s trouble with the law deepened at the same time: he was indicted on forty-eight counts of illegally flying an aircraft in Idaho.<sup>111</sup> His plane and home were set for seizure.

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<sup>108</sup>Rodney O. Skurdal, Declaration of Citizenship, 19 January 1991, Folder 3, Box 155, Marc Racicot Collection, Montana Historical Society, Helena, Montana.

<sup>109</sup>Ibid.

<sup>110</sup>Rodney O. Skurdal, Oath, 1 March 1992, Folder 3, Box 155, Racicot Collection. Clair Johnson, “One Man’s War Clogs Courts,” *Billings Gazette*, 27 March 1994.

<sup>111</sup>Neiwert, *In God’s Country*, 91.

Seeking refuge, Schweitzer moved to Roundup and lived with Skurdal. Although his house fell to the auctioneer's block, he hid his plane. Together, the two hoped to breath life into the right-wing discontent that existed in eastern Montana.

Prior to the 1970s, components of radical-right ideology existed in Montana. Several groups attempted to weld state and national issues to reinforce local power and oppose governmental power to extend rights and create a more equitable society. Law enforcement misjudged the depth and strength of the bitter ideology causing a large knowledge gap regarding the fledgling Posse Comitatus. By the early 1980s, radical decentralists successfully appealed to some farmers on the Northern Plains, like Gordon Kahl. Later in the decade, native sons of Montana's ties to radical-right group, like "Red" Beckman, LeRoy Schweitzer, and Rodney Skurdal, gave the Posse ideology an authentic, local voice. The leaders refined an ideology that drew respected Eastern Montana families, many facing renewed foreclosure proceedings, into their circle. The Freeman movement of the 1990s would test the bond between farmers and the fabric of the society around them.



## CHAPTER FIVE

“THOSE WHO HAVE EYES TO SEE AND EARS TO HEAR”:

### THE FREEMEN EMERGE

In late 1992 when the moratorium on foreclosures expired, trouble returned to the farmers of eastern Montana. The farmers and ranchers who had defaulted on loans in the 1980s and had not recovered saw their property go on the auction block. As tension escalated, several groups organized to alleviate the stress or, at the very least in the case of law enforcement, control any potential outburst. The Montana Freeman proved to be the most prominent of these groups. Although the group never formalized a name for their movement, the voluminous writings in local newspapers and bogus court filings constantly asserted a race and gender based “freemen” status drawn from a common law interpretation of the Bible, United States Constitution, and Montana Constitution. The contest between rebellion, control, and compromise played a key role that gave law enforcement and the Freeman each opportunities to make their case to shape public opinion. A few in each camp adopted a harsher stance, intending to force the other side into submission. Unable to win over substantial support, both sides began to realize how unsettling their position could be. Like some of the worst storms on the Montana plains, the Freeman storm formed slowly only to burst violently.

It is true that the invigorated radical-right ideology of the 1960s had been present, but quiescent in Montana. Only the 1990s auctions of farms mired in debt gave a platform to the

state's homegrown movement, the Freemen. Arguing that only radical decentralization of government could stop the intrusion of the federal government and restore power to county governments, the new movement created forums for worried citizens to air their grievances. Rodney Skurdal took his argument to the local press, while Edwin Clark organized conferences, and Ralph Clark drew ever closer to radical agitators. The democratic promise of forums failed to carry the day, however, as locals failed to enact or have enacted the changes in which they desperately and passionately believed. The key to why eastern Montanans took such a dramatic departure lies in the mix of circumstances, organization, and opportunity that unfolded in the early 1990s after more than a decade of escalating radical-right discourse and rural discontent.

During the fall of 1992, county sheriffs faced a grim task. Responsible for overseeing farm repossession sales, Montana sheriffs saw how the expired moratorium ended farmers' careers with the rap of the auctioneer's gavel. While doing their unpleasant duty, sheriffs in Custer, Fergus, Garfield, and Rosebud counties experienced problems with a group of protesters who showed up frequently and attempted to disrupt the proceedings. Musselshell County Sheriff Paul Smith recognized Rodney Skurdal and others as locals from Winnett and Lewistown.<sup>1</sup> Worried that the emotion of a farm sale might lead to unexpected violence, Smith organized an informal task force of local sheriffs to discuss the disruptive activity.

Smith's task force immediately faced a major conundrum: how could the sheriffs be

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<sup>1</sup>Paul Smith, interview with author, 9 October 2003, Roundup, MT.

sure that the protests at farm sales constituted a genuine threat? Perhaps those who called themselves Freemen merely wanted to challenge laws and seek redress through the democratic process. Or perhaps they constituted a new group, reminiscent of the old Posse Comitatus, with its belligerent attitude toward public officials and a penchant for violence.

Rodney Skurdal's anti-government rhetoric made him the epicenter of Smith's investigation. Skurdal took out classified ads in the local paper, *The Roundup Record-Tribune & Winnett Times*, to declare publicly his independence from the state and federal government. In one notice, published on September 15, 1992, Skurdal claimed the status of an "ALLODIAL WHITE FREEMAN" whose condition resembled an idealized citizen of the original thirteen colonies. He separated himself from the United States and District of Columbia—an action open to any "freeman" to separate themselves from the false headquarters of the United States.<sup>2</sup> In his own mind, Skurdal was independent and a sovereign outside of the "corporate State of Montana and the corporate United States." Skurdal demanded that government officials respect his "lawful 'allodial status,'" certify this notice without any challenge, and stay off his property.<sup>3</sup> Despite his far-flung assertions of independence, Skurdal recognized the Musselshell County government. The advertisement left three signature lines so the county commissioners could affix their signatures to the document and return it to the Clerk and Recorder's Office for filing. On October 1, 1992, after the county commissioners failed to act on his dubious newspaper postings, Skurdal inserted their names into the advertisement as if they had willingly signed his freedom

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<sup>2</sup>Rodney Skurdal, Classifieds, *Roundup Record-Tribune & Winnett Times*, 15 September 1992.

<sup>3</sup>Ibid.

declaration.

To drive home the point that he was free of federal constraint, Skurdal published an additional “No trespass for any purposes” declaration on his “PRIVATE DECLARED HOMESTEAD.” He asserted rights over “All Air Space on and Above Ground, All Rights Below Ground.” Federal agencies like the Internal Revenue Service, “Environmental, Health, Welfare, Education, Agriculture, INTERPOL, and any other UNCONSTITUTIONAL Agencies” were forbidden, in Skurdal’s words, to “use the space above, below, or on the ground.”<sup>4</sup> “VIOLATORS WILL BE PROSECUTED,” Skurdal warned.<sup>5</sup> To remind the community of his intent, he placed a series of “legal” notices in the newspaper asserting private property ownership of his home and a “DECLARATION OF INDEPENDENCE” covered by his no-trespass order.<sup>6</sup> Skurdal’s motivation stemmed from his ongoing battle with the IRS for unpaid taxes, eventually totalling over \$29,000.<sup>7</sup>

The rickety foundation of Skurdal’s claims rested on two assumptions that the radical right frequently cited. The first was a misreading of the United States Supreme Court case of *Texas v. White*. During the Civil War, the state of Texas sold its federal bonds to help defray the cost of fighting the Union. After the conflict, Texas sought the return of the bonds. Since the rebellion had been considered illegal, the justices sided with the investors

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<sup>4</sup>Ibid., 7 October 1992.

<sup>5</sup>Ibid.

<sup>6</sup>Ibid., 4 November and 6 December 1992.

<sup>7</sup>Rogers Worthington, “Freemen Leader a Man with a Mission,” *Chicago Tribune*, 15 April 1996.

and declined Texas's attempt to have the bonds returned.<sup>8</sup> The justices stated: "The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible states."<sup>9</sup> The justices' opinion, Skurdal thought, established him as an indestructible state unto himself. Skurdal latched onto the phrasing of the case in his announcements to assert his indestructible and proper rights under the Constitution.<sup>10</sup> This opinion, commonly offered by secessionist-minded individuals, nevertheless had no legal standing in the courts.<sup>11</sup>

Skurdal's second pillar of belief came from Christian Identity Biblical references. In his initial classified ad, Skurdal identified himself as "being from the 'Tribe of Dan' of 'the lost sheep of the house of Israel.'"<sup>12</sup> In this message, Skurdal announced his claim to be a complete "freeman" and also reaffirmed his belief that the Bible was written exclusively for the white race.<sup>13</sup> Christian Identity in its most virulent form—the Aryan Nations—shared

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<sup>8</sup>Melvin Urofsky, *A March of Liberty: A Constitutional History of the United States* (New York: Alfred A. Knopf, 1988), 469.

<sup>9</sup>*Texas v. White*, 74 U.S. 700 (1869).

<sup>10</sup>Skurdal, Classifieds, 30 September, 7 October, 4 November, 11 November, 6 December 1992 and 3 March 1993.

<sup>11</sup>The court's decision outlined the nature of a "state" as a political community within a geographic area administered by a government with a written constitution and operating by the consent of the governed. The majority's opinion slapped aside the artificial construction of a confederate state precisely because the Union formation had come by the people acting through their states to create an indestructible bond. Texas's illegal action had removed the protection of United States law in the area for a time and, as a result the Supreme Court refused to allow the reconstructed Texas to repossess the bonds. In the later half of the 20<sup>th</sup> century, when separationists rebelled and formed illegal governments, the national government moved against these artificially created entities to defend the traditional relationship between the indestructible states and the Constitution. Skurdal's use of this decision by the United States Supreme Court is the height of irony considering the case's results.

<sup>12</sup>Skurdal, Classifieds, 23 September 1992.

<sup>13</sup>Jerome Walters, *One Aryan Nation Under God: How Religious Extremists Use the Bible to Justify Their Actions* (Naperville, Illinois: Sourcebooks, Inc., 2001), 12.

some of Skurdal's basic tenets: race preservation, a future battle between the children of Yahweh (God) and the children of darkness (Jews), a need for obedience to Divine Law, and a day of reckoning with Christ's Kingdom established on Earth.<sup>14</sup>

Sheriff Smith considered himself fortunate that the town of Roundup appeared free of Aryan Nations members. Yet, the reality of the situation was far more complicated. Skurdal's classified ads drew the attention of other believers. Unfortunately, outside of Smith and Musselshell County Attorney Vicki Knudsen, county officials paid little notice. Most readers thought the ads were funny and wondered why anyone was worried about "that goof."<sup>15</sup> Skurdal's recent flurry of advertisements was sparked by a traffic stop when authorities cited him for failure to possess a valid driver's license and proof of liability insurance. After asserting his independence in the newspaper, Skurdal continued to file complaints against Musselshell County officials with the Montana District Court. In doing so, he targeted Smith and Knudsen along with District Court Judge Robert Mihalovich and four others.<sup>16</sup> Moreover, Skurdal opened his house to other like-minded individuals. Over the next two years, it became a gathering place for radical decentralists and the separatists' movement.

Roundup's newspaper staff now took notice. Reporter Alice Sellars contacted Ken Toole of the Montana Human Rights Network for background information on racist groups.

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<sup>14</sup>Betty A. Dobratz and Stephanie L. Shanks-Meile, *"White Power, White Pride:" The White Separatist Movement in the United States* (Baltimore: Johns Hopkins University Press, 1997), 76.

<sup>15</sup>Paul Smith, interview.

<sup>16</sup>Montana Fourteenth Judicial District Court, Musselshell County, Findings of Fact, Conclusions of Law and Judgment, *Skurdal v. L. Osborne DV-92-64*, 27 October 1993.

Toole's network was the only statewide organization that monitored hate groups. Based on their conversation, Sellars reported that groups associated with the Aryan Nations had greatly increased their activity. Toole worried that these movements focused on recruiting farmers, tactics similar to the one the Posse Comitatus had used in the 1980s during the farm crisis.<sup>17</sup>

Unfortunately, Sellars' article incorrectly assumed that all extremist groups sought the same goal: The Order, Nazis, Skinheads, the Ku Klux Klan, Posse Comitatus, and Christian Identity Movement were "seemingly divided into a sometimes confusing array of groups or factions that may appear to be different but have individuals that operate from within as one group."<sup>18</sup> This misled the community into thinking it could easily detect any such movement in Roundup, when in fact such a movement was underway with the start of the Freeman. The article also stated that Posse tactics included urging "members to not use a driver's licence, birth certificate or marriage licence, to not use a bank account, to keep their children away from public schools, to not use fertilizers or pesticides in farming because it was a Jewish plot to poison the food supply, and to arm themselves in preparation for Satan's attack."<sup>19</sup> While the assertions were true of some individuals, Eastern Montana's Freeman never made anti-Semitism an essential component of their philosophy. Additionally, such journalistic overstatements gave cover to later Freeman assertions that the press had purposely tried to villainize them as Jew haters, Nazis, and racists. Indeed, many

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<sup>17</sup>Alice Sellars, "An Army Within. . .," *Roundup Record-Tribune & Winnett Times*, 2 February 1993.

<sup>18</sup>Ibid.

<sup>19</sup>Ibid.

in the community thought the article unfairly conflated Skurdal's antics with larger and more dangerous groups. Exaggerations aside, Sellars' article did give context to the many tactics Skurdal used that had emerged from Posse Comitatus origins.

Sheriff Smith knew something of the Posse, too. The rhetoric and pseudo-legal language reminded him of the John Birch Society and Posse Comitatus pamphlets he had seen in Dillon, Montana, where he had been chief of police. He recognized that Skurdal's writing contained many Posse and Birch themes. Once Skurdal's ads appeared, Smith reviewed an old college paper he had written on the Posse. "Bingo," Smith thought as he spotted parallels between Skurdal's claims and those of the Posse.<sup>20</sup> Defining the contours of the problem, however, provided small comfort. Smith feared the Roundup group might be radicalized into a branch of the Aryan Nations, Richard Butler's white-supremacist neo-Nazi organization based in nearby northern Idaho. Smith passed these suspicions on to Alice Sellars for her article.<sup>21</sup> Despite these initial concerns, Smith did not recall much concern in the community over Skurdal. The boldness of the advertisements seemed out of character for Skurdal, who had the reputation among people who knew him as an oddball or even as a big teddy bear. County officials worried more about the aggressive nature of the declaration rather than about any past behavior of Skurdal. Still, without significant opposition, Skurdal pushed hard to have his newspaper ads accepted as legal interpretations.

Skurdal's paper war weighed heavily on Musselshell County Attorney Vicki Knudsen. As legal council for the county, Knudsen had responsibility for refuting Skurdal's

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<sup>20</sup>Paul Smith interview.

<sup>21</sup>Sellars, "An Army Within."



bogus claims. In early January 1993, Knudsen and Smith debated tactics on how to deal with Skurdal's threat without adding to the problem. Together they formulated a response that bundled Skurdal's complaint against the four elected officials of the county into a single case. Given Skurdal's repeated defeats in past cases, his filings seemed frivolous to Knudsen. Yet she opted to meet with Skurdal when he came to town to argue his complaint over the licensing charges stemming from the traffic stop. Unimpressed with his argument, Knudsen filed a motion for summary judgment for the defendants. Not to be outdone by a county attorney—a woman at that—Skurdal filed to have Judge Roy C. Rodeghiero removed from the case, hoping that he would receive a more hospitable court judge for his case. The Montana Supreme Court issued a stay in the case to hear the disqualification proceeding against Judge Rodeghiero. The year-long postponement allowed Skurdal to file more documents with the courts, far more complex and numerous than those involving his Billings traffic violation.<sup>22</sup> The weight and volume of Skurdal's documents overwhelmed Knudsen's filing system.

Despite Knudsen's legal wrangling with Skurdal, Sheriff Smith tried to stay on speaking terms with him. The two saw each other at a local hangout, the Branding Iron. Smith periodically enjoyed a beer after work, but he also listened to the chatter around the bar. In early 1993, Skurdal tangled with Smith about the constitutional duties of a sheriff, implying that Smith allowed others to usurp his authority. As Smith recalled:

I turned around to him and said, 'Rodney, I came in here for a quiet beer. If you don't leave me the hell alone, I'm going to knock you from here to that corner.' As soon as I said that, I was sorry, because I thought then for sure I was going to have to

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<sup>22</sup>In the case of *Skurdal v. City of Billings* (1986), District Judge Maurice Colberg Jr. eventually ordered the court to refuse Skurdal's filings.

fight him. But he just backed off and went back to his little circle of friends. I always thought I could talk things out with Rodney on his own. He could be very reasonable then. But if he had an audience it was a different story.<sup>23</sup>

Smith's robust physique would have made anyone think twice before starting a fight. Skurdal backed down. Smith feared the time when a larger audience might stoke Skurdal to fight.

Smith finally got assistance from Yellowstone County Sheriff Chuck Maxwell. From an outsider's perspective, Maxwell's involvement might have seemed strange, as he served the most populous county in the state and lived an hour's drive from Roundup. From Smith's perspective, however, Maxwell had good reason to participate: "Maxwell knew that if something happened" the debris "would fall into his lap."<sup>24</sup> Musselshell County deputies, through Maxwell's intervention, received training in SWAT methods. If an altercation occurred, having a few trained officers might prevent a total "mess up," according to Smith. Maxwell also used his connections to involve the Federal Bureau of Investigation (FBI).

Sheriff Maxwell attended one of the sheriffs's informal meetings and brought Special Agent Tom Canady from the FBI. Custer County sheriff Tony Harbaugh hosted the gatherings and brought in some men with strong ties to the John Birch Society to talk to the officers. The men came from Glasgow, Circle, and Brockway, all eastern Montana communities. At the meeting, Smith warned Canady that "this thing is going to get out of hand."<sup>25</sup> Skurdal's neighbors had started carrying weapons, exposing the community to needless danger. Canady pledged more coordination, but little manpower or financing would

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<sup>23</sup>Paul Smith, quoted in David Neiwart, *In God's Country: The Patriot Movement and the Pacific Northwest* (Pullman: Washing State University Press, 1999), 101.

<sup>24</sup>Paul Smith interview.

<sup>25</sup>Ibid.

underwrite his effort until the sheriffs presented stronger evidence of a threat. Waiting for the situation in Roundup to get worse seemed to local officials like an ineffectual strategy that would only embolden Skurdal.

Two prominent national events unleashed the Freemen movement from its relative isolation in Roundup and into a wider circle of concerned Montana citizens.<sup>26</sup> In August 1992, U.S. marshals engaged in a week-long standoff with Randy Weaver in Idaho for evading a court appearance on a weapons charge. The siege ended badly when three participants died from gunshots: federal agent William Degan, Weaver's wife Vicky, and his son Samuel. While the marshals painted Weaver as a white supremacist and potential terrorist, a U.S. Senate investigation charged two government agencies, the FBI and Department of Justice, with misconduct.<sup>27</sup> In a separate case, Weaver in 1994 settled a wrongful death suit against the government for over \$3 million.<sup>28</sup> Although the federal government successfully convicted Weaver for failure to appear for trial—the original reason its agents had surrounded his home—it failed to convict him on the charge of federal weapons violations.

The second event that helped the Freemen movement by bolstering distrust of government power was the siege of the Branch Davidians near Waco, Texas. An offshoot of the Seventh Day Adventist Church, the Davidians claimed a prophetic leader, David Koresh,

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<sup>26</sup>Although the Freemen frequently referred to themselves as “freemen,” widespread use of the term Freemen started after the Roundup arrest of Freemen in March 1995.

<sup>27</sup>Danny O. Coulson, *No Heroes: Inside the FBI's Secret Counter-Terror Force* (New York: Pocket Books, 1999), 590; Richard Gid Powers, *Broken: The Troubled Past and Uncertain Future of the FBI* (New York: Free Press, 2004), 415.

<sup>28</sup>Ronald Kessler, *The Bureau: The Secret History of the FBI* (New York: St. Martin's Paperbacks, 2002), 368.

who converted and manufactured illegal weapons by making them semi-automatic and purchasing grenades.<sup>29</sup> On February 28, 1993, the Bureau of Alcohol Tobacco and Firearms (BATF) attempted to secretly infiltrate the compound. Once alerted to the agents's presence, the Davidians opened fired on them, killing four and wounding sixteen. The firefight also claimed five of Koresh's followers, two shot by the BATF and three by fellow Davidians. After nearly two months of unsuccessful negotiations, the BATF hoped to use CS gas to flush out the remaining Davidians, including women and children, from the compound.<sup>30</sup> When several fires broke out in the compound, seventy-four men, women, and children died. The outcry against the government's actions, which were covered primarily in the national media, invigorated the militia movement. Leaders of the Militia of Montana, for example, charged the government with plotting attacks to disarm its citizens. Again, the government investigated the charges. After an investigation that lasted for over a year and cost approximately \$17 million, the Danforth Committee found that the preponderance of evidence exonerated the government's actions. Despite the exoneration, the leadership at the FBI fed the views of some politicians. Louis Freeh, FBI Director, insisted that the agency would be the "avenger of the FBI's [past] sins at Waco and Ruby Ridge."<sup>31</sup> This acceptance of blame by the agency only deepened the perception that the shootouts were scandals of monstrous proportions. For many Americans, these events seemed far away and of little relevance to their daily lives. In Garfield County, however, local events made Ruby Ridge

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<sup>29</sup>Rhys H. Williams, "Breaching the 'Wall of Separation,'" in *Armageddon in Waco: Critical Perspectives on the Branch Davidian Conflict*, ed., Stuart A. Wright (Chicago: University of Chicago Press, 1995), 314-315. The Davidians invested \$200,000 in weaponry.

<sup>30</sup>CS is an abbreviation for chlorobenzalmalononitrile.

<sup>31</sup>Kessler, *The Bureau*, 374.

and Waco relevant.

On March 24, 1993, federal agents raided Montanan Paul Berger's ranch. The U.S. Fish and Wildlife Service (FWS) searched the ranch, acting on a tip that Berger poisoned eagles that preyed on his sheep. As part of the search, Assistant U.S. Attorney Kris McLean allowed a reporter and camera crew from Cable News Network (CNN) to accompany the agents.<sup>32</sup> The eighteen agents and three members of the media searched the area in a ten-car convoy looking for evidence in violation of a federal law protecting eagles. The team found Furdan (a commercial chemical containing the toxin carbofuran) and collected feathers, dead mammal carcasses, and a few bones of long-dead animals.<sup>33</sup> No poisoned eagles were found. On April 23, a second search found no eagles, despite a helicopter search of the area. Neighbors and friends expressed considerable sympathy to the elderly Berger, who suffered from poor health and had only recently returned home. In the immediate aftermath, many eastern Montanans believed even more strongly that authorities over-reached its authority and trampled civil rights.

Government environmental concerns had long been a punching bag in the community. Locals typically assumed that federal authorities would use such regulations to reduce property rights. With the raid of the Berger ranch, some locals charged the federal government with usurping local authority with "gestapo tactics."<sup>34</sup> Locals used the Berger raid as the prime example of the need to maintain authority at the county level. For not only

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<sup>32</sup>Dave Skinner, "The Raid," *Range Magazine*, Spring 2002. Taken from [www.rangemagazine.com/stories/spring02/raid.htm](http://www.rangemagazine.com/stories/spring02/raid.htm).

<sup>33</sup>*Jordan Tribune*, 2 September 1993.

<sup>34</sup>This rhetoric was used in several letters to the editor in the *Jordan Tribune*.

had the federal government pursued a case that placed eagles above the private property rights of a rancher, local authorities had failed to inform the two officials who had considerable experience with Berger's predator issues: the county sheriff and the control trapper. The raid provided an issue that brought neighbors together and galvanized community support for change. One of the loudest voices came from the Ralph Clark family.

Although the federal loan moratorium gave the Clarks a respite from foreclosure, the family lacked the cash flow to ensure credit or expand its shoestring operations. The Clarks continued to share paychecks among the three families and operated within a budget. Their financial crisis continued into the 1990s. Three separate pieces of land remained in financial straits. Although sheltered by the *Coleman* decision, the home place operated as a sheep and hay operation since Ralph and Kay had trouble getting credit. Ralph's FmHA financial problems prompted Edwin Clark and his brother-in-law, Kenny South, to separate their partnership. The ranch to the south, which Ralph purchased in the 1970s, was leased to Edwin and Kenny, who produced hay in return for a government subsidy via the Conservation Resource Program (CRP). Edwin and Kenny had signed a ten-year agreement to seed the land to hay, approximately fifteen hundred acres. Each year they received \$48,000 in annual payments, about \$33 an acre. The CRP check became a central fund to pay off old debt and operating expenses. In many cases, the money went directly to pay off creditors. "We was still trying to build our credit back up," Edwin recalled. "We had spend five or six years trying to build our credit back up [to] that we had lost in the prior years."<sup>35</sup> The most surprising development, however, was Edwin's attempt to buy his Uncle Alvin's

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<sup>35</sup>Edwin Clark, testimony, *United States v. Hance, et al*, CR 96-47-BLG-JCC (1998), 25 March 1998.

place, next to Ralph's. Edwin, for years, had rented the property which included a home for him, Janet, and their two children. The purchase seemed like a good idea. The family had made some inroads on its debt, and it seemed that Edwin's purchase might forestall Alvin from selling the land to another party. By uniting the two properties, the Clarks' home ranch acreage doubled.

Edwin's family faced more than financial problems. Doctors diagnosed Casey, his son, with a pituitary tumor. To pay for an operation at the Mayo Clinic, Edwin and the Garfield County Bank arranged to deduct part of the CRP check. The night before the surgery in Rochester, Minnesota, however, administrators informed the family that the operation was cancelled unless the family had pre-paid in cash, as it had no health insurance. According to Edwin, the bank told the clinic that the family had no money to pay for the surgery. Edwin drove the 1100-mile stretch to negotiate with the bank and then returned to Minnesota for Casey's operation. Years later, it was still a mystery to Edwin why the pre-surgical financial arrangement had arisen. Although Casey's health improved and he grew in stature after the surgery, the balloon payment put Edwin "in the worst shape I'd been in years. I couldn't operate [the farm] that year because of that."<sup>36</sup>

When the federal loan moratorium expired, foreclosure proceedings threatened. The Farm Credit Bureau, formerly the Farmers Home Administration, fired the first salvo to restart foreclosure proceedings against the family. The foreclosure proceedings in 1984 had proved that there was no mention of livestock in the original 1980 security agreement.<sup>37</sup> But

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<sup>36</sup>Ibid.

<sup>37</sup>*United States v. Ralph E. Clark*, CR 84-16-BLG, "Brief in Support of Supplemental Motions to Dismiss," (1984), 39.

in 1992, Ralph's wool check—a payment for his part in the wool pool—was confiscated as partial repayment for his unpaid loan. The wool payment, which was a considerable sum, made up a large part of Ralph's contribution to the three Clark families. Based on their position that the Farm Credit Bureau had acted illegally, Ralph and his son Edwin, accompanied by Dan Petersen, went to the county attorney, Nick Murnion.

Murnion had known the Clark family all of his life. Living only ten miles apart, the two families were neighbors by Montana standards. Both families worked the land and raised cattle. Nick had even sheared sheep for Ralph's dad and had fished on the Clark property. Nevertheless, when Ralph and Dan Petersen presented their arguments to Murnion, he failed to follow their legal reasoning. When, for example, they tangentially mentioned that the United States should not have abandoned the gold standard, they confused the county attorney. Still, Murnion thought enough of the family to pursue the wool check. After placing a few phone calls, he discovered that the wool pool had made out the check to the Clarks and FmHA. Recognizing its mistake, the wool pool sent out another check to Ralph. Murnion worried that the pool might be liable for cutting an unsecured check, but Ralph thought that Murnion should concentrate on the FmHA which, he believed, had no reason, after eight years, suddenly to seize his check.<sup>38</sup> Murnion later considered this debate over the wool check as his first brush with the Freemen. Not all of his meetings would end so easily. In fact, the seeds of misunderstanding were sewn at the start. Ralph had previously relied on self-styled legal experts, like Tom Nichols, with good results. Yet Ralph repeatedly failed to articulate his legal arguments effectively. With the introduction of Dan Petersen, who tended

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<sup>38</sup>Nick Murnion, interview by author, 10 April 2003, Jordan, MT.



to bully his opposition, any lawyer trying to help Ralph had to deal with Petersen's questionable legal theories. On the other hand, Murnion had never received a full account of Ralph's past legal history. Even when he helped the Clarks, as he did with the wool check, he did not know that Ralph had won the foreclosure case due to the lack of a security agreement. Murnion therefore did not understand Ralph's vitriol regarding the FmHA's seizure of his check. As the Clarks began to feel that Murnion was not on their side, their suspicion of him grew. This unfortunate loss of a potential ally would later open them to the legal arguments, and exploitation, of Skurdal and the Freeman. At this stage, however, the Clarks continued to seek redress faithfully through the county government.

In the first half of 1993, the Clarks led a series of three meetings that exemplified the increased commitment of a number of eastern Montanans to buffer their counties from federal incursion. The meetings demonstrated the Clarks' faith in democratic reform efforts, in stark contrast to Skurdal's radical Freeman declarations. The first meeting on March 27, consisting of fifty local farmers and ranchers, focused on the Berger raid.<sup>39</sup> Edwin Clark conducted the meeting. While the participants questioned government tactics, they never questioned the authority of government. In fact, after an opening prayer the meeting started with the Pledge of Allegiance. The issue for the ranchers and farmers remained the federal government's lack of involvement with local authorities. The vast majority of those attending seemed to agree that local authority in Garfield County would be more sympathetic to their issues.

To augment the meeting's conclusions, Edwin wrote a letter to the editor of the *Jordan Tribune* outlining his position. Disturbed by the "gestapo tactics" of the "outsiders"

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<sup>39</sup>*Jordan Tribune*, 1 April 1993.

who came in without the knowledge of the local sheriff, Edwin argued that, “if the sheriff had been included, as I would think the law requires,” he “could have made the decision whether, and how much force was needed to handle the situation.”<sup>40</sup> Edwin continued:

It’s not our place to say whether Paul Berger violated the law, and if he did and is found guilty he has to suffer the consequences, as we all have to if we break the law. . . . What I am saying is that if we continue to let outsiders come into our County, by-passing our County Sheriff and other elected County officials, and run rough shod over us with no consideration to our rights, as set down in the Bill of Rights, and the Constitution of the United States of America, we have no way to keep and protect our rights, guilty or innocent. . . . I believe his [Paul Berger] Constitutional rights, may have been violated, not to mention the law in general being violated by the enforcement agency involved.<sup>41</sup>

Clark concluded his letter with a statement of support for local law enforcement, but emphasized that the federal government’s “gorilla [sic] warfare tactics” provoked confrontation instead of resolution. Drawing parallels between Ruby Ridge, Waco, and Garfield County, Edwin wrote, “I think when the storm troops went to the Berger Ranch, they wanted a gun battle.” Only the timely appearance of the sheriff, in his view, averted the confrontation. Clark also resented the CNN cameras. He lamented “all the new popular television shows about true stories and live police actions that we are constantly plagued with on television. They are getting their footage of film so they can capitalize on the viewer market also.” The letter finished with a call for citizen involvement to form a stronger community and “support our local Sheriff and make sure that he can do the job we put him there to do.”<sup>42</sup> From Ed Clark’s vantage point, the community had to band together to avert

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<sup>40</sup>Edwin Clark, Letter to the Editor, *Jordan Tribune*, 1 April 1993.

<sup>41</sup>*Ibid.*

<sup>42</sup>*Ibid.*

the power-hungry politicians and capitalists from ruining Montana's way of life.

Although the community's awareness was heightened, radicalism was still largely absent in Garfield County. The Clarks, and those who attended the community forums, in a textbook display of political democracy sought to expand their knowledge from what they considered to be reputable sources. The fact that they approached outsiders also seemed to counter the idea that the community resisted new ideas. Notably, however, the community drew outside assistance from the property rights movement.

In that regard, Catron County, New Mexico, provided an example of how a community could hope to stem federal power. Catron County had recently made national headlines in its struggle to limit federal authority and reestablish county government as "the linch-pin of the 'government' of the United States."<sup>43</sup> According to journalist Tony Davis, Catron County's message was clear: "Get the federal government out of people's lives. The county can do a better job in managing national forests and other public land than any federal bureaucrat."<sup>44</sup> High on the list of targets for Jim Catron was any federal action that diminished the value of public land use—like ranching, logging, or mining. If the government insisted on such a "taking," then the county would go to court for damages. The county sued the federal government and had held off federal protection of fish habitat until

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<sup>43</sup>*Jordan Tribune*, 1 April 1993.

<sup>44</sup>Tony Davis, "Catron County's politics heat up as its land goes bankrupt," *High County News* 28, no. 12 (24 June 1996).

the impact on the county's environment and economy could be assessed.<sup>45</sup>

In April 1993, Karen Taylor, a rancher from northeast of Jordan, attended the National Federal Lands Conference (NFLC) in Driggs, Idaho, to learn more about county sovereignty. The conference crystalized a new vision for Taylor. Karen Budd-Falen, a lawyer from Cheyenne, Wyoming, impressed Taylor with her plans to regain county control from the "feds." Howard Hutchinson of Catron County affirmed the authenticity of Budd-Falen's claims. Hutchinson stated that he had been active in Earth First! before he "finally saw the light and helped Catron Co." where he was serving as a director for the environmental group.<sup>46</sup>

Taylor believed that the NFLC would solve the problems ailing Garfield County. She penned an editorial for the *Jordan Tribune* and urged citizens to act quickly. "Time is important here—you know the 'feds' get more control everyday," she wrote. "Do you want to be the next people they illegally search and seize property from like they did Paul and Rosie Berger? Their civil rights and constitutional rights were trampled."<sup>47</sup> Taylor's attendance at the Idaho meeting established essential connections with national leaders for the county sovereignty movement that became the central topic in the local newspaper.

For the next four months, the Taylors and Clarks tried to put the Catron County plan in place by forming the Citizens for Freedom. This invigorated group issued a "New Dawn"

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<sup>45</sup>For additional background on Catron County see Charles McCoy, "Cattle Prod: Catron County, N. M. Leads a nasty revolt over eco-protection," *Wall Street Journal*, 3 January 1995, sec., 1A, p. 1; Erik Larsen, "Unrest in the West," *Time* 146, no. 17 (23 October 1995): 52-66. Richard La Cayo, "This Land is Whose Land?" *Time* 146, no. 17 (23 October 1995): 68-71.

<sup>46</sup>Karen Taylor, "Attends Meeting at Driggs, Idaho: A Special Report "Our County Can Control Itself," *Jordan Tribune*, 15 April 1993.

<sup>47</sup>*Ibid.*

agenda to roll back federal authority in the area.<sup>48</sup> On April 19, 1993, locals gathered in Jordan to hear more details. The meeting drew 175 people from ten area counties, an attendance so large the meeting was held in Jordan's VFW Hall instead of the smaller Fairview Hall near Brusett.<sup>49</sup> Again, Edwin Clark served as the moderator and several outside speakers added their thoughts. Clarence Taber, of Columbia Falls, spoke on the relationship between the timber industry and federal regulations. In his mind, the loss of the timber economy in the western part of the state could cripple Montana's economy and worsen the eastern county's plight. The local Farm Bureau president from Lewistown, Dave McClure, also spoke in favor of looking into the Catron County plan and other schemes to fight for private property rights. According to McClure, the federal government used environmental legislation to expand its ability to control private land.<sup>50</sup> Altogether, these speakers added strength to the argument that Montana communities needed to act.<sup>51</sup>

It may have heartened the Taylors and Clarks to know that others shared their concerns. The Freeman had also wooed some of the strongest participants. Jay Brand of Lewistown, who stopped paying his taxes in 1974, on grounds that the federal government squandered money, supported the county rights movement.<sup>52</sup> He told the local farmers, "You are the producers of the new wealth. They (Feds) are running our lives, and they have no

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<sup>48</sup>*Jordan Tribune*, 15 July 1993.

<sup>49</sup>The attendees came from Rosebud, Fergus, Petroleum, Custer, McCone, Valley, Roosevelt, Fallon, Prairie, and Garfield counties.

<sup>50</sup>*Ibid.*

<sup>51</sup>The level of participation from the townspeople of Jordan can be questioned. Delphin Coldwell in a Letter to the Editor, published in the *Jordan Tribune* on 29 April 1993 stated, "I saw only three people at the meeting besides the sheriff who reside in Jordan and they didn't stay until the end."

<sup>52</sup>Clair Johnson, "High Plains Uprising," *Billings Gazette*, 27 March 1994.

right to do that.”<sup>53</sup> Brand battled those Feds by refusing, for example, to pay unemployment insurance for his employees. He claimed that his workers at the small sawmill were contract workers and did not fit the category of salaried employees. In 1991, the State Department of Labor and Industry found his argument unconvincing, since he could not produce documents to show his employees’ status, and shut down his operation.<sup>54</sup> He hoped the courts would vindicate him.

In the meeting, the Citizens for Freedom movement maintained a clear focus. Edwin Clark and Karen Taylor tried to learn from several leaders in parallel organizations, such as those at the NFLC or Jay Brand. Trying “not to try to ‘re-invent the wheel,’” Clark organized two additional community meetings in Garfield County. He wanted the Garfield County group to become more involved in local politics, targeting the county Land Use Planning Board. The board had met several times with little public participation. Now, Clark said, “We want to help. We want to have a say in what goes into it [the land use plan] because we have to live with it and we must study all the possibilities before we make it our plan.”<sup>55</sup> Clark especially advocated four basic ordinance changes, in line with the “New Dawn” agenda. First, he called for an Interim Land Use Plan that placed the county on a co-equal basis with state and federal governments. Second, he favored a Public Range Improvement Plan that would place the animal allotment management plan in local hands. Third, he asked for a confirmation of presidential Executive Order 12630 which limited federal and state

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<sup>53</sup>*Jordan Tribune*, 22 April 1993. Parentheses in the original *Tribune* article.

<sup>54</sup>Clair Johnson, “People’s Justice?” *Billings Gazette*, 27 March 1994.

<sup>55</sup>*Ibid.*

takings of private property. Finally, he wanted the planning board to use federal civil rights legislation to insure that no community members would be deprived of their rights.<sup>56</sup> Clark and Taylor set about forming a larger coalition and organized a National Federal Land Conference (NFLC) in Jordan. The Garfield County Taxpayers Association joined the Citizens for Freedom and circulated a petition requesting an interim land-use plan to “protect the public peace, general welfare, health and safety of the citizens of Garfield County from violations of Constitutional and civil rights of the citizens.”<sup>57</sup> The Berger raid had generated momentum that Clark and Taylor used to bring more community members to their issue and pressure the county Land Use Planning Board.

In the two months following the Citizens for Freedom April meeting, the county’s Land Use Planning Board committee received greater participation and more scrutiny from ordinary citizens than ever before. Already the board had completed five drafts of a Comprehensive Plan that detailed and reviewed key county resources.<sup>58</sup> At the May 10 meeting, over one hundred people met to hear the still-developing interim plan. Audience members applauded as speakers like Jay Brand of Lewistown expressed his concerns that the plan had to have “teeth” to protect the people and their property. While those favoring an interim plan clearly knew that their final goal was to establish a buffer between the county and the federal government, they realized that the sovereignty issue remained fuzzy. After all, arguments for state nullification and interposition had failed recently in the West with the

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<sup>56</sup>Ibid.

<sup>57</sup>Ibid.

<sup>58</sup>*Jordan Tribune*, 29 April 1993.

demise of the Sagebrush Rebellion. No one in the Citizens for Freedom group could adequately explain Catron County leaders's legal justifications. Repeatedly, Taylor asked doubters to view the tapes of Karen Budd-Falen and Jim Catron, the presenters she had met in Idaho, as if viewing the presentations would answer all questions.<sup>59</sup> The land board placed such faith in the upcoming presentations of Budd-Falen and Catron that it delayed the interim plan's adoption until after the NFLC, planned for July 10.

The efforts of Edwin Clark and Karen Taylor in early 1993 to develop an interim plan may have taken the board by surprise, but could hardly be characterized as wild-eyed and radical. Those who agreed with Clark's and Taylor's agenda acted exactly as passionate advocates would be expected to behave in a democracy, and followed historical precedents of Western protest. Historian Lawrence Goodwyn's analysis of rural protest movements found several key steps. Examining the Populists of the late 1800s, Goodwyn outlined how Populists developed forums to explore new ideas, fostered a core group of committed advocates who then expanded the base of the movement by educating the larger society, and finally codified new political institutions. Intertwining the movement's goals and existing political institutions created a permanent enshrinement of the people's will.<sup>60</sup> A century after the Populist upheaval, eastern Montanans saw the NFLC as a truly democratic attempt to change the existing status quo through grass-roots activity. In fact, no letter to the editor even disagreed with holding the conference. The NFLC would give eastern Montanans a forum in which to address the wrongs of the Paul Berger raid and also enhance the spirit of

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<sup>59</sup>"Land Use Planning Meeting Held," *Jordan Tribune*, 13 May 1993.

<sup>60</sup>Lawrence Goodwyn, *Democratic Promise: The Populist Moment in America* (New York: Oxford University Press, 1976), 354, 540-548.



participatory democracy. The *Jordan Tribune* ran four front-page stories on the upcoming conference, making it the most reported event since the state's centennial celebration.

The July NFLC consisted of two hundred agriculturalists and businessmen. Also present were tax-protester Red Beckman and Fully Informed Jury Association founder Larry Dodge, who mixed with a new audience. The master of ceremonies was Troy Mader, founder of the Abundant Wildlife Society of North America, and an advocate for hunting, fishing, recreation, and grazing rights. The *Jordan Tribune* frequently printed Mader's op-eds and a recent speech to the Garfield County Taxpayers Association. Mader separated himself from the lawyers by announcing "I deal with philosophy," and he asked the audience to remember "three of the biggest lies ever told: 1. I'm from the government and I'm here to help you. 2. Government will protect your rights. . . . 3. Government Agencies always tell the truth."<sup>61</sup>

Ron White, a business owner from Las Cruces, New Mexico, amplified Mader's arguments. According to White, moral and social standards in the nation had slipped, undermining the Constitution. Additionally, he said the Constitution's design worked best through county government, rather than "being dictated . . . from someplace thousands of miles away in Washington, D.C."<sup>62</sup> White had an answer ready for county attorneys and commissioners who did not like this concept or understand it: "Get rid of them. Get somebody in there that will work with you and support you. If they're elected, and you just can't change their mind. Get involved, get somebody to run who does understand it and who

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<sup>61</sup>Troy Mader, quoted in *Jordan Tribune*, 15 July 1993.

<sup>62</sup>Ron White, *Ibid.*

will support you.”<sup>63</sup> White’s solution also included incorporating “really radical extremists” into the movement.<sup>64</sup> “I don’t know if we can work with them or not or bring them around . . . They are taxpaying individuals and they have every right to their involvement and input. They may come up with some good suggestions.”<sup>65</sup> Yet White’s call for increased democracy stumbled when it came to who could serve on a community land use advisory committee: no government members. Additionally, White argued for the committee to be geographically representative, a method that would overturn the concept of one-person, one-vote, and which would favor sparsely populated areas.

Together, Mader’s and White’s underlying message was that public officials who failed to heed their legal interpretations willfully subverted citizen’s rights. Mader and White used government malfeasance as a code to make each and every participant feel that the root of the problem was clear. Thus they became simplistic soothsayers to help others who, in the words of the future Freemen, “have eyes to see and ears to hear.”

Lawyers Jim Catron and Karen Budd-Falen presented legal opinions that were far less incendiary than Mader’s or White’s. They also spoke in favor of state’s rights and local control of land use policy. Despite the general resentment of their profession, the lawyers were able to reassure locals that they had skilled experts on their side, too. Budd-Falen and Catron carefully parsed their words to cultivate support. Both speakers consistently spoke of putting county authority on the same level as state and federal governments. Laws already

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<sup>63</sup>Ibid.

<sup>64</sup>Ibid.

<sup>65</sup>Ibid.

did that, they said. It was simply up to the participants to see that the laws were enforced.

Although Catron and Budd-Falen were lawyers, and outsiders to boot, their past experience gave them local credibility. Budd-Falen had served her apprenticeship in the United States Interior Department during the James Watt era. She and Watt shared a Wyoming upbringing that advocated small government. Watt expressed himself succinctly: “I will err on the side of public use versus preservation.”<sup>66</sup> Budd-Falen, reflecting Watt’s anti-environmental viewpoint, had authored laws friendly to business and antagonistic toward wildlife preservation.<sup>67</sup> Her experience in the United States Department of the Interior and the Mountain States Legal Service had increased her connections to rural communities. In the early 1990s, she had provided Catron County with legal advice, and helped form the “New Dawn” plan, which she then used as a pattern to assist other counties in New Mexico and Arizona. Hoping to revitalize the Sagebrush Rebellion, she spoke at several conferences across the West. She discussed at length the use of the Freedom of Information Act to gain access to files from the Bureau of Land Management, Internal Revenue Service, Fish and Wildlife Service, or National Park Service. Ranchers who questioned an agency’s decision, she insisted, had the right to hire a lawyer and litigate, thereby forcing the agency to prove its assertions. She nevertheless cautioned: “These [land use] plans do not advocate veto power over federal agencies. . . . [T]he federal government has the final decision making authority.”<sup>68</sup> Budd-Falen’s argument sometimes delved into the arcane. Quoting laws from

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<sup>66</sup>Hal Rothman, *The Greening of a Nation?: Environmentalism in the United States Since 1945* (Fort Worth, Texas: Harcourt Brace Publishers, 1998), 170.

<sup>67</sup>Timothy Egan, *Lasso the Wind* (New York, Vintage: 1998), 19.

<sup>68</sup>Karen Budd-Falen, quoted in *Jordan Tribune*, 15 July 1993.

the late nineteenth and early twentieth centuries, she outlined how recent legislation, like the National Environmental Protection Act, could buttress claims of prior use and local culture to defend status-quo business practices.<sup>69</sup> She encouraged ranchers to work within the system and fight back.

Jim Catron's family history with land-use policy formed his experience, reaching back to 1866 when his lawyer/forefather settled cases between the long-time Latino residents with Spanish land grants and land-hungry Anglos who ignored any prior claims. The family also traded legal services for pieces of their Latino clients' land—part of a process in which Anglos eventually controlled 80 percent of the old Spanish land claims.<sup>70</sup> The Catron family accumulated more than three million acres and a controlling interest in thirty-four Spanish land grants, giving them control over an area larger than Delaware. By the late twentieth century, Jim Catron was using his legal skills against the other largest landowner in his county: the federal government. Catron advocated legal and legislative remedies to preserve civil rights, the Fifth Amendment, and due process. For him the key was the county government, because it has something special interest groups lacked: “the ability to pass laws.”<sup>71</sup> Catron loathed consolidated government, but carefully eschewed violence. “If there are bullet holes in green fenders [referring to the color of government vehicles], we lose. Violence would put the efforts of the Federal Lands Conference movement in jeopardy. We do not involve ourselves with hot-heads and we recommend that you don't involve

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<sup>69</sup>Ibid.

<sup>70</sup>Egan, *Lasso the Wind*, 21-22.

<sup>71</sup>Jim Catron, quoted in *Jordan Tribune*, 15 July 1993.

yourselves with hot-heads either. We've been working our butts off to make sure there are no bullet holes in bumpers."<sup>72</sup> Catron spoke from personal experience. When a wildlife biologist attempted to contact a rancher to discuss how to work with the endangered species of the area, he found his car door forced open and a man threatening, "If you ever come back to Catron County we'll blow your fucking head off."<sup>73</sup> In Catron's opinion, such tactics were counterproductive.

At the NFLC Conference, speakers urged communities to adopt policies that equated property rights with codified civil rights. By doing so, they could then use the courts to protect citizens' civil rights through lawsuit at the local level. Jim Catron stated it best: "The County Governments must be the watchdog of the federal agencies, that government is a monster, a wolf in sheep's clothing, violating the very concept of decentralized government." Troy Mader echoed Catron's concerns with the stark warning, "You're not free, folks!"<sup>74</sup> The speed with which national organizations mobilized to assist this small community impressed the local newspaper, which published six pages on the conference, the largest article devoted to any one topic between 1979 and 1995.<sup>75</sup>

The NFLC's legal interpretations drew criticism from two key figures who urged caution in implementing an interim land-use plan. Montana Attorney General Mike Mazzurek issued an opinion that county governments lacked constitutional authority to enact land-use plans to regulate or prevent the use of federal or state lands within the counties.

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<sup>72</sup>Ibid.

<sup>73</sup>Egan, *Lasso the Wind*, 17.

<sup>74</sup>Troy Mader, quoted in *Jordan Tribune*, 15 July 1993.

<sup>75</sup>Assertion based on the author's reading of the *Jordan Tribune* for the period.

Mazurek stated that the U.S. Supreme Court had repeatedly affirmed that Congress's power over these lands was without limitation. Garfield County Attorney Nick Murnion supported Mazurek's assertion that "counties could require coordination of federal government actions prior to implementation."<sup>76</sup> Murnion found out that Catron County's reliance on a civil rights clause had been questioned. According to Murnion, the U.S. Office of General Counsel declared that Catron County's ordinances were "without legal effect" and were "null and void."<sup>77</sup> The General Council's office also warned Catron County that it could face federal felony charges if it tried to enforce the ordinances. While Murnion publicly empathized with local sentiment that the Berger raid was an intrusion into county affairs and lacked proper coordination, he contended that Catron County's plan was a paper tiger. In the three years following its "New Dawn" action, the county had not made a single attempt to enforce the provisions. Both Mazurek and Murnion came to the same conclusion: ultimate sovereignty resided with the federal government. Coordination with the Feds, not fighting against them, provided the best opportunity for a successful land-use process.

The Clarks felt they had been targeted unfairly by the federal government in their foreclosure proceedings. The National Federal Lands Conference provided the family a new community network that might help prevent federal agencies from abusing other farmers. Instead of just looking out for themselves, the family thought they were waging a larger battle to limit any federal agency's power. Hence, the Clarks separated from some old friends who had previously supported them. Tom Nichols, who faced foreclosure at the same time as the

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<sup>76</sup>Nick Murnion, "County Attorney Views Land Use Plan," *Jordan Tribune*, 15 July 1993.

<sup>77</sup>*Ibid.*

Clarks had in the 1980s, thought that the family held a strong legal stand against FmHA because of their prior legal struggles. In his mind, there was no need for the Clarks to start rocking the boat. Once the end of the moratorium threatened their ownership of the farm, Ralph and Edwin stopped discussing the topic with Nichols and lost contact shortly after the NFLC. According to Nichols, the NFLC was “one of the worst things that ever happened to the Clarks.” Instead of staying in the mainstream channels where the family had success, Nichols saw them wanting out of those channels. What the Clarks discussed with Nichols was “totally contrary to every path I had been down,” Nichols remembered.<sup>78</sup>

While Edwin Clark organized conferences to create public support for the county commissioners, his father, Ralph, pursued more radical methods. According to one friend, Ralph Clark often talked to his neighbors about “how the government screwed him.”<sup>79</sup> In 1989, Ralph became acquainted with Dan Petersen through a chance meeting. While the two knew each other’s families (as Petersen had grown up in Winnett, half-way between Roundup and Jordan) they had never met before. Petersen put his mechanical skills to good use working for Reuben Oil Company full time and, on the side, as a carpenter and auto mechanic in Winnett. He and Clark became fast friends and formed a business installing water filtration systems.<sup>80</sup> Eastern Montanans snapped up the chance to improve their drinking water because ground water pumped into their homes was loaded with minerals and nearly

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<sup>78</sup> Tom Nichols, phone interview by author, 28 August 2004.

<sup>79</sup> Montana Freeman, interview by author, October 13, 2001.

<sup>80</sup> Neiwert, *In God's Country*, 95.

undrinkable. Rural residents usually offered their visitors coffee, pop, or beer. The filtration systems sold by Clark and Petersen were tailor-made for the region and made the water palatable. Clark even received recognition as the salesman of the year and flew to Minneapolis with his wife, Kay, for the banquet and awards ceremony. Petersen served as the pitch-man for the filtration system, but when the filters became clogged and needed repair the onus fell on Clark. According to Kay, the company failed to provide compensation for his repair trips. Given the huge sales range, Clark spent more money on travel expenses to fix the old machines than he earned on new commissions.

For Petersen, the business provided an opportunity to promote his views about the government and the banking industry. He, like Clark, had frustrating experiences with the government. Unable to mold their thoughts into action, the two alternatively entertained and annoyed customers with their rants. Petersen often claimed that he had lost \$20,000 in tools. In 1992, his son went through a divorce and fell behind on alimony and child-support payments. The sheriff confiscated his tools, on loan from Dan, as part of the settlement. Petersen presented a list of borrowed tools to the sheriff in an effort to have his property returned. Despite Petersen's several requests to the court and a meeting with county commissioners, the local judge issued an order to sell the tools.<sup>81</sup> Unhappy with the "hypocrites" in his own church, Peteresen turned to Christian Identity.<sup>82</sup> His Bible studies convinced him that "the government and the Bible go together—there is no separation of

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<sup>81</sup> Patrick Shannan, *The Montana Freemen: The Untold Story of Government Suppression and The News Media Cover-Up* (Jackson, MS: Center for Historical Analysis, n.d.), 10.

<sup>82</sup> Dan Petersen, Interview with Susan DeCamp, 25 April 1996. Freemen Collection, Montana Human Rights Network, Helena, MT.



church and state.”<sup>83</sup> Except for having spent a short time in the state reform school at Pine Hills for “tormenting the cops,” Petersen had never been a problem for police.<sup>84</sup> But after hearing other Montanans’ stories that confirmed his anger at the government, he dedicated himself to “exposing this thing and getting our country back” regardless of the costs.<sup>85</sup> Still, while Petersen and Ralph Clark complained plenty, they were unable to mold their thoughts into action until they met tax protester LeRoy Schwasinger.

Colorado Constitutionalist LeRoy Schwasinger toured the West offering farmers a share of a huge settlement he had filed against the federal government. By November 1992, Schwasinger reached Montana. For a fee of \$300, Schwasinger shared his plans regarding how citizens could successfully sue the government for “damages.”<sup>86</sup> Schwasinger drew on strategies from the Posse Comitatus: citing federal codes out of context, referencing common law positions, and playing to conspiracy theories that foreclosures arose because the government wanted to take farmers’ assets. At a “We the People” conference in Great Falls, which Ralph Clark, Kay, and other farmers from eastern Montana attended, Schwasinger seemed anxious to push farmers toward more radical measures. The crux of Schwasinger’s pitch was that the United States was set to be abolished in the near future. With the advantage of this “secret knowledge,” farmers supposedly needed to act quickly “so they [the government] can’t divide the movement.” Schwasinger asked each audience member to

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<sup>83</sup>Ibid.

<sup>84</sup>Edma Wamgseng, quoted by J. Todd Foster, “Provider becomes protester,” *Spokesman Review*, 26 March 1996.

<sup>85</sup>Cherlyn Petersen, interviewed by Patrick Shannan, *The Montana Freeman*, 6.

<sup>86</sup>Clair Johnson, “Stranger Brought Beliefs to State,” *Billings Gazette*, 31 March 1996; Neiwert, *In God’s Country*, 97.

contribute \$300 toward a suit against the federal government. For this nominal fee, the person would receive a portion of the government's soon to be redistributed \$600 trillion in gold. Schwasinger's pseudo-legal documents drew attention, not just because they could rescue America from the brink of disaster, but because they offered the opportunity to get out of debt.<sup>87</sup>

Schwasinger's presentation gave the budding Freeman a playbook to use against government officials. If a local court judgment went against one of the farmers, they could "inundate the courts by filing lawsuits," in Schwasinger's words, for wrongful action. If the cases went to the federal court, the judge could then award damages to the farmer. If any public official made an "illegal" ruling, according to the individual's own conscience, the farmer could use Schwasinger's documents to place a lien on the official's bond, as all public officials had to be legally bonded. Schwasinger's legal arguments were bogus, but Schwasinger promised that, if all else failed, the county sheriff, as the highest law officer who supposedly outstripped state and federal agencies, would protect local citizens.

Schwasinger's seminar drew under thirty participants, but they listened eagerly to his advice. LeRoy Schweitzer's wife, Carol, and Ronald Fulbright of Coffee Creek, Montana, wrote their names on a blackboard as the local contacts for Schwasinger's operation. Fulbright, another farmer caught in foreclosure during the farm crisis of the 1980s, had filed for bankruptcy five times in the period after the moratorium on foreclosures lifted. Within six months of the Schwasinger meeting, two judges had dismissed his bankruptcy case as

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<sup>87</sup>Roy Schwassing and Ronald Fullbright Meeting, videotape, 6 November 1992, Garfield County Attorney Files, Jordan, Montana.

having no merit. In response, Fulbright sent the judges citizen arrest warrants, charging them with fifty crimes.<sup>88</sup> While this legal strategy linked Fulbright to the early Freemen, it was his connection with Schwasinger that convinced a jury to convict him later for obstruction of justice, conspiracy, and aiding and abetting in the conspiracy by filing or generating harassing documents.

Fulbright's faith in Schwasinger may have come from his desperate situation combined with Schwasinger's easy answers. Schwasinger indulged questioners and stroked egos, confirming unorthodox interpretations of the law. For example, he claimed that defiance of the IRS was acceptable, since the agency would soon be disbanded. He even stated that it was a citizen's right to shoot any law enforcement officers that unsnapped their holster and placed a hand on their firearm. That assertion elicited surprised "Ohhhs" from the audience.

By September 1993, many of those who used Schwasinger's legal documents faced trouble with the law, including eleven people who had filed bogus liens based on Schwasinger's version of the Uniform Commercial Code. It was at this point that Ronald and Gayle Fulbright were accused and indicted by federal officials of conspiring to use bogus legal claims against banks and attorneys.<sup>89</sup> Schwasinger, too, faced a thirteen-count criminal indictment.<sup>90</sup> Even the *Jordan Tribune*, normally sympathetic to farmers, published an article on the indictments. Schwasinger's arrest for fraud, however, came too late to dissuade any

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<sup>88</sup>"Jury convicts freeman, acquits another," *Great Falls Tribune*, 24 June 1994.

<sup>89</sup>*Jordan Tribune*, 23 December 1993.

<sup>90</sup>*Ibid.*, 30 September 1993.

Montanans from following his advice.<sup>91</sup> In fact, Dan Petersen's first public foray with Freeman documents was when he placed a lien on Petroleum County officials for over \$609 million, after the county refused his check.<sup>92</sup>

The audacious claims of the National Federal Lands Conference and LeRoy Schwasinger had clearly struck a chord within the community. Major segments of the community believed that environmentalists were assaulting private property rights, the government was unwilling to protect property rights, and the minority most in need of support was the farmer/rancher. By casting a wide net for support, the Freeman captured eager members impatient to cure their ills. Some who may have disagreed with the messages of Anti-Semitism, racism, and violence, believed they could follow components of the Freeman ideology without swallowing it whole. Fiscally wounded and distrustful of the government, the Ralph Clark family evolved from sympathetic supporters to central figures in the Freeman's agenda.

The good-faith effort by Edwin Clark and Karen Taylor bore fruit: Garfield County initiated an interim land-use plan in the face of perceived government overreach. On July 19, 1993, the appointed board approved the plan to include Garfield County with thirty other western counties that passed county sovereignty acts.<sup>93</sup> Although the planning meeting's atmosphere had been acerbic at times, the new policy seemed like an acceptable compromise; the opening section of the document reaffirmed loyalty to the Constitution of the United

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<sup>91</sup>Mark Pitcavage, "Every Man a King: The Rise and Fall of the Montana Freeman," *The Militia Watchdog Website*. <http://www.adl.org.mwd.freemen.htm>. 26 October 2001.

<sup>92</sup>Dan Petersen, Petroleum County Legals, *Roundup Record Tribune*, November 11, 1993.

<sup>93</sup>Egan, *Lasso the Wind*, 20.

States, especially those sections limiting the federal government's authority, and to the State of Montana. Nick Murnion recommended the softening of some wording. Still, the document emphasized that federal and state agencies should coordinate with the county in several areas involving water management, including water rights, wetlands, and Wild and Scenic River Designation. Additionally, the document "affirmed and demanded" that all lands not owned by private individuals be "relinquished to the citizens thereof," a longstanding demand of the Sagebrush Rebellion.<sup>94</sup> Catron County's land use plan echoed throughout the document regarding the preservation of custom and culture for agriculture, grazing rights, and lumber products. "[A]ll natural resource decisions affecting Garfield County," the plan stated, "shall protect private property rights, local custom and culture, maintain self-determination, and open new opportunities through free markets."<sup>95</sup> Distressed that the language of the Catron County plan had not been followed exactly, Karen Taylor presented a petition from over one hundred county residents. The petition went beyond the Budd-Falen and Catron plan. Similar to a proposal made in Janet Guptil's editorial in the *Jordan Tribune*, the petition called for wording that put "private property owners on co-equal footing with the Federal and State governments," an argument for individual sovereignty that Freemen like Rodney Skurdal and LeRoy Schweitzer had already advocated.<sup>96</sup>

In late August, the Berger case finally ended. The U.S. Federal District Court in

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<sup>94</sup>"Garfield County Interim Land Use Plan," *Jordan Tribune*, 22 July 1993.

<sup>95</sup>Ibid.

<sup>96</sup>Janet Guptill, Editor's Note, "Land Use Planning Meeting Held," *Jordan Tribune*, 13 May 1993.

Billings acquitted Paul Berger on three of the four charges levied against him.<sup>97</sup> Berger's defense team consisted of Charles "Timer" Moses, the same lawyer who helped the Clark family in the 1980s, and Jay Lansing. The judge found Berger innocent of the most serious charges: violations of the Endangered Species Act, the Migratory Bird Treaty Act, and the Eagle Protection Act. Berger's conviction for misuse of a pesticide, mixing Furdan and antifreeze, carried a \$1,000 fine and forty hours of community service.<sup>98</sup> After the announcement of the sentence, Berger utilized Moses's law firm to file a civil action against the federal government and Cable News Network (CNN). The U.S. Attorney's office by allowing the presence of CNN cameras and reporters had allegedly transgressed several internal Department of Justice policies. In conjunction with a 1992 case, involving a raid in which the Secret Service granted access to the Columbia Broadcasting System (CBS) for a news program, Berger's case worked its way to the U.S. Supreme Court. The justices circumscribed law enforcement's ability to involve the media and sent Berger's civil case against CNN back to the U.S. District Court for adjudication. Although the eventual result of Berger's civil litigation was still pending, the mere possibility of a victory combined with the adoption of an interim land-use plan, satisfied many in the Jordan community and should have soothed talk of conspiracies, but did not.

Prior to the announcement of the Berger verdict, the articles and letters to the *Jordan Tribune* editor reflected a populist narrative of what Chip Berlet and Mathew Lyons termed

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<sup>97</sup>*Jordan Tribune*, 2 September 1993.

<sup>98</sup>Skinner, "The Raid," *Range Magazine*, Spring 2002. Taken from [www.rangemagazine.com/stories/spring02/raid.htm](http://www.rangemagazine.com/stories/spring02/raid.htm).

“producerism.”<sup>99</sup> The stereotypical producer worked hard to reach the middle class. Although these citizens increased their productivity, they were often the victims of lazy, malevolent, or sinful parasites at the top and bottom of the social order resulting in a slide down the social or economic ladder. The producerists sought a fair distribution of power and privilege. In rare cases, producerists justified scapegoating groups that were seen as unworthy of permanent support.<sup>100</sup> In the months prior to the NFLC and the Berger verdict, the newspaper expressed strong support for elements of producerism, namely anti-tax, property rights, economic libertarianism, and Christian nationalism.

The voices in the local paper foresaw a future where the local ways would continue to erode and place the financial well being of the community at risk. The letters to the editor also expressed the fear that events had undermined the community’s cherished morals. To “those who have eyes to see and ears to hear,” as the Freemen were fond of saying, national and local events provided proof of a crisis and of fears of federal intervention.

For the vast majority of county rights activists, however, the “crisis” had abated. In the period between September (after the Berger verdict) and December 1993, the number of letters to the editor espousing producerism diminished. Yet, Karen Taylor and her husband, Clay, bucked the trend, writing a total of seven letters after the verdict. The Taylors believed the crisis had deepened. Clay’s letters to the editor from May through August had concentrated on protecting grazing rights and halting attempts to increase user fees or limit

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<sup>99</sup>Chip Berlet and Matthew N. Lyons, *Right-Wing Populism in America: Too Close for Comfort* (New York: The Guilford Press, 2000), 419.

<sup>100</sup>*Ibid.*, 348-349.

the number of livestock per acre.<sup>101</sup> Starting in early September, however, his topic changed. Clay's conclusion was that the government was broken as a result of low commodity prices and Federal Reserve policies. The Federal Reserve, he claimed, stole the real wealth from farmers with loans and siphoned off interest at an exorbitant rate. These usury practices, according to Clay, created wealth for elites at the expense of farmers. "In the process of thirty years," he argued, "the farmer will buy back his farm at least three times from an institution that NEVER loaned him anything but his own farm!"<sup>102</sup> Clay wrote a more detailed letter in November, arguing that the Federal Reserve printed paper dollars that had value only because the system demanded payment in dollars instead of gold or silver. Since the Federal Reserve was a private corporation, he assumed that Congress had abdicated its power to produce an immoral system that rewarded non-productive, elite bankers and penalized hard-working people.

In November, Karen Taylor submitted a letter to the editor that provided clear evidence of a close connection between Rodney Skurdal, LeRoy Schweitzer, and several eastern Montana farmers. After rehashing arguments on the primacy of private property and gun rights, she echoed Rodney Skurdal's and LeRoy Schweitzer's arguments. "[W]e are members of the 'posse comitatus' and so are you," she announced. Taylor laid out a long list of common law tenets, identical to Schweitzer and Skurdal's, from a handbook she recently acquired: the United States was "not a Democracy" but a republic; government had to get permission from the common man to enforce a law; juries could nullify bad law; no one is

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<sup>101</sup>Clay Taylor's letters were published on 20 May, 3 June, 22 July, and 5 August 1993.

<sup>102</sup>Clay Taylor, Letters to the Editor—"Government is Broken," *Jordan Tribune*, 30 September 1993.



bound to obey an unconstitutional law; licenses turn rights into privileges; and citizens must obey God rather than men. and “[W]here the people fear the government you have tyranny; where the government fears the people you have liberty,” she insisted.<sup>103</sup> While many eastern Montanans would have agreed, Taylor’s letter gave evidence that the Freemen influenced the Taylors. Her letter contained the exact “legal” citation Skurdal used in his documents: “MCA 30-1 207” and the words “without prejudice.”<sup>104</sup> Although the Taylors’ letters provided the first hard evidence of the new Freemen movement in Garfield County, they represented the tip of the iceberg facing eastern Montana officials. To those familiar with common law legal jargon the letters indicated that Freemen beliefs were spreading. Their fear was justified, as several other Montanans started acting on advice from Schweitzer and Skurdal.

A Fergus County group, including Jay Brand, who had attended both the Schwasinger seminar and the NFLC, set up a common law court to adjudicate cases and dispense legal advice. In 1993, the group experimented with several forms of common law. In its most brazen effort, the extralegal group served a sheriff’s deputy with an arrest warrant after he seized cattle as part of a foreclosure. The deputy thanked the group kindly and moved on. But after he failed to recognize the warrant, the group filed a lien. Meanwhile, Jay Brand used the Lewistown Freemen as legal counsel in his defense against the Montana Department of Labor and Industry. Unbeknownst to District Court Judge Peter Rapkoch, the group claimed legal power via a “County-Court/Comitatus in and for Fergus County.” In the Freemen’s eyes, Rapkoch had no authority, even though the judge continued to preside over

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<sup>103</sup>Karen Taylor, Letter to the Editor, *Jordan Tribune*, 25 November 1993.

<sup>104</sup>*Ibid.*

the Brand case. In Rapkoch's district court, Brand ignored employee records that clearly showed he had failed to pay state taxes. For his defense, Brand relied on common law reasoning, although the judge disputed the veracity of his testimony. The proceeding degenerated until Brand told the jury, "If he [the judge] would shut up and leave me alone I could proceed."<sup>105</sup> The judge concluded the proceeding and quickly left the courtroom, but, at the urging of his supporters, Brand continued his argument for the Comitatus court records. After the court closed, Brand supporters blocked Dan McGregor, lawyer for the State of Montana, from his car. "A few of them followed me to my car and were waiting for me there. . . . They get right in your face," he recalled, asking him how it felt to be "a state tool abusing the common man" and "argu(ing) the Magna Charta with you all the time."<sup>106</sup> Later, after Brand had been found in contempt of court and jailed, his supporters conducted a proceeding in the basement of the Fergus County sheriff's complex to find Brand innocent of this charge. Despite the Freemen's pronouncement, Brand remained incarcerated.<sup>107</sup>

The divorce case of Richard and Gloria Clark furthered the rise of the Freemen in eastern Montana and encouraged the family's descent into illegal activity. Undoubtedly, Richard believed in the Freemen cause. Those who knew him well, believed that he was a good friend and a model son. Edwin, the same age as his cousin, grew up thinking of Richard as a brother. Richard's mother, Rosie, doted on her son, and his father, Emmett, Ralph's brother, had helped him to establish a trucking business when he was not helping on the farm.

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<sup>105</sup>Jay Brand, quoted by Clair Johnson, "High Plains Uprising," *Billings Gazette*, March 27, 1994.

<sup>106</sup>Dan McGregor, *ibid.*

<sup>107</sup>*Ibid.*

In the early 1990s, however, life had turned on Richard. His marriage to Gloria fell apart and divorce proceedings started. Richard initially signed an alimony agreement for \$100,000 over ten years. He never made the first payment. Instead, he set up a living trust to shield his property from the settlement with Gloria. The trust failed, however, to protect the property he owned with his father Emmett or the \$50,000 CRP subsidy check.<sup>108</sup> The court ordered Richard to pay off his debts to Gloria and to the Spokane Farm Credit Bank. Richard and his father grew increasingly agitated as they commiserated about how to come up with such a large sum of money.

Without the advice of Freemen outside Garfield County, Richard possibly would not have transformed his resentment into Posse-like common law action. Critical to the emergence of Garfield County's Freemen was the Fergus County Comitatus. An advertisement in the *Jordan Tribune* demonstrated the link between the two groups. "Want to study the Constitution?" the ad asked; "A committee has been established in Lewistown to study the Constitution. The first meeting of the group will be held at 7 P.M. at the county library meeting room [in Jordan] on Thursday, September 30."<sup>109</sup> From such meetings, locals formed extralegal citizen courts, one in Rodney Skurdal's in Musselshell County and another on Emmett Clark's farm in Justus Township.

Richard Clark became a justice in the Lewistown Comitatus court and sought to void the court's ruling and adjudicate his own divorce case. Gloria Clark's lawyer, in turn, tried to collect the cash awarded in the divorce settlement. On September 13, 1993, the Clarks'

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<sup>108</sup>Neiwert, *In God's Country*, 102.

<sup>109</sup>*Jordan Tribune*, 30 September 1993.

divorce case came to a boil before Montana's Sixteenth District Court Judge Kenneth Wilson. Dan Petersen, serving as Richard's common law lawyer, argued that the court did not have jurisdiction and that the case would be going to federal court. Petersen claimed that Judge Wilson told him to "shut up." As happened in the Jay Brand case in Lewistown, Judge Wilson closed the courtroom and stopped the proceedings. Angrily, Petersen told the judge he was in default for \$200 million for violating Richard Clark's rights. Frustration overflowed among the Freemen because, as Dan Petersen later said, the judge "thinks he is the supreme power. I've got news for him, I am—and the rest of my justices."<sup>110</sup> According to the Freemen's version of events, however, before closing court the judge admitted he had "no jurisdiction over federal instrumentality."<sup>111</sup> The Freemen interpreted Wilson's statement to mean that the Sixteenth District Court could not enforce the divorce settlement. Additionally, Wilson reportedly told Clark that he should appeal the case to the state supreme court or "go find your own court."<sup>112</sup> What may have been said in jest was music to the ears of Petersen and Richard Clark. In their minds, Judge Wilson had given them approval to found their own court. Thus, a judicial proceeding that involved an unremarkable local issue bloomed into a courtroom confrontation spurred the Clark family into the Freemen movement.

Three days later, Richard convened his own court, the Fergus County common law court that had defended Jay Brand. Clark's court subpoenaed Judge Wilson to answer

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<sup>110</sup> Dan Petersen, Common Law Affidavit, videotape, 27 March 1994, Garfield County Attorney Files, Jordan, Montana.

<sup>111</sup>Ibid.

<sup>112</sup>Ibid.

“matters relating to a federal lending institution a/k/a Farm Credit Bank of Spokane.”<sup>113</sup>

Ralph Clark and Dan Petersen signed Richard’s order as common law witnesses.

Although Clark denied that a state court had jurisdiction in his case, he attempted to use the help of Garfield County officials. First, he asked Garfield County Attorney Nick Murnion to inquire about his case, which Murnion did. The next week, Petersen and Clark went to the Garfield County courthouse in Jordan to file documents asserting that the Farm Credit Bank of Spokane was guilty of “criminal conversion,” the same charge that had faced Ralph years before, for not erasing his debt. Additionally, they filed a “common law affidavit” holding Judge Wilson responsible for violating Clark’s rights. County Clerk Jo Ann Stanton looked over the documents and noticed that the debtor line lacked Judge Wilson’s signature acknowledging his \$200,000,000 debt. Clark and Petersen, using Skurdal’s argument that any charge unanswered by a government official was valid, assured Stanton that the documents were in good order. Stanton stood her ground. The two men grew increasingly agitated at her refusal. Challenging her reading of the statute, Clark claimed that she was “knowingly and willingly aiding and abetting a criminal conspiracy.”<sup>114</sup> He and Petersen left the documents behind, considered the lien filed, and departed. The exchange in Stanton’s office left the pair unsatisfied, so they complained at the sheriff’s office. Clark told Undersheriff Darrell Higgins that they wanted to lodge a complaint against

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<sup>113</sup>“Subpoena of Kenneth R. Wilson,” Justices’ Courts in the County-Court/Comitatus in and for Fergus, 16 September 1993.

<sup>114</sup>Jo Ann Stanton, Voluntary Statement to the Garfield County Sheriff, September 21, 1993, Jordan, Montana. Janet Sherer remembered Richard saying “co-conspiracy” when she filed a Voluntary Statement three days later.

Stanton.<sup>115</sup>

While Richard Clark continued to file documents to protect his \$50,000 Conservation Resource Program check, Judge Wilson's decision stood. On January 27, 1994, Clark and twenty-seven supporters held their own extralegal hearing in the Garfield County courthouse in a "lawful 'Court of Necessity.'"<sup>116</sup> The group appropriated the room, ignoring county officials who told them the courtroom could only be used for county proceedings. Curious, County Attorney Murnion witnessed the proceedings from the hallway outside the courtroom. "They didn't appear dangerous," he recalled.<sup>117</sup> Locals failed to worry Murnion. He had grown up with most of the participants. But the large number of strangers concerned him, especially Richard's legal consultant, Rodney Skurdal.

Some viewed the courthouse event as a take-over. But, if not for the context of the situation, it would have been easy to mistake the meeting for any other community-based event. Men doffed their hats and opened brief cases before calling the meeting to order. The sheriff answered questions and received permission to tape the proceedings. Since the Freemen had taped official events in the past, Murnion thought it would be a good idea to be "smart" right back by taping the Freemen.<sup>118</sup> The Freemen bowed to the authority of the sheriff, whom they still considered reliable, as he had not violated any of their extralegal orders.

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<sup>115</sup>Darrell Higgins, statement, n.d.

<sup>116</sup>Gary Clark, Common Law Affidavit, 28 March 1994.

<sup>117</sup>Murnion interview, 10 April 2003.

<sup>118</sup>Ibid.

Under the extralegal authority of the “Supreme Court of Garfield County/comitatus,” Clark entered his affidavit to prevent Gloria from collecting on his CRP check. Frequently asking Rodney Skudal how to proceed, Richard impaneled a jury, read his common law affidavit, and called for Judge Wilson as a witness. Clark found Wilson in contempt of his court since he had ignored the summons. Skurdal searched through his bulging briefcase for the appropriate common law document, the jurors—a body of middle-aged white men—signed. Sheriff Phipps received the summons for Wilson. Phipps agreed to deliver documents only within the county and only if they were legal. Unsure that Phipps was reliable, Bill Stanton accepted responsibility for delivering the jury’s verdict and lein. Skurdal closed the hearing with a heroic flourish that was part Perry Mason and part Superman. “We’ve opened our own common law court and we have the law back in the county, now,” Skurdal declared. “These kinds of hearings can be held anytime . . . anywhere there is an injustice.”<sup>119</sup> This courtroom episode fired the opening salvo of a two-and-a-half-year battle to determine whether the Freemen had authority in Garfield County.

While Jay Brand’s common law court in Lewistown drew far less attention than Richard Clark’s court session in Jordan, both showed the Freemen adapting their legal arguments to buttress their needs. The problem, in Murnion’s opinion, was that the Freemen were no longer focused on a particular law or government agency. Instead, they threatened the very structure of law in a representative democracy.<sup>120</sup> The Freemen’s formation of an alternative court system rendered the American community outside of Garfield County

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<sup>119</sup>Common Law Court, videotape, Garfield County Attorney Files, 27 January 1994.

<sup>120</sup>Ron Suskind, “Nickolas C. Murnion,” in Caroline Kennedy, ed., *Profiles in Courage for Our Time*, (New York: Hyperion Books, 2002), 188.

irrelevant. A small, homogeneous, self-selected group could counter any government activity—national, state, and local. The Freemen had created a system even more decentralized than the Posse Comitatus.

By the start of 1994, the Freemen’s message resonated with some eastern Montanans. John Murnion, who had lost his farm in the 1980s and was Nick Murnion’s first cousin, was certain that “the people who enforce federal laws that make no sense and hurt people from around here . . . they’re the enemy.”<sup>121</sup> The plain people around Jordan, Montana, had heard anti-tax and anti-government arguments before. Martin “Red” Beckman, Larry Dodge, Jay Brand, and Ronald Fulbright thus found an audience sympathetic to their words. Rugged self-reliance and bold-action were prized commodities, as much as were soil, water, and fresh air. By exemplifying these virtues and verbalizing the concerns of many residents, the home-grown heirs of the Posse Comitatus and John Birch Society were able to draw new recruits behind a message of hope—although that message ultimately proved false. Initially, the Citizens for Freedom, who helped organize support for a new County Land Use Plan, hoped to increase public participation. The more radical prophets who came to Montana helped revive citizen action, albeit for dramatically different purposes. LeRoy Schwasinger toured the West selling a plan for debt reduction. LeRoy Schweitzer, hiding in Rodney Skurdal’s cabin to avoid arrest, jazzed up his rhetoric to include a financial scheme that promised an authentic government for citizens. Finally, nationally known speakers at the National Federal Lands Conference drew hundreds to Jordan.

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<sup>121</sup>John Murnion, quoted in Ron Suskind, “Nickolas C. Murnion,” 192



Sparked into action by the Berger raid, longtime activists like the Clark family joined with newly concerned citizens to urge the county to assert authority in the area of personal property rights. The radical populist producer oratory employed by all of the speakers, Montanans and outsiders, provided the call to action. In their love for a particular brand of freedom, government, and morality, these citizens of Garfield County pressured public officials to enact personal property laws. When their efforts failed to bring the reform they wanted, they readily wed themselves to the Freeman's agenda. The marriage, however, turned into a nightmare that created criminals who had once been upstanding citizens.

## CHAPTER SIX

### THE TIME IS NIGH: THE FREEMEN STANDOFF WITH THE FBI

By the mid-1990s, tensions between the Freemen and authorities at the local, state, and federal level were coming to a head. Emboldened by a handful of radicals with backgrounds in a range of radical-right causes, several financially troubled farmers in Jordan Country in eastern Montana embraced desperate strategies to escape from what they believed were the clutches of overbearing officials and questionable government practices. Commitment to the movement ran deep and the Freemen pushed hard to have county, state, and federal authorities adjust to their “law.” Local officials who increasingly felt the wrath of the Freemen pushed back by charging members of the group with criminal conduct, but their strategy of neutralizing Freemen initiatives was unsuccessful. Surprisingly, federal and state authorities did little to assist counties who faced the Freemen, focusing instead on collecting information for future prosecutions. Only the threat of violence within the local community drew federal intervention to stop the group.

As FBI agents gathered intelligence on the Freemen, they discovered divisions within the movement. Hard-core leaders had embedded themselves among locals who protected them, allowing the movement to flourish for over a year. The FBI assumed that if it removed the leaders, like LeRoy Schweitzer, from the followers, negotiations could end the conflict quickly. The agency had not anticipated the depth of the Freemen’s belief in local sovereignty, however, resulting in an eighty-one day standoff—the longest in United States

history. The shrewd negotiation tactics of the Freeman and the resistance to use force by the FBI allowed both to claim victory at the end of the standoff.

Ralph Clark's financial situation had become desperate. As the sheriff had scheduled Clark's home property for sale on April 14, 1995, other people close to Clark also felt the pinch. Bill Stanton, a neighbor, faced a sheriff's sale on June 3. Gary and Penny DesPois, who lived on Clark's property, faced repossession of their pickup.<sup>1</sup> Emmett Clark had been pushed by his son, Richard, to follow Schweitzer's scheme even though Emmett's farm remained on firm financial footing. "He was a pillar of the community," farmer Ron Saylor remembered about Emmett.<sup>2</sup> Saylor praised Emmett as someone he would trust with Fort Knox. By August, the Farm Credit agency served a summons on Emmett Clark for non-payment.

By January 24, 1995, Ralph Clark had used a Schweitzer invention to file a lien against Garfield County Attorney Nick Murnion for \$500 million.<sup>3</sup> Clark included all property of the Murnions in his filing, even his retirement. The filing listed the Clark family's trust, Dino Holdings, as the primary party and Dan Petersen's trust, Cherdan Trust, as the assignee. By teaching others how to implement his plan, Schweitzer could advance his financial ideas while remaining hidden from law enforcement. Clark purposefully overestimated the Murnions' wealth for his claim. If you include a large number, according

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<sup>1</sup>*State of Montana v. Clay and Karen Taylor*, Justice Court Case # 262-94CR, "Opening Statement," County Attorney Files, Jordan, MT.

<sup>2</sup>Brian McGrory, "Montana Standoff: Alienation," *The Boston Globe*, 6 April 1996.

<sup>3</sup>Nick Murnion and wife Lien, 24 January 1994, County Attorney Files, Jordan, MT.

to Ralph, then you get everything that he has. If you only go for \$100,000, then “he’ll get a crooked lawyer and a crooked judge and you are apt to lose.” By putting down millions, “I will get the \$100,000 and his ass is out eatin’ grass and I got everything he has.”<sup>4</sup> Or so Schweitzer had taught him.

The financial peril to Murnion was real. Even a spurious lien restricted access to his accounts. What made him angrier, however, was the Freeman’s tactic of bullying courthouse employees. JoAnn Stanton, Garfield County Clerk, swore that she lost weight dealing with the group’s demands and their constant arguments over how to file their documents.<sup>5</sup> Making matters worse, according to Murnion, the belligerent tactics worked and intimidated officials. By the fall of 1994, both the county clerk and the justice of the peace would decline to run for office.

Murnion quickly countered the Freeman’s plan. First, he issued an order that restricted the use of the county courthouse to county business only. This would preclude any official sanction of Freeman’s events. Second, he put forward an attorney’s opinion that the clerks only needed to file legal documents that were required by law.<sup>6</sup> Murnion asked the clerks not to “file or record any documents which appear to be frivolous until I have had a chance to give my opinion.”<sup>7</sup> Since the Freeman had already filed several motions, Murnion’s directions may have overstepped his authority, but by February the county

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<sup>4</sup>Ralph Clark interview.

<sup>5</sup>David A. Neiwert, *In God’s Country: The Patriot Movement and the Pacific Northwest* (Pullman, Washington State University Press, 1999), 103.

<sup>6</sup>Nick Murnion, interview with author, 10 April 2003, Jordan, MT.

<sup>7</sup>Letter to JoAnn Stanton from Nick Murnion, 28 February 1994, County Attorney Files, Jordan, MT.

commissioners had sanctioned his actions. The commissioners denied the “Supreme court of Garfield County/comitatus” use of the courthouse, facilities, and clerks of the county. Six times the resolution called Richard Clark’s gathering a fictitious court and ordered the sheriff to take appropriate action if another trespass should occur.

Sheriff Charles Phipps engaged his law-enforcement network, too. A January meeting in Jordan to set up a state-wide intelligence network for drug trafficking had been delayed. On February 9, seventy officers from state and local agencies met at the VFW Hall in Jordan.<sup>8</sup> The meeting allowed Phipps and Murnion to seek the advice and expertise of those who attended. Several officials at the conference viewed the tape of the county courthouse incident.<sup>9</sup> The biggest outcome, however, was enraged Freemen who read the *Jordan Tribune*’s front-page article reviewing the purpose of the meeting. Phipps, according to the paper, said county attorneys were brought into the meeting “as they are the Chief Law Enforcement officials in each county, and that the various law enforcement agencies must go through them to reach the Justice system.”<sup>10</sup> From the perspective of the Clarks, Stantons, and the other Freemen, the newspaper confirmed their fear that Nick Murnion controlled the county.

In early March, seven Freemen attempted to file documents. Gladys Stanton, county clerk and justice of the peace, attempted to reconcile the filing with the county

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<sup>8</sup>Attendance included officials from the Department of Livestock, Montana Highway Patrol, County Attorneys, police and sheriff offices from around the state, the Bureau of Alcohol Tobacco and Firearms, Department of Justice, Bureau of Indian Affairs, Bureau of Land Management, and US Fish and Wildlife.

<sup>9</sup>*Jordan Tribune*, 17 February 1994.

<sup>10</sup>*Ibid.*

commissioners' edict. Penelope DesPois and Bill Stanton gave the clerk documents signed by Rodney O. Skurdal and Clay Taylor, the latter the Freeman's "justice of the peace." Gladys knew of Skurdal's spurious documents and that Taylor had not been elected to county office. Bill Stanton hoped to file with Gladys Stanton's office a claim against the Small Business Administration for an outrageous \$100 million. The encounter went poorly. Stanton felt she was ganged up on by the group and, when pressed hard by Dan Petersen on her authority as a justice of the peace, snapped. Stanton told the group to, "Get out of here, I'm not going to argue with you bunch of kooks anymore. Get the hell out of here . . . and don't come back."<sup>11</sup> As with Richard Clark's encounter with Judge Wilson, the Freeman used the encounter to bolster their argument for a separate extralegal county government.<sup>12</sup>

As county officials challenged the Freeman's procedural claims, the Freeman pushed to remove officials who opposed them. On March 8, the Freeman posted ten copies of a bounty of \$1 million "to any Freeman or other person who successfully causes the arrest and subsequent conviction" of people who carried out the sale of Clark's and Stanton's farm, including Murnion, Phipps, and Wilson. The Freeman also promised \$5 million for the transcript of Richard Clark's hearing with Judge Wilson from the previous September. Bill Stanton posted his phone number if anyone was interested in the offer. Although many Freeman signed the bounty, Schweitzer, Skurdal, and Petersen had created the document. Immediately acquaintances reported to Murnion on the Freeman's actions. Although

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<sup>11</sup>Transcript, taped and transcribed by Karen Taylor, March 2, 1994, County Attorney File, Jordan, MT.

<sup>12</sup>Ralph Clark Telephone Conversation with Charles Phipps, 14 March 1994. County Attorney File, Jordan, MT.

personally distressed, Murnion noted that others interpreted the posters as an attack on his entire family. After mulling the situation over for a few days, Murnion and Sheriff Phipps decided to call Bill Stanton and tape the conversation.<sup>13</sup>

Phipps, who lived close to the Stanton ranch, tried to joke about the bounty by asking if Murnion and he could turn themselves in and collect the bounty. “You could,” Bill replied, “But you probably wouldn’t live to enjoy it . . . because you’d be tried and you’d be hung.” With his curiosity piqued, Phipps asked if the hanging would take place on Main Street. “No, we wouldn’t want to waste the taxpayers’ money. We’ll just throw some rope over a bridge and hang the bunch of ya.” The conversation ended quickly. Murnion turned to Phipps, “We’ve got a problem, a big problem”<sup>14</sup> Both men thought Stanton was the most volatile of the Garfield County group.<sup>15</sup> If Stanton expressed such extreme positions, others might follow.

Over the next two days, Murnion looked desperately for laws related to treason, anarchy, and revolution. Rhetoric could not win this argument. Murnion knew people hated neighbors losing farms to foreclosure. Those good people who struggled in eastern Montana betrayed an unspoken truth of how close all farmers had danced to the financial precipice of failure. The law was Murnion’s hope. For every injury there must be a remedy. In this case, the injury was to the system itself. How could a county attorney protect democracy? Murnion found an answer: criminal syndicalism.

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<sup>13</sup>Casey Clark, FD-302, 10 September 1997, County Attorney Files, Jordan, MT.

<sup>14</sup>Ron Suskind, “Nickolas C. Murnion,” in *Profiles in Courage for Our Time*, ed., Caroline Kennedy (New York City: Hyperion Books, 2002), 187.

<sup>15</sup>Murnion interview.

The Montana criminal syndicalism statute had a long but largely forgotten history, as no one had ever been convicted of the charge in Montana.<sup>16</sup> The statute served the purpose of stifling dissent at the height of World War I when the Industrial Workers of the World (IWW) attempted to organize lumberjacks, miners, and farmers to end industrial capitalism, a system it saw as enriching capitalists to the detriment of wage earners. The IWW became a target for government and business across the nation by organizing strikes, boycotts, and even a few attempts at sabotage. President Woodrow Wilson had asked state governments to generate support for the controversial war. Montana legislators passed a series of laws to stop the IWW from advocating any position against the current conflict, but expanded the law to encompass economic order.<sup>17</sup> In 1914, the lynching of labor organizer Frank Little had started the demise of the IWW in the mining industry. Montana's officials responded to Wilson's call with vigor, forming a state council of defense to search for draft dodgers, traitors, and other nonconformists, convening a special session to pass legislation restricting assembly and freedom of speech, and hounding prosecutors for convictions once the laws were passed.<sup>18</sup> Although eighty Montanans from different regions of the state were convicted of sedition for their opposition to the war, no one was convicted of criminal syndicalism.

Murnion thought the legal definition of criminal syndicalism fit the threat made by Bill Stanton. Stanton's actions fit the definition: advocating "crime, malicious damage or

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<sup>16</sup>Lawrence F. Reger, "Montana's Criminal Syndicalism Statute: An Affront to the First Amendment" *Montana Law Review* 58 (1997): 295.

<sup>17</sup>*Ibid.*, 291.

<sup>18</sup>Malone, *Montana*, 275-176.



injury to property, violence, or other unlawful methods of terrorism as a means of accomplishing industrial or political ends.”<sup>19</sup> If convicted, a person would serve time in the state prison not to exceed ten years. At the same time, Murnion discovered that prosecuting criminal syndicalism would be difficult. Other states, too, had applied criminal syndicalism statutes, but starting in 1933, the U.S. Supreme Court found a series of state syndicalism laws unconstitutional due to the infringement on traditional First Amendment rights of assembly and speech. The vagueness of the laws inhibited fair application of standards to all citizens. By 1969, the court had replaced a clear and present danger standard to a direct incitement test. Murnion still thought the statute applied, however, since the Freeman bounty coupled with Stanton’s threat was an attempt to violently overthrow government. According to Murnion, “they [the Freeman] talked about trial of their peers and, by golly, I wanted to give them one right here.”<sup>20</sup> To verify the breadth of support among protestors for Stanton’s threat, Murnion asked Sheriff Phipps to make a phone call to Ralph Clark. Schweitzer, Skurdal, and Petersen had stretched their relations with law enforcement to the breaking point. Would Ralph Clark follow their lead?

On March 14, Phipps talked to Clark. Each side accused the other of drinking, lying, and confusing the issues. Phipps had recently posted Clark’s foreclosure notice on fenceposts at the entrance to his farm. As upset as Clark was about the pending sale, he still allowed the sheriff to pump him for information. Clark confirmed that the foreclosure notice posted at his farm prompted the bounty. Not as belligerent as Stanton, Clark said he liked

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<sup>19</sup>Montana Codes Annotated, § 45-8-105.

<sup>20</sup>Murnion interview.

the Phipps family, but “when somebody starts taking away my livelihood and my home without due process then we’ll watch the bear dance. . . I’ve gotten my feet planted pretty damn solid.”<sup>21</sup> Clark had recently attended the court-mandated sale of the property of Opheim farmer Lavon Hansen. Clark declared that had seen deputy sheriffs from across eastern Montana “hold a gun on a man [Hansen] and steal all of his machinery at gun point.” To prevent a similar event on his farm, Clark argued proceedings should be settled in “his” courtroom, established in January at the courthouse. Clark invited Phipps to come out to the farm and discuss it, even to the extent of bringing Murnion and the county commissioners. “You’re free to leave if you don’t like, you’re free to, any and everyone of you is free to leave any time you want to,” Clark offered. Most important to Phipps and Murnion, Ralph Clark’s willingness to talk showed that community bonds had not been entirely severed. Murnion and Phipps, however, doubted they could convince Clark he was wrong without initiating criminal charges.

During his conversation with the sheriff, Clark verified that the Freemen had elected Clay Taylor as a “justice of the peace” for the people of Montana, an office to which Taylor had no legal claim. Murnion now had evidence of a crime, impersonating a public official, and within a week filed charges against all Freemen who supported Taylor’s bogus claim to a legitimate office.<sup>22</sup> He set the arraignment date for early April, just before Ralph Clark’s sale. “All we wanted,” Murnion remembered, “was for them to take a second look [at their

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<sup>21</sup>Ralph Clark Telephone Conversation with Charles Phipps.

<sup>22</sup>Warrants, Complaints & Indictment by Defendant, Garfield County Attorney Files, Jordan, MT.

actions].”<sup>23</sup> The timing of the incident, however, also struck the Freeman as limiting their right to protest the sale.

Although the conversation with Clark had helped calm the officials’ fears for their immediate safety, the pending sale of the Clark and Stanton farms might be a stage for a dangerous confrontation. Phipps called a sheriff’s posse comitatus to reach out to community members for support.<sup>24</sup> Relying on word of mouth, Phipps invited people hostile to the Freeman or people who had called the sheriff to ask if they could help. On March 21, 150 of them attended a meeting called by the sheriff. Community support for Phipps and Murnion had always been strong, but would people be willing to stand up to close friends or relatives? Phipps asked for a small group of deputized posse to attend the farm sales and court proceedings. The posse members, however, were not to have guns or incite a confrontation. The information presented by Murnion and Phipps failed to connect the local leadership of the Freeman to the problem. In fact, Murnion’s presentation keyed on LeRoy Schwassinger’s We the People meeting and the lawless nature of the Freeman. Unlike Sheriff Smith in Mussellshell County, Murnion told the meeting that the group was not part of the radical Posse Comitatus. Instead, he focused on the financial aspects of the Freeman and their refusal to pay their bills. At the end of the evening eighty-five community members signed up for the posse to “quell the potential public disturbances posed by those who have attempted to form their own Justice Court.”<sup>25</sup>

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<sup>23</sup>Murnion interview.

<sup>24</sup>Sheriff duties in calling a posse are covered by in the Montana Code Annotated, sections 7-32-2121 (6) and 7-32-2112.

<sup>25</sup>Posse sign-up sheet, Garfield County Attorney Files, Jordan, MT.

Phipps and Murnion waited anxiously to see how many of the Freeman would appear for their arraignment. On April 1, only Karen and Clay Taylor came to court. The no-shows disappointed Murnion since he thought they would relish the spectacle of a trial and there was no prospect of jail time. In retrospect, he realized the Freeman's belief prevented them from submitting to another court. The Taylors agreed to face trial, Murnion thought, because they were afraid of being separated from their young children. Their trial was set for November. Murnion filed arrest warrants for the other thirteen individuals. During the summer of 1994, Murnion filed charges against an additional four Freeman. Slowly, those outside the hard-core Schweitzer group submitted to prosecution. The key seemed to be law enforcement taking a stand. New Freeman converts evaporated as soon as the prosecutions started, Murnion remembered.<sup>26</sup>

Getting help, however, proved more difficult than Phipps and Murnion thought. Although he consulted with the U.S. Attorney in Billings, Jim Seykora, and Montana Governor Marc Racicot, few citizens turned out to help the county officials. The federal government did offer informational conferences, but they were primarily focused on hate crimes. Only in late 1994 would the U.S. Attorney and FBI ask Murnion to participate in their meeting in Boise and discuss the militias in the Rocky Mountain region. Murnion thought it was ironic that he and the Freeman shared a common problem: neither could get anyone to carry out their arrests.<sup>27</sup>

Murnion's arrest warrants, intended to bring the Freeman to court, had the opposite

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<sup>26</sup>Murnion interview.

<sup>27</sup>Ibid.

effect on those closest to Schweitzer. It drove them underground. The Clark men—Emmett, Richard, Edwin, and Ralph—and Bill Stanton started to hide at Skurdal’s cabin near Roundup and periodically sneaked back home. It was during this tense period that Schweitzer had convinced the Garfield County group to use his new financial scheme to pay their bills. Schweitzer proposed converting the liens against public officials into actual bank credit.<sup>28</sup>

By April, Emmett Clark sent checks to insurance, utilities, and fuel companies from his American Bank account backed by liens against government officials in Garfield County.<sup>29</sup> In May, Edwin and Richard Clark with Bill Stanton tried to open a checking account at the Garfield County Bank. The bank quickly informed the trio that any financial transactions using the account would not be honored. Still, the Freemen leadership issued checks on the everyday checks issued by the bank. Soon enough the bank informed Emmett that his checks were returned for non-sufficient funds. Through August 1994, the Freemen experimented with, or in their sense perfected, their check-writing ploy. Using Skurdal’s R.O.S. Trust account, they modified the checks with printed legal jargon on the checks, blacked out the zip code and state mail abbreviation. Many of the checks written by the Garfield County Freemen were under \$500, making their bounced checks a misdemeanor and punishable by a maximum fine of \$500 and six months in jail. When Murnion charged the individuals, the Freemen returned his warning letter with the familiar phrase—“Refusal

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<sup>28</sup>J. Patrick Shannan, *The Montana Freemen: The Untold Story of Government Suppression and the News Media Cover-Up* (Jackson, Mississippi: Center for Historical Analysis, 1996), 32.

<sup>29</sup>Emmett Clark checks, Garfield County Attorney Files, Jordan, MT.

for cause without dishonor MCA 3-501.”<sup>30</sup>

Shifting tactics, yet again, Schweitzer urged a switch to comptroller warrants. Used by farmers and ranchers for large purchases, comptroller warrants drew on the individuals’ line of bank credit. Schweitzer’s idea had jolted him awake in the middle of the night, according to one Freeman. When his friends discovered him that morning he was “babbling like a schoolboy about his first love.”<sup>31</sup> Schweitzer devised a check-writing scheme in which he would issue controller warrants backed by the liens against officials. Moreover, Schweitzer hoped this new tactic would reveal government and banking fraud. If the Freeman had a line of credit, they could issue drafts for themselves instead of entering a contract with a bank, thereby accessing credit without surrendering their rights. Schweitzer studied the format of Federal Reserve Bank lien draft forms. By utilizing this system, the Freeman believed they could prove the falsehood of the banking system and pay off their debts. Since his audience consisted mainly of farmers and ranchers, Schweitzer used their limited knowledge of legitimate financial transactions to stoke support for his proposal.

In August, the Freeman began issuing fraudulent checks on a grand scale. Bill Stanton issued a money order for over four million dollars from the U.S. District Court’s account at Norwest Bank in Butte, then deposited the funds into his family account at the same bank.<sup>32</sup> A few days later, Dan Petersen submitted a certified money order transferring nearly \$800 million from Stanton’s Norwest account to his account at the First National

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<sup>30</sup>Letter to Nickolas Murnion from Emmett Clark, 10 September 1994, Garfield County Attorney Files, Jordan, MT.

<sup>31</sup>Shannan, *The Montana Freeman*, 32.

<sup>32</sup>Grand Jury Charges, CR 95-117-BLG-JDS, 18 December 1995.

Bank of Lewistown. The Norwest Bank account was a savings account and held no check drafting capabilities. First National issued a deposit ticket to Petersen and within two days, Petersen repeated the transfer, this time for \$7,777,777.77. Again, the bank sent Petersen a deposit ticket for the amount. According to one Freeman sympathizer, “LeRoy [Schweitzer] was not amazed when the draft deposit was cleared by the bank, and his account was credited accordingly.”<sup>33</sup> In reality, the Freeman’s financial documents took several days to process before being rejected. They had seized money in the time between the acceptance of the check and the return of the check for insufficient funds. Initially, many banks accepted the checks since they were from reputable banks, but they quickly recovered and started declining the checks.

As the number of declined checks mounted, the Freeman began producing their own legal instruments independent of banks. By mid-1995, the format of the checks took a standard format with Certified Bankers Check Comptroller Warrant at the top, blank entries for pay to and amount, and signed by LeRoy Schweitzer. The money orders looked real, except for small details: a lower case “u” in “United States,” Comptroller Warrant where the bank name usually appears, no pre-printed check number. Much of the legal jargon had disappeared or was written in a small font to avoid notice. Still, the Freeman checks began to look more like actual checks.<sup>34</sup>

Surprisingly state agencies, the post office, and even the IRS accepted the homemade documents. The Freeman claimed that their line of credit came close to \$17 trillion. The

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<sup>33</sup>Shannan, *The Montana Freeman*, 33.

<sup>34</sup>Tom Canady testimony, CR 96-47-BLG-JCC, 17 March 1998.

Freemen maintained that they paid off their debts fairly—in fact they paid beyond what was required. Schweitzer believed it was “honorable to repay a debt in double, which he did for himself and anyone else who needed relief.”<sup>35</sup> Of course, if the state or federal agency sent a Freeman a check for the overpaid amount, it was pocketed.<sup>36</sup> To the Freeman, their scheme revealed banking and government fraud. Now they had proof that the federal treasury manufactured money to the detriment of American citizens. With this evidence, the Freeman thought it was possible to expose the government and return the nation to a sound financial basis.

Schweitzer’s plan drew attention from the Militia of Montana. Led by John and David Trochmann, two brothers from Noxon, Montana, and David’s son, Randy, the Militia of Montana originated in the aftermath of Randy Weaver’s court case. John Trochmann drew large audiences discussing gun control issues, like the Brady Bill, and the demise of constitutional government. Arguing that the second amendment’s right to bear arms and form militias was the key to freedom, Trochmann called for citizens to form “unorganized” militias, distinguishable from “organized” militias like the National Guard, to serve during times of crisis. Trochman’s message of self-appointed armed citizens opposing the current government made many uncomfortable and seemed to be an invitation to chaos.<sup>37</sup> Yet, the Trochmanns’ organization had a business side and quickly became a marketing agency for

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<sup>35</sup>Shannan, *The Montana Freeman*, 33.

<sup>36</sup>Dale and Connie Jakes, and Clint Richmond, *False Profits: The Firsthand Account of a Husband-Wife Team Working for the FBI and Living in Deep Cover with the Montana Freeman* (Los Angeles: Dove Books, 1998), 95.

<sup>37</sup>Kenneth Stern, *A Force Upon the Plain: The American Militia Movement and the Politics of Hate* (Norman: University of Oklahoma Press, 1996), 114.



extremist literature and videotapes related to conspiracy theories, militia formation, and anti-government activities.<sup>38</sup>

In late 1994, Trochmann traveled to Roundup to meet with the Freemen and discuss their self-government plan. He came away impressed, and the January issue of MOM's newsletter, "Taking Aim," outlined the Freemen's plans and legal philosophy. The Trochmanns recognized the Freemen's use of the rhetoric of radical advocates. Reestablishing the power of juries, county commissioners, Christian faith and law, and common law had all been tropes of radical decentralists. The Freemen's approach offered more.

The Freemen's presentation applied a two-tier approach to restore the Constitution, one of MOM's overarching goals. First, was the Freemen system to reestablish local government based on a small clique to parallel the government's function in the county, what the Freemen called a township government. The key to giving the Freemen government power was based on emergency. Trochmann agreed with the Freemen that "when the Sheriff refused or failed to act," then, "True men, with integrity, who loved truth and justice would make things right, no matter what the cost."<sup>39</sup> If county officials resisted, the Freemen argued, the remedy was the lien process. The Freemen explained their argument for liens on the distinction between unalienable and inalienable. The *Taking Aim* newsletter stated "law dictionaries are vague as to the difference of these two words," yet the

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<sup>38</sup>Stern, *A Force Upon the Plain*, 41.

<sup>39</sup>"Re-establishing Our Constitutional Form of Government~(Self-Government): The Solution and the Plan," *Taking Aim* II (January 1995), 1.

two words had radically different meanings.<sup>40</sup> If a citizen had unalienable rights, their rights were from God, were not in commerce, and could not be transferred. On the other hand, any Fourteenth Amendment citizen, including any government official, was in “a lien able position” and was subject to the Freeman’s liens and courts. Schweitzer, Petersen, and Skurdal helped teach the philosophy, but Trochmann came away impressed with new Freeman recruit Frank Ellena. The Trochmanns were “totally convinced that they [the Freeman] have the solution to the problem.” The MOM pledged to help make arrangements to help anyone interested in following the Freeman’s plan to attend classes in Roundup. “Keep up the good work,” the newsletter article ended, “and may our Heavenly Father continue to Bless and Protect you from the enemy.”<sup>41</sup>

The Freeman’s ironclad solution, however, proved to be faulty before MOM’s newsletter hit the presses. Bill Stanton’s bad check for \$25,000, based on the Freeman’s liens, brought charges from federal and county prosecutors. In Garfield County, the constant escalation of check fraud prompted Murnion into action. He had added criminal syndicalism to the misdemeanor check-writing offenses since Stanton had shown no effort to rehabilitate or cooperate with authorities.<sup>42</sup> The size of the check made Stanton’s actions a federal offense. On October 24, 1994, the FBI apprehended Bill Stanton outside the Albertson’s grocery store in Billings.

In November, more bad news came to the Freeman. The Taylors pleaded guilty to

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<sup>40</sup>Ibid., 4.

<sup>41</sup>Ibid.

<sup>42</sup>Dennis Gaub, “Stanton Receives 10 Years,” *Billings Gazette*, 3 March 1995.

the charges against them: Clay for impersonating a public servant and Karen for impersonating a public servant by accountability.<sup>43</sup> The jury took only an hour to convict the Taylors and “that included pizza,” according to Murnion.<sup>44</sup> Throughout 1994, the Freeman had failed to reverse the legal process and secure group-members’ property. The Stanton and Clark ranches faced sale at auction. Skurdal’s cabin had been foreclosed upon by the IRS, and Schweitzer’s crop-dusting plane hidden on the Clark ranch was sold for almost \$240,000 for non-payment of taxes.<sup>45</sup>

The Freeman treated their defeats as temporary inconveniences and continued to send documents and issue checks. In March 1995, the Freeman would have their day in court, again. Murnion moved Bill Stanton’s case to Miles City. Many Garfield County residents had tired of the Freeman antics, and Murnion thought it was the only way to insure a fair trial. Stanton, defended by his son Ebert, received a ten-year prison term.<sup>46</sup> The security detail for the trial had been the largest Murnion could remember, almost twenty officers.<sup>47</sup> Upon arriving in the courtroom, an officer told Murnion that if shooting started, Murnion should head for the exit with the officer covering his back. The armed conflict, surprisingly, took place 150 miles away in Roundup.

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<sup>43</sup>*Montana v. Taylor.*

<sup>44</sup>Murnion interview.

<sup>45</sup>“Freeman’s’ plane sold for \$239,000,” *Billings Gazette*, 7 October 1994. In 1992, Schweitzer’s home and Cessna spray plane were sold for \$148,951.

<sup>46</sup>“Stanton Receives 10 Years.”

<sup>47</sup>Murnion interview.

Sheriff Paul Smith had placed law enforcement in Roundup on alert because, as he told newspaper reporters, he “thought something could happen here.”<sup>48</sup> Smith had extra reserve officers at the courthouse when Stanton was sentenced. In fact, the FBI had alerted county sheriffs and prosecutors that the Freeman had plans to kidnap a judge and county prosecutor, then try them in a common law court and, if found guilty, hang the officials. After getting the news, John Bohlman, the recently elected Musselshell County Attorney, began carrying a handgun. The buildup resulted in relief when the verdict was announced on March 2 and nothing happened in Miles City or Jordan.

The following morning, however, two Freeman, Dale Jacobi and Frank Ellena, approached the county courthouse in Roundup. Jacobi and Ellena were new members of the Freeman. Jacobi had been a policeman in Canada and had come to Roundup as a result of the MOM *Taking Aim* article. Ellena joined earlier after leaving Arizona where he had been a school superintendent. They had come to file papers with the county clerk. Since Judge Roy Rodeghiero had supported the moratorium on filing Freeman documents, the clerk refused the paperwork and sent the upset pair to talk to Bohlman. By coincidence, Bohlman was leaving the courtroom and met the men on a stairwell. Ellena argued with Bohlman about his right to file documents on behalf of Skurdal. Bohlman looked at the documents, only the first and last pages, and agreed with the clerk since the documents were incomplete. Rebuffed, Ellena told Bohlman he was a “treasonous traitor and seditionist.”<sup>49</sup> Then he put his arm around Bohlman and told the prosecutor he had a lot to learn. After the pair had

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<sup>48</sup>“Freemen’ packed firepower,” *Billings Gazette*, 5 March 1995.

<sup>49</sup>John Bohlman interview, 8 April 1995, Roundup, MT.

exited the courthouse, reserve officer Buzz Jones noticed the pair drove a white-flatbed pickup that he had observed earlier that week at Skurdal's cabin. Ellena putting his arm around Bohlman piqued the reservist's suspicions. He radioed the sheriff about the pickup. Deputy Jones picked up the vehicle headed towards Skurdal's. Closing the distance with the pickup, Jones noticed the vehicle had no license plates. Just outside of the city limits, Jones approached the vehicle and asked Jacobi for license, registration, and insurance. The driver, Dale Jacobi, told the deputy he didn't need them. Once Sheriff Smith arrived, Jones told the pair to get out of the pickup. He patted down Jacobi and found a handgun in his waistband. Ellena had tossed his gun on the front seat. By 3:30 P.M., both men had been processed at the sheriff's station for carrying concealed weapons without a permit and placed in a holding cell. Smith remembered that word got around the community quickly that two of Skurdal's associates had been arrested. The sheriff's office was flooded with calls about the arrests. "They were saying things like, 'If you mess with one of us, you mess with all of us.'"<sup>50</sup> The Freeman's pickup, however, held the biggest surprise.

Bohlman responded to the request of the sheriff's office to come see the pickup's contents. Ellena and Jacobi had been hauling a large stash of weapons, ammunition clips, long-range radio equipment, thirty plastic restraint devices, duct tape, a video camera, and \$80,000 in gold and silver coins.<sup>51</sup> Overwhelmed, Bohlman called fellow County Attorney Blair Jones from Stillwater County for advice and to get the Montana Attorney General's phone number. He remembered thinking, "What the hell do I do? There's a bunch of guns

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<sup>50</sup>“Freemen' packed firepower,” *Billings Gazette*, 5 March 1995.

<sup>51</sup>“7 armed 'Freemen' arrested here Friday,” *Roundup Record Tribune & Winnett Times*, 8 March 1995.

here.”<sup>52</sup> Around 6:00 P.M., Bohlman and two deputies noticed a pair of cars pulling up to the sheriff’s building, but parking near the far corners of the building. Rumors about the Freeman kidnaping judges and attorneys got the best of Bohlman. He blurted out that the office was under attack, quickly got off the phone, asked the deputies for a weapon, and took cover. Jones, armed with a shotgun, stood behind the door while Dutch Van Syckel stood at the counter. One car held two passengers, with one talking on a handheld radio, while the men in the other car came toward the door.

When the trio of men entered the sheriff’s office, they remained in the small secure area and talk to Van Syckel through a barred window. After finding out that the sheriff was not there and that they could not retrieve a radio owned by one of the men or Jacoby’s and Ellena’s property, the men began to argue with the deputies. When the leader reached inside his coat, Deputy Jones saw a gun. The sheriff’s office had a clearly posted sign: “NO WEAPONS BEYOND HERE.”<sup>53</sup> “I’ll blow a hole though you [big enough] to drive a truck through,” Bohlman remembers Jones saying.<sup>54</sup> The deputies quickly rushed into the waiting area, subdued the men on the floor, and searched them for weapons. All three had guns. Now attention turned to the two men outside. Watching through the window, the deputies saw the men talking on hand-held radios. Unknown to the deputies, John Trochmann of the MOM was the man talking into the radio. According to his affidavit of fact, he had grabbed

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<sup>52</sup>Bohlman interview.

<sup>53</sup>Bill Morlin, “Gun-toting radicals busted in Montana,” *Spokesman Review*, 8 March, 1995 (the article includes a photograph of the sign) and John Trochmann, “Trochmann’s Account,” *Valley Press* (Plains, MT), 22 March 1995.

<sup>54</sup>Bohlman interview.

the radio and transmitted, “it’s coming down, something awful is coming down.”<sup>55</sup>

Grabbing some of Ellena’s plastic restraints from the evidence pile, Jones and Van Syckel headed out. Jones saw a gun on the seat next to the passenger. He ordered the man out of the car. When the passenger refused and reached inside his jacket, Jones used the butt of his gun to break the window. The driver then exited the car and the pair were put in restraints. Upon reentering the sheriff’s office, the deputies gave Bohlman the “all clear” and he got up from underneath a desk. With no area large enough to hold the men, the deputies locked them in a room containing police files and began the task of identifying the men.<sup>56</sup> Bohlman finally reached Attorney General Joe Mazurek before Sheriff Smith arrived. “When the sheriff showed up,” Bohlman recalled, “he was mad. And there was a variety of reasons, and one of them was me.”<sup>57</sup>

The quick response to the threat pleased Sheriff Smith. The actions of Bohlman, however, drew the sheriff’s ire. Bohlman’s abrupt end to his phone call with the Stillwater County attorney prompted Jones to call the Yellowstone County sheriff’s office and inform the dispatcher that armed men were attacking officials in Musselshell County. When the Billings SWAT team called Bohlman to ask if assistance was desired, Bohlman said yes. When Smith arrived after delivering Judge Rodeghiero to a safe location, Smith called Yellowstone County Sheriff Chuck Maxwell looking for backup because the extent of the threat was still unknown. Instead of a tactical discussion with Maxwell, Smith found out the

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<sup>55</sup>Trochmann, “Trochmann’s account.”.

<sup>56</sup>Bohlman interview.

<sup>57</sup>John Bohlman quoted in Neiwert, *In God’s Country*, 109.

SWAT team had been called. “Who in the hell called the SWAT team?” Smith yelled. The dispatcher pointed to Bohlman. Smith was then peppered with questions to ascertain his identity. “Chuck was trying to ascertain whether Paul Smith . . . was really the sheriff or was someone pretending to be,” Bohlman remembered. “Chuck was asking some question about, ‘When I was with you at such and such a place, did you smoke a cigarette?’ And Paul’s going, ‘I don’t know.’” The FBI and a few Yellowstone County deputies were dispatched from Billings. After hanging up the phone with Maxwell, Smith told the room, “If that guy [Bohlman] ever comes into this office again and picks up the phone, I’ll fire the first person that doesn’t grab him and break his arm.”<sup>58</sup> Bohlman and the sheriff still had too much work to do, however, so a confrontation was out of the question.

FBI agent, Tommy Canady, informed Bohlman that U.S. Attorney Jim Seykora wanted him to set bail on the prisoners quickly. Bohlman filled out complaints against the men on yellow legal pads, but failed to find the local justice of the peace.<sup>59</sup> Calling a neighboring county, he reached Judge Noreen Luhfieldt from Lavina, who arraigned the seven men, set bail at \$100,000 for each, and transferred them to the Yellowstone County Detention Center at 1:00 A.M.

With the seven prisoners gone, county officials had to deal with the aftermath. Some sent their families out of town. While Smith supported their decision, his patience with the Freemen was at an end. His emotions overrode his professional demeanor. He recalled his

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<sup>58</sup>Smith interview.

<sup>59</sup>The seven defendants and the charge against them were as follows: All were charged with criminal syndicalism; Mark Basque of Alberton, Gerry Lopez of Rexford, Cajun James of Thompson Falls, Paul Stramer of Eureka, and John Trochmann of Noxon-felony intimidation; Frank Ellena of Billings and Dale Jacobi of Thompson Falls-misdemeanor counts of carrying concealed weapons.



thought at the time, “If someone wants to shoot at me, take it.”<sup>60</sup> It was a bad attitude for a lawman to hold, since good law enforcement in Smith’s mind required restraint. Bohlman and Smith disagreed about how to deal with the Freemen. Bohlman wanted the group arrested immediately. Smith, influenced by his discussions with Canady, was willing to wait. Eric Rasmussen, editor of Roundup’s newspaper, supported Smith. “I think most people felt that it’s more a tax protest, so why risk someone’s life out there to arrest them when they’re kind of under house arrest anyway.”<sup>61</sup>

Word of the arrests spread, including a fax update from Randy Trochmann of the Militia of Montana with the standard request for any money contribution “to fight this battle.”<sup>62</sup> Trochmann recommended that leaders prepare their followers “for any contingency that may arise” and call Sheriff Smith to demand answers for what power allowed his deputies to “drag people out of the vehicles after wrecking havoc upon it [the vehicle], arresting the people and subjecting them to cruel and unusual punishment [lying face down on a concrete floor handcuffed for five hours].”<sup>63</sup> In newspaper interviews, Randy Trochmann estimated 25,000 to 50,000 militia members or sympathizers were in Montana with another 5,000 to 10,000 in eastern Washington and northern Idaho.<sup>64</sup> Given the nature of militias to give armed assistance, public officials had plenty to worry about.

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<sup>60</sup>Smith interview.

<sup>61</sup>Rogers Worthington, “Message of anti-government ‘Freemen’: Don’t tread on us,” *Chicago Tribune*, 17 September 1995.

<sup>62</sup>Randy Trochmann, “Militia of Montana Update,” 5 March 1995.

<sup>63</sup>Ibid. John Trochmann later claimed it was six hours; see John Trochmann, “Trochmann’s Account,” *Valley Press* (Plains, MT), 22 March 1995.

<sup>64</sup>Bill Morlin, “Gun-toting radicals busted in Montana,” *Spokesman Review*, 8 March, 1995.

Ironically, the Roundup arrests provided a platform for public officials to expose anti-government activity and steadily erode support for the Freemen. The Roundup incident would soon be eclipsed by a larger tragedy that focused the nation on the militia movement.

On April 19, 1995, an explosion erupted outside the Alfred P. Murrah Federal Building in Oklahoma City. The detonation of 108 fifty-pound bags of ammonium nitrate fertilizer, three fifty-five gallon drums of liquid nitromethane, several crates of explosive Tovex sausage, and seventeen bags of ANFO (a mixture of ammonium nitrate fertilizer and fuel oil) ignited a discussion over militias. The 168 deaths made this terrorist attack the worst in United States history at that time. Within ninety minutes of the explosion, authorities stopped Timothy McVeigh, for driving without a license plate and carrying a concealed weapon. McVeigh spent the night in jail, enough for the FBI to catch him in their investigation.<sup>65</sup> Checks into McVeigh's past showed he had a strong connection to the Michigan Militia and cast considerable suspicion on the militia and patriot movements.

The nation was shocked. Over the following months, the attitudes of Montanans cemented against the militias. In a statewide poll conducted by the University of Montana, support for militias topped at just 20 percent. Those who showed the least support for the militias were Democrats, females, and eastern Montanans.<sup>66</sup>

In Winnett's Kozy Korner Bar, Dan Petersen's hometown was Winnett, the Oklahoma City bombings drew favorable responses from several patrons. One man said,

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<sup>65</sup>Lou Michel and Dan Herbeck, *American Terrorist: Timothy McVeigh & the Oklahoma City Bombing* (New York: Harper Collins Publishers, 2001), 244-245.

<sup>66</sup>"Most Montanans oppose beliefs of militia groups," *Billings Gazette*, 2 August 1995.

“It’s payback time,” as fellows around him cheered. Another commented, “This is a holy war. Women and children die in war. It’s too bad, but that’s the way it has always been.”<sup>67</sup>

Unknown to the Freeman, Dale Jakes, the bartender who overheard their conversation was an FBI informant.

From April to August 1995, a husband-wife team infiltrated the Roundup compound and reported on the Freeman’s movements. Dale and Connie Jakes gave the government unlimited access to the activities, thoughts, and plans of the Freeman. Dale Jakes had worked in eastern Montana and had already met some of the Freeman. In a conversation with Musselshell County Sheriff’s Deputy Buzz Jones, Jakes heard the story of the sheriff’s office standoff in Roundup. The Jakes’ motives to become informants lacked pure idealism. Dale had previously been an informant for the Billings police and was worried about losing his logging job, leaving Connie’s job in Winnett their only income. Jakes offered his services to the government.<sup>68</sup> Jakes’ timing was perfect since local recruits for the Freeman had stalled.

To reach across greater distances for information and new members, the Freeman purchased a variety of devices to send and receive information. While Skurdal’s cabin exterior harkened back to a simpler time, its interior was loaded with the latest technology. Computers, modems, laser printers, facsimile machines, and short-wave radios allowed the group to tap into international sources from its isolated base.<sup>69</sup> The Freeman’s dedication to

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<sup>67</sup>Jakes and Richmond, *False Prophets*, 67.

<sup>68</sup>*Ibid.*, 18-21, 27.

<sup>69</sup>*Ibid.*, 85. List of Weapons, John Bohlman Files, Roundup, MT.

research remained one of their hallmarks. “We did nothing but work on the computers and research,” one Freeman commented. And when they got on the internet, they found people addressing the same issues with a similar mentality, even politicians like Charles Duke. The men also purchased materials for armed confrontation. Schweitzer attempted add arms for the Freeman’s arsenal by buying .50 caliber sniper rifles, 100,000 rounds of ammunition, 100 range finding binoculars, and \$250,000 in radio equipment. The .50 caliber weapon “is capable of penetrating military armored personnel carriers and hitting man-sized targets at 3,000 yards!”<sup>70</sup>

Skurdal’s cabin served as a location from which to educate interested parties. The Jakes recorded every automobile and the names of many individuals from around the country who came for the seminars. After July of 1995, the Jakes asked the FBI to arrest the Freeman repeatedly because their hosts had been discussing a move.<sup>71</sup> Relocating to a remote area would allow for larger classes. In early 1995, the Freeman offered in-house teaching with one-on-one instruction.<sup>72</sup> By July of 1995, however, classes were expanded into a three-day training session for \$300 per pupil. The Freeman classes filled quickly and were booked weeks ahead of time.<sup>73</sup>

The instruction given to students included Schweitzer’s financial scheme, but also included Christian Identity theology. The FBI informer within the cabin described the

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<sup>70</sup>Bo Gritz, fax to supporters, May 20, 1996.

<sup>71</sup>Jakes, *False Prophet*, 189.

<sup>72</sup>FREE [*man*] NEWSLETTER, May 1995.

<sup>73</sup>Ibid., July 1995.

courses as Dale Jacobi's Holy War 101, Rodney Skurdal's Insurrection 101 (civics), and LeRoy Schweitzer's Chaos 101 (economic fraud).<sup>74</sup> Jacobi's instruction followed Christian Identity theology that he received from his education with the Aryan Nations. At one point he stated, "It was the Jew who brought blacks into this country to destroy us. . . . God tells his children to kill, many, many times in the Scripture."<sup>75</sup> Skurdal would then take the lectern from Jacobi. White males, according to Skurdal, gained their liberties from God. Nonwhites and women had been excluded from this grace and had to rely on false governmental institutions for their rights. "The Constitution applies only to whites . . . 'we the people' refers only to white males . . . we the people of posterity are exercising our citizen rights to govern ourselves as free sovereigns . . . we are an independent state in law."<sup>76</sup> Therefore, free white males could punish nonwhites and accomplices of the unlawful government by a trial with a presumed hanging to follow. The Freeman's newsletter echoed the call to action in this "Spiritual Holy War, with the physical children of Satan who control our government. . . . You must have God in your heart in order to stand the heat, some of you are going to be persecuted, even jailed, or may be killed, as the result of our fight against this Baal-worshipping Satanic system."<sup>77</sup> Many of the listeners during the Freeman's first seminars were already versed in this ideology. They had come for something new—and they got it from LeRoy Schweitzer.

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<sup>74</sup>Jakes, *False Prophets*, 110.

<sup>75</sup>Ibid., 112.

<sup>76</sup> Ibid., 112.

<sup>77</sup>FREE [*man*] NEWSLETTER, January 1996.

Schweitzer's presentation took two-thirds of the three-day seminar. In contrast to Petersen's and Skurdal's presentations, Schweitzer's hands-on portion of the instruction, including how to file bogus liens against private individuals and government agencies, excited attendees. The presentation also included segments on forming independent republics with small armies of two hundred men. The argument was extreme. "Jews, who currently manipulate all federal, state, and local government through the ZOG (Zionist Occupied Government)," Schweitzer told the students, "you [the Jews] are of your father, the devil and your will to do your father's desire. . . . Seize the prophets of Baal; let not one of them escape . . . and kill them there!"<sup>78</sup> The coming cleansing would eliminate minorities since they were the handmaidens of the Jewish state.

The Jakes remained embedded with the Freemen and reported back to Agent Tom Canday. His reports show that the Clarks played only a limited role in educating the militias. To Dale Jakes, Emmett and Ralph seemed like "weather-weary farmers, more grandfatherly than militant."<sup>79</sup> Emmett's involvement remained a mystery for many who knew him. Unlike Ralph, his farm profited during the tough shake-out years. "He was a pillar of the community," said neighbor Ron Saylor, "I'd trust him with Fort Knox."<sup>80</sup> Richard spoke with the same anger as the other Freemen, but mostly observed the proceedings.<sup>81</sup> The four leaders needed help, but the Clarks could not provide anything but

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<sup>78</sup> Ibid., 115.

<sup>79</sup>Ibid., 73

<sup>80</sup>Brian McGrory, "Montana standoff: Alienation," *Boston Globe*, 6 April 1996.

<sup>81</sup>Ibid., 74.

moral support.<sup>82</sup> Although Edwin spent more time at the cabin than at home, Jakes failed to mention his presence.<sup>83</sup>

The Jakes, on the other hand, had a plethora of skills. Connie xeroxed materials and entered data on the computer. Attendees' names and personal identification became part of the FBI files. Dale had some experience with explosives. The thought of blowing up infrastructure, he thought, excited the group. Bridges and microwave communication towers, Jakes told the group, could be felled like logs using explosives like C4 and C6.<sup>84</sup>

For the Freemen, the sessions held out the hope of obtaining needed militia help in establishing their own free state. Deprived of in-state militia support, especially since the Trochmanns separated themselves after the Roundup incident, the Freemen looked for armed support nationwide. The Jakes kept track of licence plate numbers and car descriptions. The ultimate goal of the group was autonomy from the authority of the United States. Schweitzer offered to waive the \$300 fee for the sessions if participants would pledge their manpower, skills, and armaments to help found their sovereign polity. Up to this point members had acted to make themselves independent of state and national jurisdictions. Now they decided to take the next step and establish an independent township in the heartland of Montana. Rodney Skurdal's cabin had served the Freemen well, but it was only a temporary location.

The FBI, meanwhile, allowed the Freemen to proceed because the intelligence it

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<sup>82</sup>LeRoy Schweitzer, Rodney Skurdal, Dan Petersen, and Dale Jacobi.

<sup>83</sup>Kay Clark interview.

<sup>84</sup>Jakes and Richmond, *False Prophets*, 76-77.

received concerning fiscal fraud exceeded all expectations. More people were implicated, increasing the prestige of the investigation. The agency formulated a scheme to take the Freemen down and at the same time crush illegal Patriot operations around the county. The FBI received permission to tap the phone and fax lines to Skurdal's cabin, but they were about to lose the internal discussions of the Freemen: Dale Jakes required surgery to repair an old logging injury.<sup>85</sup> On September 25, 1995, the FBI installed a microphone in the cabin. The first recorded conversations shocked the agents. The Freemen leadership of the group made a decision that would complicate attempts to arrest the group. The Freemen were preparing to move out of Skurdal's cabin the next day and relocate to the Clark Ranch near Brusett. Agent Canady could not plan an arrest scenario under the tight time constraints.<sup>86</sup> Canady had to inform county law enforcement to allow the Freemen to move.

Sheriff Paul Smith agreed with Canady's assessment that the Freemen would fight any arrest attempt. Skurdal's cabin had close neighbors who could be caught in the crossfire of a shootout. Neighbors who had been in the cabin informed Smith about weapons location and the watch schedules kept by the Freemen. Any attempted arrest "had to be an all or nothing deal," according to Smith.<sup>87</sup> Smith also had to reign in his staff. On the night of the move, Smith ordered his deputies into the basement of the courthouse. Some officers, who wanted to make an arrest and had SWAT training, were "pissed" at being taken off the street

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<sup>85</sup>Jakes and Richmond, 228.

<sup>86</sup>Tom Canady testimony, CR 96-47-BLG-JCC, 17 March 1998.

<sup>87</sup>Smith interview.



and “giving criminals a free pass.”<sup>88</sup> For Smith, the issue was liability. In any court case stemming from a shootout, not only would there be a comparison to Waco and Ruby Ridge, but the FBI would truthfully testify that it had told local law enforcement to stand down.<sup>89</sup> Around midnight, the Freeman, composed of Skurdal, Schweitzer, Petersen, Jacobi, and new recruit John Patrick McGuire drove from the cabin to the Clark ranch.

The FBI had not informed Garfield County officials that a move was imminent. Murnion found out from his wife. When he called the FBI, he was told that the agency had only twelve hours’ notice. From Murnion’s point of view these criminals should be confronted and arrested. The agency viewed his gung-ho attitude with disdain and continued their go-slow approach.<sup>90</sup> A statewide poll taken earlier in the year showed Montanans agreed with Murnion. Fifty-seven percent of Montanans polled wanted the state to “crack down on Montana’s unregulated citizen militias.”<sup>91</sup>

For Agent Canady, the safe arrest approach was the only immediate option. They had no phone taps at the Clarks’ ranches, little knowledge of the terrain, or an agent embedded with the group. As Canady studied the situation, the arrest scenario grew complicated. The Freeman’s territory, dubbed Justus Township, had nearly horizon-to-horizon sight lines. Undoubtedly the Freeman would see any approaching vehicle. Also, the Freeman had spread out around the ranches. Some lived with the Clarks while others

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<sup>88</sup>Ibid.

<sup>89</sup>Ibid.

<sup>90</sup>Murnion interview.

<sup>91</sup>David Fenner, “Poll: 57% back crackdown on ‘militia’ group,” *Billings Gazette*, 30 April 1995. The poll also revealed that 26 percent agreed with Montana Representative Matt Brainard’s (R-Florence) resolution that “urged Montanans to own guns and ammunition suitable for militia service.”

resided in the fishing cabins Ralph Clark had built earlier. By mid-October, the FBI had the authority to intercept communications to and from the Freeman. The agency had to wait until December for a microphone to be installed and an agent to make contact with the group.<sup>92</sup> With their phone surveillance restored, the FBI learned that the Freeman wanted a radio system to broadcast their teachings. Special Agent Tim Healy, using the name Mike Manson, started face-to-face meetings with Schweitzer to install a state-of-the-art radio system.<sup>93</sup> Canady hoped that the installation of the system, which required travel to isolated areas, might be the best chance to nab Schweitzer.

The Freeman, too, were cast into disarray. Following the move, their communication with others had been limited by the changing phone numbers. It even stopped Federal Express deliveries bound for the group.<sup>94</sup> Additionally, a rift had grown between Skurdal and the other leaders. They had wanted him to stay behind at the cabin and maintain his township. Only at the last minute was Skurdal included in the move.<sup>95</sup>

Schweitzer saw the move as another step in expanding his audience. The Clarks had a double-wide trailer that could accommodate twenty-five seminar participants. The expanded classroom, he hoped, would increase the number of his initiates. Still, the Freeman had problems keeping operating expenses under control. Although they had taught others their scheme, the Freeman remained a cash poor operation. Often, enrollees failed to

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<sup>92</sup>Canady testimony.

<sup>93</sup>Ibid.

<sup>94</sup>Clair Johnson, "Freemen's stronghold now deserted," *Billings Gazette*, 30 September 1995.

<sup>95</sup>Smith interview.

show up or would only attend the final day to receive their “LeRoy checks,” leaving wasted food and empty desk chairs.<sup>96</sup> The Freeman also found that seminar participants were cheapskates. According to their newsletter:

We have a certain level of costs associated with copying and providing materials as well as lunches for all students. We had also paid for any financial distress items for attendees, such as I.R.S. liens, etc. at no charge. However we soon discovered the larceny in the hearts of the American public. Some of the people walked out of our class with checks in the amounts of hundreds of thousands of dollars . . . without ever leaving a single dollar donations for meals or materials.<sup>97</sup>

Edwin Clark remembered that LeRoy told him, “hundreds of times that, ‘They’re not here to learn. They don’t want to learn. They’re here for the dang money.’”<sup>98</sup> Worse than the students who would show up and not pay were those who stayed. As much as Justus Township was part of the historical Big Open Country, the Clark families found themselves constrained by more students who moved onto their land.

Skurdal, Schweitzer, and Petersen might have been blind to the disagreements between the Clarks over their presence. Both Emmett’s wife, Rosie, and Edwin’s wife, Janet, objected to allowing the men onto their property.<sup>99</sup> Not only were the women’s concerns ignored, but the problem worsened over the next five months. And members of the Clark family were not the only ones who objected to the growing population of Justus Township.

Frustrated by months of inaction, Murnion and Phipps started drafting planning

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<sup>96</sup>Kay Clark interview, 8 October 2003.

<sup>97</sup>*FREE [man] NEWSLETTER*, January 1996.

<sup>98</sup>Edwin Clark testimony.

<sup>99</sup>Janet Clark interview.

options for Garfield County to deal with the Freemen. A full assault by state and federal tactical teams was seen as too risky both from an operational and political standpoint after Waco and Ruby Ridge. Doing nothing was also unpalatable to the men because the Freemen had time to reinforce their defenses and attempt to get more people to join their cause. The most worrisome development, however, was that the new owners of the Stanton and Clark ranches wanted to take control of their property. Animosity with the Freemen and inaction of law enforcement, warned the document, would give the citizens of Garfield County reason to “take care of the problem. This could include armed confrontation. It could involve the torching of buildings.”<sup>100</sup> Such extralegal activity would be an politically embarrassing to state and federal authorities.

Phipps had good intelligence on the Freemen that might help make arrests and remove local families from the Freemen. Richard Clark appeared to be living at his girlfriend’s house in Grass Range. Richard’s father, Emmett, also could be targeted for arrest. In August 1994, Phipps had arrested Emmett after walking up a coulee to the house. The arrest of Emmett and Richard might drive Rosie from the property to live in Miles City, the location of the prospective trial. A similar raid to arrest Ebert Stanton might drive Val, his wife, and their child from the Stanton ranch. Additionally, Janet Clark might be convinced to leave since she worked at the local health center and was “somewhat on the fence regarding the freemen movement but doesn’t know what she can do about it.”<sup>101</sup> Splitting off family members from the hard-core leadership of the Freemen might cause local

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<sup>100</sup>Planning Options: Garfield County Freemen Confidential, 1 December 1995, County Attorney Files, Jordan, MT.

<sup>101</sup>Ibid.

Freemen sympathizers to distance themselves from the movement.

Increasing pressure on the Freemen to leave the area, however, remained the preferred option of Garfield County officials. Closing county roads, cutting telephone service, coupled with arrests, might make the Freemen move since their operation relied on telephones, faxes, and express mail services. The remote location of Jordan worked in law enforcement's favor since there were no substitutes for these communications without leaving Justus Township. Additionally, the tough winter conditions might make it tougher for the Freemen to respond. The strategy, however, remained legally unclear on how to stop local businesses from trading with the Freemen or their wives. The Freemen bought groceries at Ryan's Grocery, gas and propane from Cenex and Pioneer, hardware at Fellman's, clothing at Ewy's, and housed students at the Fellman and Garfield Hotel. "Some type of restraining order" would give businesses an excuse for not providing goods and services.<sup>102</sup> Individuals attending Freemen classes injected thousands of dollars into the local economy. Also, legitimate tourists, mainly hunters and fishermen, continued to travel the remote roads and some stayed at the cabins on the Clark ranch.<sup>103</sup> Still, Murnion and Phipps talked to John Connor and Judge Wilson about filing a public nuisance action against the ten Freemen and their wives. Wilson recommended setting up a hearing, then putting the order into effect in thirty days. It was hoped the injunctions might encourage the women and children to leave the ranches.

The county proposal had two underlying themes. First, Murnion and Phipps were

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<sup>102</sup>Ibid.

<sup>103</sup>Casey Clark.

betting that “it is very doubtful that any action would be taken by the [F]reemen in that they would have to be the aggressors, they would have to expose themselves and it would be high risk for them.”<sup>104</sup> More importantly, the document had an audience beyond Garfield County, since the recommendations were “by no means set in stone.” Labeled “Confidential for Law Enforcement Purposes Only No Release is Authorized” a copy was sent to Tony Harbaugh, sheriff of neighboring Custer County, to start a discussion for action on the county level and draw the attention of state and federal law enforcement. Although Garfield County officials planned for a confrontation, the threat of the Freemen failed to convince the community to act. Only when the Freemen impinged on neighbor’s property rights did the people of Garfield County forced governmental action.

For most of the residents in large counties with small populations, there was at least a kernel of truth to Freemen philosophy. “I felt the Freemen had legitimate gripes when they started,” one local stated, “but they lost my sympathy when they started putting liens on people and their property.”<sup>105</sup> A local farmer commented upon the sympathy for the Freemen:

My neighbors and I may not understand how the Freemen got where they are, but I think we do understand their anger. Because we, too, are angry: about an economic system where each generation of farmers and ranchers must buy the land again; where more money leaves the farm to pay interest than ever stays . . . And all the while, a demented Greek chorus of economists advises us to ‘plant for the market.’

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<sup>104</sup> Planning Options.

<sup>105</sup> Jacque Gregg, interview with Tanis Lovercheck-Saunders, August 5, 1996.

But there is no market. An interlocking web of monopolistic corporations controls all the distribution channels.<sup>106</sup>

After four years of hearing the Freeman's philosophy, the large majority of farmers and ranchers had rejected it. Still, forming a posse to arrest the Freeman seemed like a remote possibility. In March 1996, the Freeman posted notice that if ranchers "trespassed" on their property, they would be prosecuted by Justus Township. Several locals who had leased state land and needed to go by the Clark and Stanton ranches pushed back. The restriction of travel on county roads, along with the increasing frequency of threats, prompted K. L. Bliss, Cecil Weeding, and Tom Stanton to push the sheriff for a posse.<sup>107</sup> Cecil Weeding recalled, "Things had gotten more severe. We really felt they were going to kidnap someone. We had to do something."<sup>108</sup> The decision presented an agonizing dilemma for friends of the Freeman unwilling to tolerate the group's actions. Tom Stanton called it the hardest decision he ever faced. "Emmett Clark was one of my best friends. How could I face my best friend? Could I really shoot? Could he? We knew someone was going to get hurt. But, these people had to be stopped."<sup>109</sup> Unlike the authorities in Musselshell County, citizens moved against the Freeman because they felt there was no longer any other choice. Faced with citizens willing to take up arms, the FBI had little choice but to act.

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<sup>106</sup> Gilles Stockton, "Where did the Freeman come from?" broadcast commentary, High Plains News Service, for the Northern Plains Resource Council, May 10, 1996, quoted in Neiwert, *In God's Country*, 323-4.

<sup>107</sup> Tanis Lovercheck-Saunders, "Call Them Pirates, Not Patriots: Eastern Montana Rejects the Freeman" (Term Paper, Miles Community College, 1996), 9.

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*

In the early morning hours of March 25, 1996, undercover agent Healey led LeRoy Schweitzer to a proposed communication tower where camouflaged agents could arrest him. Dan Petersen and area farmer Lavon Hanson accompanied the pair. The surprised group failed to draw guns from their holsters when agents quickly overtook and apprehended them. Around 8:00 A.M., the FBI informed the remaining Freemen by phone that two leaders had been captured and that it had surrounded the area. Although many had been sleeping at the time, word soon spread. The Freemen had long decided what would happen if the sheriff approached the Skurdal cabin: they would refuse to come out.<sup>110</sup> The men chose to sit tight, still suspicious that Sheriff Phipps might try a rouse, despite the fact that the FBI remained in charge.<sup>111</sup> They were well fortified with necessities. During the course of the day, the detailed faxes from the FBI, including a list of warrants for state and federal charges of everyone in the compound, convinced the Freemen that the FBI had started a siege.

The Clarks discussed their options. Edwin felt a responsibility to stay with his extended family. After hearing of the arrests, Edwin took Casey and Ebert to Hill 32, the tallest point on the property. He discussed with Casey and Janet the option of leaving. If Casey was going to stay, Edwin wanted him nearby at all times. If Janet wanted to leave, Edwin told her the time was now. Janet felt the stress would be too much for her and left the first afternoon, packing a few necessities including her sewing machine. Driving off the property she proceeded south of the ranches and continued to Roundup, where she was pulled over by Musselshell County officers who checked her licence. After five days

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<sup>110</sup>Casey Clark.

<sup>111</sup>Edwin Clark interview.



visiting her daughter in Billings, Janet returned to live with Edwin's sister a few miles from the ranch.<sup>112</sup>

Twenty-two others chose to stay in Justus Township after the first day, with the majority being outsiders. Over the next few weeks some locals left, leaving the Clarks more isolated. On April 6, Val Stanton and her five-year old daughter surrendered, followed five days later by her husband Ebert and his mother, Agnes. Val, having no charges against her, lived with relatives. Sentenced to house arrest, Agnes stayed in Billings and Ebert was charged and released, pending trial on mail and bank fraud charges, in early May. The FBI's hope that the arrest of Schweitzer would cause a sudden implosion among the Freeman failed.

On the day that Janet returned to Jordan, Richard Clark surrendered to authorities in Grass Range. He had been living at his girlfriend's house, just as Murnion and Phipps had suspected. Later that day, federal authorities charged Richard Clark, Petersen, and Schweitzer with defrauding businesses and agencies of more than \$1.8 million and with threatening the life of a federal judge. The Freeman watched cable outlets for information and waited for favorable news on the telephone, fax, or on Ralph Clark's cell phone.

A strange routine fell over the area. Freeman and FBI agents viewed each other from afar. To keep the cold off, the men moved a trailer to the top of Hill 32. Rodney Skurdal set up a watch schedule with himself taking the late night shift. The other men paired off in teams. One would sleep while the other kept watch. Edwin warned his fellow Freeman

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<sup>112</sup>Janet Clark interview.

never to sight agents with a scope and rifle.<sup>113</sup> The primary concern, and negotiation item, revolved around forming a grand jury that would hear the Freeman's evidence. Immediately after the standoff started, the Freeman posted a large signboard with a simple message, "Grand Jury. It's the Law. Why not? Who fears the evidence."<sup>114</sup> Throughout the standoff this topic remained the top priority of the Freeman. To the frustration of negotiators, talks to end the standoff always bogged down over the makeup and location of the grand jury.

Initially the Freeman refused to negotiate directly with the FBI. The FBI accepted third-party negotiators because two recent standoffs had ended through the help of intermediaries.<sup>115</sup> Although the FBI wanted professional negotiators, it considered a list of mediators presented by the Freeman. Confrontational tactics so early in the standoff were avoided by the FBI, especially since it expected the quick disintegration of the Freeman after the arrest of Schweitzer. There was little, in the agency's analysis, that united the people inside the perimeter.<sup>116</sup> Agents disagreed, however, on the apocalyptic nature of the group. As long as the Freeman refrained from threats, the agents could wait.

The media, however, anxiously wanted to report on the story. For the first week, news organizations descended on Jordan. The 444 residents quickly tired of responding to questions, but many took on borders or rented space for the media to park their equipment.

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<sup>113</sup>Edwin Clark interview.

<sup>114</sup>David Neiwert, *In God's Country*, 242.

<sup>115</sup>Standoffs with Randy Weaver at Ruby Ridge and Calvin Greenup ended though third parties.

<sup>116</sup>Jean E. Rosenfeld, "The Justus Freeman Standoff," *Millennialism, Persecution and Violence: historical cases*, ed. Catherine Wessinger, (Syracuse: Syracuse University Press, 2000), 331.

The main action occurred in Billings, where Schweitzer and Petersen appeared in court.<sup>117</sup> As in Jordan, the pair refused to recognize the authority of the federal judge and proceeded to declare a mistrial. Soon thereafter, bailiffs removed the men and took them back to their cells at the Yellowstone County Detention Facility.

While the Freemen refused to talk to the FBI, they attempted to communicate their distress through the media. Erecting a flagpole, the Freemen flew the U.S. flag upside down, a sign of distress. The militia community barely responded. Supporters in Lewistown tried to organize a gathering to support Justus Township. The April 1 gathering drew plenty of media, but after predicting a crowd of eight hundred only eight people showed. Short of a shooting conflict, the Freemen would be on their own. According to one family member who was allowed to visit the compound, the Freemen were, “just standing up for what they believe in. They're fine. They're cheerful.”<sup>118</sup>

The Freemen began to think that as long as they talked, the government would refrain from a raid. On April 4, the Freemen agreed to negotiate with state officials, initiating their long bargaining sessions to end the standoff on their terms. Virtually no progress came from the negotiations, as the Freemen continued to demand that they be granted free passage for one or two members to leave the compound, set up a be common law jury, and hold a trial. Neither state nor federal officials wanted to accommodate the wish because it would grant some sovereignty to the Freemen courts.

Karl Ohs, Republican state legislator from Harrison, received a call from the FBI in

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<sup>117</sup>Hanson was released after agreeing not to contact any of the Freemen, although he still faced fraud charges.

<sup>118</sup>Josie Wright, CNN April 4, 1996.

late March. Ohs' name had been submitted by the Freeman as a possible negotiator. Puzzled by the request, since none of the Freeman were known to him, Ohs finally assumed that Val Stanton put his name on the list because her father, Butch Anderson, was a friend. On March 28, the pair drove to Jordan and Anderson met with his daughter. The next day, Ohs and Anderson went into Justus Township. As a member of the Montana legislature, Ohs thought he could help get the "this grand jury sort of thing" solved if he could get other legislators involved "in case there was some way we could handle this within the legislative process."<sup>119</sup> Although Ohs and Anderson succeeded in getting Val and her daughter to leave the standoff, the negotiations slowed.

Away from the negotiating, Ohs found plenty to discuss with the Brusett farmers. Ohs' familiarity with financial troubles came from serving as a "farmer advocate" during the farm crisis of the 1980s. He had spent many hours offering council to cash-strapped farmers who wanted to save their farms. For his part, Ohs welcomed the polite conversation with fellow farmers in contrast to the edgy discussions with other Freeman negotiators. Edwin spoke freely with Ohs about ranch issues and shared his hope that something could get "worked out."<sup>120</sup> Rodney Skrudal and Russell Landers, however, ranted at Ohs and tried to convince him they were right. Ohs supported constitutional law, but he frequently told the Freeman he disagreed with or failed to understand their reasoning.

The Freeman negotiation team consisted of Edwin, Emmett, and Ralph Clark, Rodney Skurdal, Russell Landers, and Dale Jacobi. Dana Dudley, Russell's wife, and Gloria

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<sup>119</sup>Karl Ohs interview, 17 August 2003, Helena, MT.

<sup>120</sup>Edwin Clark testimony.

Ward listened to the conversations and chimed in frequently.<sup>121</sup> Although Ohs continued to enter the township, his plan for a legislative forum failed to take form. With Montana state special prosecutor John Connor, Ohs probed the Freeman's legal views. The Freeman submitted a nineteen-page document explaining why state and federal law did not apply to them. If the government could prove their assertions wrong, they would surrender. Now the Freeman had state lawyers examining the claims and a state legislator in Karl Ohs gathering support from thirty legislators for a legal forum. These goodwill efforts, however, needed trusted negotiators.

Several other third-party negotiators were introduced to the Freeman. On April 25, Bo Gritz and Randy Weaver appeared in Jordan, asking to talk to the Freeman. Although the FBI refused to let them into the secure area, the Freeman let it be known that they would talk with Gritz but not Weaver. Gritz, a former Green Beret and Vietnam veteran, had helped end the Randy Weaver standoff at Ruby Ridge. Accompanied by Jack McLamb, Gritz engaged the Freeman and then took the Freeman's case to the media. In five days of discussion, Gritz noticed a pattern of division among the Freeman. While the group all agreed on a grand jury, a "gang of four" dominated the Clarks. Dana Dudley often bullied and shouted down her fellow Freeman if they disagreed with her opinion. Gritz broached the topic of allowing the three children to leave the standoff. Edwin and Ralph shared their worry that if the children left the township, then the FBI would use violence to end the standoff. When Ralph spoke, Dudley shouted him down. "Every time Ralph tried to say

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<sup>121</sup>James L. Pate, "Freeh's Men vs. The Freeman," *Soldier of Fortune* (July 1996):95-96.

something, she ordered him to ‘shut up and sit down!’”<sup>122</sup> Dudley also imposed her will on Gloria Ward. Ward had considered leaving the compound with her two children, if she received a guarantee that the children would remain with her. When Ward’s sister came to discuss the three leaving, Dudley shouted down the sister, calling her a “prostitute of the state” and sabotaging the discussions.<sup>123</sup> On May 1, Gritz stopped his negotiations with the Freemen.

Yet another negotiation with a third-party negotiator failed when Charles Duke denounced the Freemen. Russell Landers recommended Duke, a legislator from Colorado with militia ties. But even Duke failed to make headway in ending the standoff. Again, the issue centered on how the Freemen could stop the standoff and present their case to a grand jury. Landers expressed to Duke his belief that the Freemen were within the law. “I can tell you right now I’m not the kind of damn-fool that’s going to lay over,” Landers told Duke. “We’re not here in this logistically defensible position as fools. We’re guerrilla warfare, and I’m sorry, Charlie, but I feel very strongly about this, but they can take their fucking warrants and shove ‘em right up their asses where that thirty-aught-six of mine is gonna drill ‘em.”<sup>124</sup> On May 21, talks stalled. According to Edwin Clark, during the negotiations Charlie Duke said, “To hell with due process, we can get by without due process.”<sup>125</sup>

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<sup>122</sup>Bo Gritz, quoted in Neiwert, *In God’s Country*, 247.

<sup>123</sup>Neiwert, *In God’s Country*, 247.

<sup>124</sup>Ibid., 249.

<sup>125</sup>Edwin Clark interview.

Nothing would anger a Freeman like diminishing due process.<sup>126</sup> It was at that point, Rodney Skurdal gave Duke the finger. The group agreed they would never negotiate with Duke again. When Rodney Skurdal told Duke the talks were off, the Colorado legislator questioned the Freeman's manhood and left the compound. Time was running out for a peaceful settlement. The mood of the negotiations matched the steady rain that emptied onto the northern plains around Brusett. With no one entering the compound and no negotiations, the time for the FBI's tactical siege seemed to have arrived.

Karl Ohs waited in Jordan with nothing to do. During the standoff, Ohs noticed that the first part of his negotiating sessions with the Freeman were devoted to "letting off steam."<sup>127</sup> The longer he was gone, the more ranting took place. Determined either to go home or get something done, he approached the FBI with an idea. With no one entering the compound, the Freeman might be ready to vent. The roads were impassible, but why not ride in on a horse? The FBI readily agreed so Ohs donned a cowboy hat and yellow rain slicker to head out. The forty-five minute meeting revealed to Ohs that a split had occurred between the Freeman. Edwin Clark failed to show up for negotiations for the first time. Without his moderation, the "gang of 4"—Skurdal, Landers, Dudley, Jacobi— "were really pounding their chests," especially Russell Landers. "[W]e're screwed, this is over—it's done," Ohs told the FBI. "Edwin wasn't even there."<sup>128</sup> The FBI had long tried to assess the leadership of the Freeman. In one case, only three chairs were provided for the four

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<sup>126</sup>Ibid.

<sup>127</sup>Karl Ohs interview.

<sup>128</sup>Neiwert, *In God's Country*, 250.

Freemen negotiators. In another, a rare pack of cigarettes was thrown on a table to see which of the Freemen would distribute the smokes. In both cases, the Freemen showed cooperation with no hierarchy. They stood during the negotiations rather than have only three Freemen sit or they distributed the cigarettes equally. Edwin recalled that the Freemen knew the FBI would try to split and assess their group. The Freemen always tried to respond in a way that would confuse the agents or catch them off guard.<sup>129</sup> Their ploy worked since the FBI often described their leadership as “confusing.”<sup>130</sup> For the only time during the standoff, Ohs felt threatened. Before, Ohs felt that Edwin would calm any tense situation and even protect him; now it seemed that those who came from outside Garfield County had taken control. Within a few days the FBI showed a tougher approach.

On a trip to the compound, Ohs warned the Freemen that the FBI planned to cut power on June 3. That might have happened sooner, but the line included thirty families in the area, so generators had to be trucked to Brusett and installed. Additionally, the FBI transported black armored cars and rescue helicopters to their staging area near Brusett.<sup>131</sup> Although sources anonymously stated that nothing was imminent, the break off of negotiations after sixty-nine days, left the government little choice in enforcing the law. The FBI had been patient and the strategy had failed. Unfortunately, any violence would confirm the paranoid visions of apocalypse and might trigger militia groups into rebellion.

A small group of religious scholars urged the FBI against aggressive action. The

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<sup>129</sup>Edwin Clark interview.

<sup>130</sup>Karl Ohs interview.

<sup>131</sup>Hal Spencer, “FBI moves in ‘rescue’ vehicles,” *Billings Gazette*, 1 June 1996.



Bureau had contacted the group after the first week of the standoff. One of the pressing criticisms of the government's actions at Waco was discounting religious views of those under FBI surveillance. According to the scholars, "Some of the Freemen hoped that a violent conflict with FBI agents would prompt right-wing militia members to fight the 'Second American Revolution' against the illegitimate federal government."<sup>132</sup> One of the scholars, Phillip Arnold, had been brought to Montana and used his personal time to persuade them to support his approach. The FBI put Arnold in contact with Gloria Ward's sister—who earlier in the standoff had left the Freemen after being shouted down by Dana Dudley. With the sister's help, Arnold encouraged the Ward's schismatic Mormon sect spiritual leader to communicate God's desire for her to leave Justus Township.<sup>133</sup> Convinced they should leave, Gloria Ward, her husband Elwin, and her two daughters appealed to Edwin Clark to help them get off the property. Although Edwin had previously encouraged the family to stay for his family's sake, he communicated the family's wishes to the FBI. On June 6, the family walked off Justus Township. The loss of the Wards, particularly the children, reinvigorated Edwin's resolve to end the conflict. He took charge.

Karl Ohs continued to enter Justus Township. Often while he negotiated with the group, he thought the Clarks were honorable people. He could no longer restrain his alarm at the situation. The situation was falling apart and Ohs spoke frankly. "She's over boys. And I'm here to tell you that." What surprised Ohs was the re-emergence of Edwin at the negotiating table.

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<sup>132</sup>Catherine Wessinger, "Religious Studies Scholars, FBI Agents, and the Montana Freemen Standoff," *Nova Religio*, 38.

<sup>133</sup>*Ibid.*, 40.

Edwin received help beyond Ohs. The Freeman agreed to try another third-party mediator, in this case the CAUSE Foundation. Although CAUSE describes itself as “an international civil rights legal foundation that defends the rights of the unpopular, the powerless and the politically incorrect,” the group had been labeled as white supremacists and hate group.<sup>134</sup> Arnold argued that only by enlisting a group that could speak both the language of common law and the constitution could a resolution be found.<sup>135</sup> CAUSE attorneys Kirk Lyons and Lourie Salley addressed the key issue of the Freeman, the grand jury. Lyons convinced the Freeman that he had used the jury system to his advantage in an Arkansas case.<sup>136</sup> The settlement fashioned an agreement that allowed the Freeman to represent themselves in court and placed Karl Ohs in charge of the evidence in their case.

Despite the hopeful negotiations, Edwin Clark needed one additional, and audacious, requirement. Against the wishes of his Freeman compatriots, Edwin asked to meet with Richard Clark and LeRoy Schweitzer in Billings to discuss the settlement. He had sent a note to the FBI saying, ““Let me out so I can talk about surrender.” After clearing the plan with FBI Director Louis Freeh, Edwin and three lawyers from CAUSE got the opportunity.<sup>137</sup> On June 11, Edwin asked Schweitzer for his opinion on the settlement. Schweitzer agreed that it was time to take their case to a jury. With Schweitzer’s blessing, the standoff ended.

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<sup>134</sup>Tom Laceky, “New negotiator brings right-wing credentials,” *Great Falls Tribune*, 1 June 1996. CAUSE stands for Canada, Australia, United States, South Africa, and Europe.

<sup>135</sup>Rosenfeld, “The Justus Freeman Standoff,” 334.

<sup>136</sup>Neiwert, *In God’s Country*, 257.

<sup>137</sup>Louis Sahagun and Richard Serrano, “FBI found rightist key to ending Montana standoff,” *Los Angeles Times*, 16 June 1996.

After returning the Justus Township, Edwin Clark helped the other Freemen to load their evidence into a large Ryder truck. Federal agents oversaw the process and charted the evidence, too. On June 16, the Freemen left “Justus Township” in custody, but without handcuffs, part of the negotiated settlement. While their case remained in limbo, the Freemen agreed to be transported to Yellowstone County for processing and to await their trial, still hopeful they could convince a jury of their innocence.

In the aftermath of the standoff’s end, the FBI received accolades from politicians, pundits, and the public. Federal agents, too, were pleased. They had helped create a low-key, low-pressure approach from the outset that coordinated the tactical team and the negotiation/behavior science team.<sup>138</sup> The willingness of FBI leadership to experiment with new negotiation methods relieved public and media pressure on the agency. Where past standoffs had frequently resulted in death, the newfound patience of the FBI gave hope to critics.<sup>139</sup> In particular, the acceptance of religious scholars gave law enforcement an additional perspective and more options. National media outlets did give voice to the one group upset with a “too slow” approach at the FBI, local officials.<sup>140</sup> At the very least, commentators agreed that the FBI had attempted a change in the aftermath of Waco and Ruby Ridge.

The Freemen pushed the boundaries of the Agency’s patience with their refusal to

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<sup>138</sup>Robin Wagner-Pacifici, *Theorizing the Standoff: Contingency in Action* (Cambridge: Cambridge University Press), 40.

<sup>139</sup>“Freeh’s Reforms Credited With Preventing Violence,” *Billings Gazette*, 16 June 1996.

<sup>140</sup>Tom Kenworthy and Pierre Thomas, “Is the FBI’s New Approach Too Slow?” *Washington Post*, 24 June 1996.

negotiate directly with the FBI. Instead, family members, Montana legislators, and representatives of rightist organizations participated in the negotiations to end the standoff. Although the Freeman remained consistent in their demands, their complex legal ideology made it difficult to find negotiators who understood and explain their common law jargon. The CAUSE negotiators were not the FBI's first choice as negotiators, but they were one of a handful of experts who could talk to both sides and retain credibility.

Despite the temporary negotiated victory, the Freeman had lost. Edwin Clark's hopes for a peaceful settlement, return of the family farm, and a fair hearing of the Freeman's grievances met harsh reality. While no blood was shed, a serious challenge to the foreclosure of his father's and uncle's farms never materialized. Additionally, the Freeman case would be presented in a court that did not recognize their version of the law. More important for the Freeman movement, his capitulation to federal authorities branded Edwin as a traitor to many on the far right, including some who supported the Freeman cause. According to Edwin, some thought those in "Justus Township" should have died to defend the ideal. The lives of his loved ones was a price he was unwilling to pay.

Heavy thunderstorms hit Jordan Country in the early morning hours before the surrender. Only after dawn did clouds disperse and reveal the sun. For those who had faced the difficult and tense situation, be it eighty-one days or nearly two decades, the unfolding weather mirrored their own situation. County officials across the state, who had faced the brunt of the Freeman's wrath could relax, for the first time in a long time. Federal officials emerged from the shadow of public doubt and successfully ended a major standoff. State

officials, who had been largely absent during the crisis, began plans to buttress legal codes to forestall intimidation of public officials.

The Freemen faced the day with mixed emotions. On the one hand, they had readied their documents to shine a light on the unfair financial system. On the other hand, the last two years had been short on success. While LeRoy Schweitzer trained hundreds in his check writing scheme, the people closest to the movement had suffered and were about placed under custody of the federal government. Despite his rhetorical flourishes that spoke of success, Schweitzer's dream for the Freemen had failed to inspire two key groups. First, people from the area had rejected the Freemen's ideology. Out-of-state students far outstripped locals in the "Justus Township" classroom. The people who had the most in common with the Freemen simply thought the ideology was too radical. Second, those trained by Schweitzer failed to come to the defense of the township during the crisis.

Much of the right-wing movement formed in the late-1980s and early-1990s thought of themselves as modern-day counterparts to the minutemen at Concord. The Freemen movement discovered, too late, that their call for action was not heard around the world. While it can be said that "here once the embattled farmers stood" the Freemen movement expired leaving no monument or mourners in Jordan Country.

## CHAPTER 7

### CONCLUSION

Twenty-two Freemen faced federal criminal indictments in the aftermath of the standoff, including eight Garfield County farmers from the Clark and Stanton families and two others from neighboring Petroleum County.<sup>1</sup> Eight of those charged were allowed to post bail and await trial. Two Stanton family members, Ebert and his mother Agnes, who had left Justus Township during the stand-off, posted bail.<sup>2</sup> The only member of the Clark family who was freed on bail was Casey, Edwin's son. He later agreed to a plea bargain in return for information about the Freemen. The four remaining members of the Clark family—Ralph, Edwin, Emmett, and Richard—remained confined in their cells for twenty-three hours a day throughout the trials. The Freemen refused to recognize federal authority and sought to represent themselves during the run-up to the trials. Although they were allowed to retain their own counsel if they wished, the court appointed attorneys from across the Northwest for all of the Freemen to prevent an obvious ground for appeal. The Freemen's contact with the outside world was limited to weekly visits with immediate family members, court-appointed attorneys, and federal authorities. Wives of the Clarks moved closer to Billings—the location of the Yellowstone County Detention Facility and the upcoming trials—to avoid the three-hour car trip from Jordan. Although sympathetic

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<sup>1</sup>The Garfield County Freemen charged were: William and Agnes Stanton and their son Ebert; Ralph Clark and his son, Edwin, and Edwin's son, Casey; Ralph's brother, Emmett, and his son, Richard; the Petroleum County defendants were Dan and Cheryl Petersen.

<sup>2</sup>Bill Stanton, Ebert's father and Agnes' husband, was already incarcerated on state charges.

groups like the Fully Informed Grand Jury Association established a Freedom Center in Billings, they did not have any direct contact with the Freeman during their incarceration.

The most serious charge against the Freeman was armed robbery of two news crews that covertly went into Justus Township during the stand-off. The cameras “confiscated” by the Freeman, who were armed, made the crime a federal offense. The only Garfield County participant in the robbery, Richard Clark, faced more serious charges than the obstruction of justice, fraud, and firearms violations than did other county residents.<sup>3</sup> Nevertheless, Richard’s hard-line belief in the Freeman ideology prevented him from talking to his court-appointed attorney, since that would sacrifice his sovereignty. Emmett, Ralph, and Edwin talked to their lawyers, but the relationship remained dysfunctional since they doubted the lawyers would present their case fairly.

The first trial of Freeman started in March 1998; the defendants were mostly secondary figures in the episode. The only Garfield County farmer in the trial was Edwin Clark. Joining him were four men who had come to Justus Township to elude state and federal warrants.<sup>4</sup> Steven Hance and his sons James and John—who sought sanctuary in Justus Township to avoid criminal charges facing them in North Carolina—Elwin Ward, accused of accessory to criminal behavior, also was tried for passing a “LeRoy check” to pay off his taxes. Jon Barry Nelson, a concerned Freeman from Kansas with no criminal record, faced charges of being an accessory. The jury found Ward innocent of accessory charges,

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<sup>3</sup>*United States v. LeRoy M. Schweitzer, et al*, CR 95-117-BLG-JDS (1995), Tape 3. No copy facilities were available to the author at the US District Court in Billings. Court transcripts were read into a tape recorder, therefore no page numbers are listed.

<sup>4</sup>The defendants were Edwin Clark, Elwin Ward, Jon Barry Nelson, James E. Hance, John R. Hance, and Steven C. Hance. *United States v. Steven C. Hance, et al*, CR 96-47-BLG-JCC (1998), Tape 1.

but guilty of submitting a false IRS return. Edwin Clark faced accessory charges with the others, but was found innocent. Edwin's acquittal was helped by his testimony explaining his family's situation and from friendly witnesses like Karl Ohs who shared Edwin's role in ending the standoff. The Hances and Nelson received sentences between five and six years, while the judge sentenced Ward to time served since his sentence would be approximately the same amount as the time he had been incarcerated.<sup>5</sup>

In June 1998, the remaining twelve Freeman faced a federal judge and jury, including Richard and Ralph Clark.<sup>6</sup> Prior to the June trial, Emmett Clark had pleaded guilty to three counts of intimidating a public official. He was sentenced to time served. Jurors heard from ninety witnesses, saw six hundred pieces of evidence, and listened to wiretap and concealed microphone conversations. The case was so complicated even the jury instructions were over one-hundred pages long.<sup>7</sup> By late June, the court handed down verdicts against the six defendants including thirty-five guilty convictions ranging from bank fraud, mail fraud, and threatening to kill a U.S. District Judge. Schweitzer, Dan Petersen, and Russell Landers also were convicted of threatening to kill a U.S. District Court judge who had presided over the grand jury weighing charges against the Freeman (the trio had posted a "Wanted: Dead or Alive" poster for the judge). Prosecutors argued that the "LeRoy checks" that scattered \$15.5 billion in fraudulent money drafts constituted a "fraud of epic proportions," while defense lawyers argued there was no intent to defraud

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<sup>5</sup>Steven C. Hance, *et al*, CR 96-47-BLG-JCC (1998), Tape 12.

<sup>6</sup>In addition to the two Clarks, LeRoy Schweitzer, Rodney Skurdal, Dan Petersen, Cherlyn Petersen, Russell Landers, Dale Jacobi, Casey Veldhuizen, John P. McGuire, Bill Stanton, and Agnes Stanton. CR 95-117-BLG-JDS (1995), Tape 5. Emmett and Casey Clark pleaded guilty as did Dana (Landers) Dudley and Ebert Stanton.

<sup>7</sup>Jackie Yamanaka, "Jury Deliberations in Freeman Trial," *NPR Morning Edition*, broadcast 1 July 1998.



individuals because the Freeman truly believed the thousands of "checks" they circulated were good.<sup>8</sup> The jury held LeRoy Schweitzer most accountable, charging him with thirty counts, far more than any other defendant.<sup>9</sup> Despite his long history of issuing bogus financial instruments between June 1993 and June 1996, the jury held off in convicting him on ten of the charges. The jury's decision contained controversy, too. It had deadlocked on the remaining counts stemming from the check-writing scheme, including charges against Ralph Clark. Prosecutors chose not to re-file charges against him. On July 9, the judge declared a mistrial on half of the charges, requiring a third trial.<sup>10</sup>

In preparing for the third trial, U.S. Attorneys focused on the conspiracy and robbery charges and narrowed their scope for each. The trial in October resulted in new convictions for nine Freeman and associates in November, with one of the Freeman acquitted. In all, the jury reached verdicts on about half of the 126 charges against the twelve defendants. The only open question was how long each defendant would be sentenced. In March 1999, Schweitzer received the harshest sentence of twenty-two years and six months. Dan Petersen, Rodney Skurdal, Dale Jacobi, and Richard Clark received sentences ranging from eight to twelve years. Bill and Agnes Stanton were found guilty of bank fraud charges, but were sentenced to time served. The jury also failed to reach a verdict on charges against Cherlyn Petersen, who was found not guilty of two firearms charges.

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<sup>8</sup>Tom Laceky, "Jury Hands 35 Guilty Verdicts To Montana Freeman Leaders -- Deliberations Continue On Remaining 11 Counts," *Seattle Times* 3 July 1998.

<sup>9</sup>Dan Petersen faced 20 charges, Jacobi faced 17, and Skurdal faced 15.

<sup>10</sup>Steve Marshall, "Four Freeman Guilty on Financial Conspiracy Charge," *USA Today*, 9 July 1998. Russell Landers had been convicted on all charges that he faced so he was not included in the third trial.

For the farm families of Garfield County, the verdicts of the third trial resulted in convictions, but many were freed with time served. Two spouses of Freeman, Agnes Stanton and Cherlyn Petersen, were convicted of bank fraud. Emmett and Ralph Clark, who had spent twenty months in jail, never returned to their foreclosed farms in Garfield County. Ralph, whose 1998 trial resulted in a hung jury, faced state charges filed by Garfield County Attorney Nick Murnion. Held in 1999, Ralph's trial on state charges of criminal syndicalism and writing bad checks resulted in a \$5,000 fine. Emmett and Ralph now reside in another small eastern Montana community.

Public officials who had been the target of the Freeman also faced change. The two county sheriffs who faced the toughest challenge by the Freeman, Charles Phipps from Garfield County and Paul Smith from Musselshell County, were defeated in 1998 elections. John Bohlman of Musselshell County lost his reelection campaign for county attorney in 2002. Several county officials choose not to run again for office, embittered by the episode. Nick Murnion continued to serve as Garfield County's attorney. His twenty-eight years of service is one of the longest tenures in the history of the state.

The farm crisis of the 1980s created a shift in the Ralph Clark family: from legal protest to adherence to the idea of radical decentralization, as propounded by the Montana Freeman. The family's roots ran deep in Jordan Country. Their livelihood had benefited from the alliance of farmers, government, and capitalism that formed the backbone of the region's economic success for the past hundred years. To thrive economically, the family followed the advice of community, business, and government observers to expand its land holdings, even if it meant going into debt. By the 1970s, however, the alliance failed, not

just for the Clarks, but for many families. The Clark family shared responsibility for its crisis with the permissive lending practices of public and private institutions and federal agencies. Unable to finance a new land purchase through their own resources, Ralph applied for and received government loans. When the high commodity prices that fueled the prosperity of the early 1970s gave way, the Clarks' debt put their farm in jeopardy. Government agents for the FmHA compounded the family's troubles by pursuing foreclosure of its farm, a situation faced by thousands of farmers during the farm crisis. In addition to initiating foreclosure proceedings, FmHA attempted to prosecute Ralph Clark for criminal conversion for using stored grain to feed his livestock. A federal judge slapped down the charges, but not before the family had spent time and money to defend themselves. Other farmers pursued legal forestallment of the sale of their farms. The federal case of *Coleman v. Block*, decided in November 1983, determined that the FmHA had failed to follow its own guidelines in pursuing foreclosures, resulting in a moratorium on farm foreclosures to allow for borrowers to have a hearing and opening the possibility of payment restructuring for troubled farmers. In the late 1980s and early 1990s, the Clark family struggled to make payments, but when foreclosure proceedings were renewed, the family sought additional remedies.

Having depleted their funds in just barely keeping the farm afloat, the family turned to self-proclaimed legal experts for advice. Some of these were advocates with legal training and others were ideologically driven novices. The family's new-found advisors emphasized property rights and decentralization of federal power. In a key error of judgment, the Clarks failed to distinguish between legal scholars, like those of the National Federal Lands Conference, and those touting ideologically based scams, like Martin J. "Red"

Beckman, LeRoy Schwasinger, and LeRoy Schweitzer. The parallel government advocated by Beckman, Schwasinger, and Schweitzer, drew on the beliefs espoused by the Posse Comitatus and appealed to Patriot militias. In conjunction with recruiting efforts among the radical right to draw farmers into their group, local events like the Burger Raid inspired the Clarks to listen to the Freeman's radical interpretation of the law as a refuge from federal interference. While the family sought to use public forums and a local land board to shield the county from state and federal authorities, Ralph turned to extralegal help to protect the family farm. The lure of alternative financial and legal structures—lien based comptroller warrants and common law justices' courts—allowed the Clarks the hope of preventing further prosecution. In doing so, the Clarks' actions to protect their farm crossed the line into illegality.

The family followed the emerging Freeman leaders who made pledges to protect the Clarks' farmland. As the Clarks' standing within the group increased, lifelong acquaintances of the family, especially local officials, withdrew from the family's circle. Garfield County Attorney Nick Murnion questioned the fledgling Freeman. As he distanced himself from the Clarks, a family he had known since childhood, the family became disillusioned with the legal process and sank deeper into the legal morass of Freeman schemes. When authorities began to infiltrate the group and issue warrants for their arrest, the Freeman leadership sought a new base for their operations far from threats. The Clarks offered their farm in Garfield County for this purpose.

Because of the Freeman's emphasis on property rights, the Clarks became central to the leadership of Justus Township. While the family did not lead any of the Freeman training, they contributed significantly to the planned growth of the movement. First, they

and their extended family provided necessary labor and services to the students taking Freeman classes. Second, they gave the Freeman a safe harbor, secluded from county, state, and federal oversight. Third, they vouched for the Freeman to the Garfield County community and tried to recruit new members from the area. These efforts hurt the family's standing by transferring needed labor and money to the Freeman, making them a target of a federal investigation, and diminishing their standing in the community.

Blind to their eroding status, the Clarks remained loyal to the Freeman leaders. In March 1996, federal agents arrested three key Freeman leaders, including LeRoy Schweitzer, sparking a standoff on the Clarks' property. Even during the eighty-one day standoff with authorities, the Clarks stood steadfastly with the Freeman. In fact, the confrontation ended only when the FBI flew Edwin Clark to LeRoy Schweitzer's detention facility and Clark received approval from Schweitzer to surrender. The family hoped that Schweitzer's pseudo-legal team would prevail when evidence of a corrupt financial system (the federal government) was exposed at their federal trial.

Frankly, none of the groups involved with the Freeman episode have any reason to prolong the memory of the group. Federal agencies, while gaining a strategic victory in ending the standoff, are unlikely to revive memories of past bungled financial or enforcement policies. Eastern Montanans who were not directly involved with the Freeman might remember the excitement of global media coverage coming to the area. Those who were intimately connected to the Freeman, as targets, family members, or friends, have painful memories of the strain placed on their relationships with life-long acquaintances. Even today, locals fail to see any lasting impact or cracks in their community caused by the Freeman episode. Radical-right groups also have an interest in forgetting the Freeman

whose farcical schemes such as “LeRoy checks” made a laughing-stock of separatist ideology. Indeed, the Freemen are now seen as a cautionary tale for incorrectly implementing a radical agenda. The Clark family, too, has reasons to forget. The incarceration of family members and the loss of the family farms are painful memories. Only the vain hope of having others understand their situation, perhaps, allows the family to speak freely about their involvement with the Freemen.

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