

The Oregon Standoff: Understanding LaVoy Finicum's Death & the Management of BLM Land

By **Sam Jacobs**, Ammo.com, January, 2020

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When one talks about the Bundy Family, the first thing that springs to mind is the [standoff in Nevada](#) in 2014. However, perhaps even more important is the standoff and occupation at Oregon's [Malheur National Wildlife Refuge](#) in 2016. Indeed, the two events are often conflated because [Ammon Bundy](#) is the son of [Cliven Bundy](#), the man who stood up to the federal government over "grazing fees" on Bureau of Land Management land.

The occupation was a highlight for both the [militia and the sovereign citizen movement](#) as well as proponents of states' rights. The main argument from those occupying the land is that the federal government is mandated by law to turn over the land that they manage to the individual states in which the land sits. This, they argued, was particularly true of the [Bureau of Land Management](#), [United States Forestry Service](#), and [United States Fish and Wildlife Service](#) land.



The 2016 Oregon standoff was over two ranchers convicted of arson on federal lands – despite the fact that the men, a father and son pair named [Dwight and Steven Dwight Hammond](#), did not want their support.

[Harney County](#) in rural eastern Oregon is one of the largest counties in the United States by land mass, but one of the smallest when it comes to population. With a mere 7,700 people, cows outnumber humans in Harney by a factor of [14-to-1](#). Nearly three quarters of the land in the

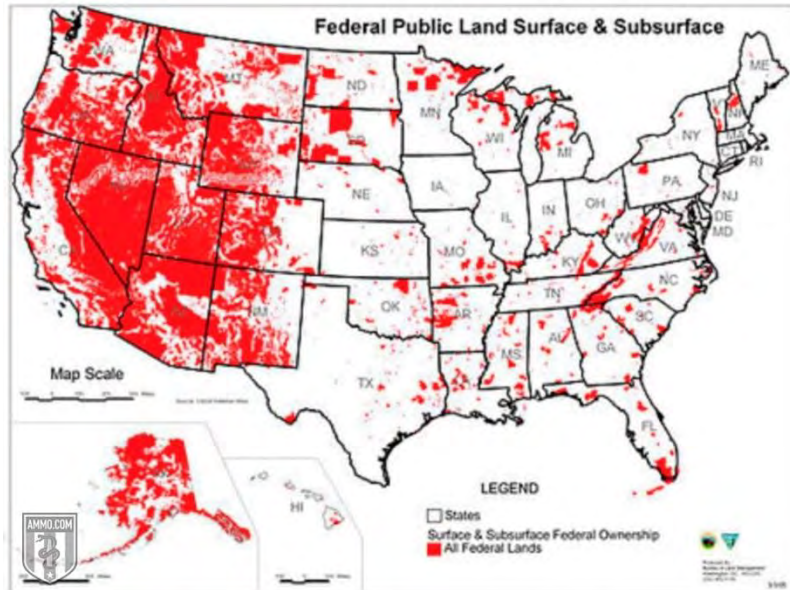
county is federally managed. The Malheur National Wildlife Refuge was established by then-[President Theodore Roosevelt](#) in 1908. It's a large area of the county and surrounding area at 187,757 acres.

How Federal Land Management Works

While each federal agency manages land differently, it is worth taking a closer look at the Bureau of Land Management (BLM) as a template case for how federal land management works in general.

The BLM manages fully [1/8th of all the landmass of the United States](#). The Bureau was created by then-[President Harry S. Truman](#) in 1946, through the combination of two existing federal agencies – the [General Land Office](#) and the [Grazing Service](#). Most BLM land is

concentrated in 12 Western states: Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.



There's truth to the idea that BLM lands are largely lands that no one wanted to settle. The actual land is remnants held for homesteading that no homesteaders actually claimed. Ranchers, however, often use the land for grazing with [18,000 permits and leases held for 155 million acres](#). There are also over 63,000 gas and oil wells, as well as extensive coal and mineral mining. So while the land might be land that individuals don't want to live on and farm, it is far from without value.

Part of the controversy in both the Nevada and Oregon standoffs was the question of ownership of these public lands. Cliven Bundy did not feel obligated to pay grazing fees for what is ostensibly "public" land that, the argument goes, is not owned by the federal government at all, but no one in particular. Similarly, the men who were convicted of "arson" on federal land weren't terrorists or thrill-seeking firebugs. It was part of a longer-standing dispute with the federal government over their right to graze cattle on the land that started with the pair doing controlled burns that *became* uncontrolled. They became a cause celebre for the Bundy crew, because they were another symbol of the conflict over who rightfully owned the land.

This comes down to a question of ownership: Can the federal government simply decide that it "owns" 1/8th of the country that is supposed to be set aside for the general public? Does the federal government have such authority or does this authority reside with the states? Homesteading was technically still allowed until 1976 (1986 in Alaska), but the formation of the

BLM in 1964 effectively spelled the end of homesteading in the lower 48. The argument of Ammon Bundy and company was that the federal government had no such authority, which instead rested with the states.

In a certain sense, this is a purely academic question. In another sense, the federal government owns whatever it says it does, because who is going to say otherwise? However, this was the theory and argument that underpinned the occupation of the Wildlife Refuge.

What is Agenda 21?

It is briefly worth addressing “[Agenda 21](#)” before moving on, as many of those involved in the standoff believed in this. The veracity of Agenda 21 is not important for our purposes. What is important is that [many of the people involved in the standoff believed it to be true](#).

Agenda 21 is a name for a supposed United Nations statement on reducing the world population from above 7 billion to below 1 billion. Those who believe this is a goal of the United Nations believe that it will take place effectively by hoarding everyone off of the land and into cities, where they will be reliant upon others for food production. They also believe that it will take the form of state-funded or state-mandated abortions. In some cases, they believe that autism caused by vaccines is a way to lower the population since people with autism are far less likely to have children than those without.

This is an important context for the standoff, because some of those involved believed that they were not fighting for the freedom of two men they believed to be wrongfully convicted of arson or even over obscure questions of natural and Constitutional law, but for their very lives, livelihood and posterity against a tyrannical would-be one-world government. One does not need to agree with the world view of these people to see it as an important factor in the standoff.

Who Are Bundy and Finicum?

Ammon Bundy is a name probably known to many readers of this website. He is the son of Cliven Bundy, the man who had previously stood up to the BLM over grazing rights in Nevada in 2014. Ammon had recently formed the group [Citizens for Constitutional Freedom](#). A faithful member of the [Church of Jesus Christ of Latter-Day Saints](#), Ammon believed, as did his father, that his resistance to the federal government was not merely political, but specifically ordered by God.



Lavoy Finicum, also a member of the Church of Latter-Day Saints, was another leader of the movement. Like Cliven Bundy, Finicum decided that he was no longer going to pay grazing fees to the BLM. He published [a video on YouTube](#) where he stated that he did not believe that it was legal for the federal government to own the land in question, and cited Cliven Bundy as a direct inspiration for his new stand against the federal government. He refused to pay \$12,000 in fees accrued in under six months.

Finicum had also been on the federal radar after he was erroneously named in a case against William Keebler, who planted a bomb at a BLM cabin. If there are any MSNBC viewers out there, you might know Finicum as [“tarp man”](#) due to his omnipresent blue tarp that he used to protect himself from the elements.

Background: The Hammond Arson Case

It’s not necessary to get too lost in the weeds on the Hammond arson case, however it does bear a simple retelling. Dwight Lincoln Hammond, Jr. and his son Steven Dwight Hammond were convicted of two counts of arson in 2012, in relation to two fires they set in 2001 and 2006. The pair agreed not to appeal their sentences in exchange for having other charges dropped. The father served three months and the son served a year and a day, the whole of their sentence.

After release, however, the Ninth Circuit Court of Appeals (who else?) demanded that they be resentenced. The pair were resentenced for five years, with credit for time served and ordered to return to prison. They were eventually [pardoned by President Trump on July 10, 2018](#). However, in the interim, Ammon Bundy and Ryan Payne made plans for what they called a peaceful protest. The Hammonds eventually rejected the help of this protest, but it went ahead anyway.

On November 5, 2015, Bundy arranged a meeting with Sheriff David Ward for later that day. Bundy and Payne insisted that the sheriff do all that he could to protect the Hammonds from returning to prison. Ward explained that there wasn’t much he could do. He also reported that Bundy and Payne became somewhat threatening and aggressive when he told them this. It was then that the specter of an armed militia was raised.

In early December 2015, both Bundy and Hammond had moved to the area. They began organizing a [“Committee of Safety”](#) modeled on those of the Revolutionary period. Local residents began to notice a lot of outsiders in the community at this time and they weren’t exactly a welcome addition – many would aggressively ask locals about their opinion on the matter. Local police and federal employees in the area reported that they, their spouses and even their children had been [followed home or to school by militia members](#). Open carry became common in a place where, previously, it had not.

The situation was incredibly tense. There were two public forums early in January 2016, designed to defuse tensions between locals and militia members. After a peaceful January 2nd protest ended, Ammon Bundy urged people to join him in an armed occupation of Malheur National Wildlife Refuge.

The Standoff at Malheur National Wildlife Refuge

Ammon and Ryan Bundy moved to the refuge with a number of armed participants and began setting up defensive positions. Law enforcement largely avoided the refuge due to the tense situation and the presence of armed militia members, however, federal, state and county law enforcement swarmed the general area, including an FBI command center at the local airport. There were also paid informants within the group of occupiers. The standoff continued for six weeks, largely without incident. There was a lot of bluster, mostly from the Bundy camp, but not much happened for the most part. Court orders were issued and ignored. January 6th saw a fistfight between a group called “Veterans on Patrol” and militants in the refuge.

Indeed, the occupation was largely uneventful, save for the death of [LaVoy Finicum](#). On January 26th, Finicum left the refuge with other leaders and supporters of the occupation in a two-truck convoy. It was here that federal authorities attempted to arrest him for the first time using a traffic stop. Ammon Bundy and Brian Cavalier were peacefully arrested at this time.

Finicum was quite nearly arrested. His truck was stopped and hit with a 40mm plastic-tipped round of pepper spray. It was at this time that he refused to kill the engine on his truck and informed officers that the only way they were going to prevent him from reaching his rendezvous point was to shoot him. He is reported to have yelled at the Oregon State Police: "You back down or you kill me now. Go ahead. Put the bullet through me. I don't care. I'm going to go meet the sheriff. You do as you damned well please."

Seven minutes after the stop, Finicum drove off in his truck with two passengers. His truck became stuck in the snow before a roadblock. He narrowly avoided hitting an FBI agent. He ran out of his truck and was fired upon twice by the Oregon State Police, which they did not initially disclose. One hit his truck and the other went wild as Finicum moved around in the snow. According to the FBI, he alternated between holding his hands up and reaching toward his jacket where he had a loaded semi-automatic weapon.

According to the Oregon State Police, Finicum repeatedly yelled, "You're going to have to shoot me!" and the officers considered him a lethal threat to an officer armed only with a taser. They claimed that he reached for his pocket. Two officers fired a total of three times with a third officer holding his fire when he realized that a fourth shot wasn't needed. He was provided with medical assistance [10 minutes after the shooting](#). Finicum's supporters note that he was struggling in the snow, which might account for his strange movements. They also note that at no time did he threaten to produce a weapon.

According to [footage and witnesses featured in the documentary *American Standoff*](#), officers shot Finicum the moment he stepped out of his truck with his hands up, and continued to fire shots at the vehicle as well as gas the other two passengers. Finicum, it is also worth noting, was a sitting duck with multiple law enforcement agents sitting behind cover and him in the open snow. And, of course, it bears repeating that the FBI fired first, then lied about it.

Even more damning is that Finicum and the others were headed to a townhall arranged by the local sheriff. Rather than being given safe passage – something that might have defused tensions – he was ambushed, with women and children in the car no less.

Aftermath of the Occupation

[FBI Agent W. Joseph Astarita](#) was prosecuted for five counts of lying to investigators in relation to Finicum's death. He was acquitted on all of them. [A tape of the incident](#) was released to the public, however, as is often the case, people saw what they wanted to see. The Finicum family commissioned a [private autopsy](#), but did not share the results with the public. Finicum's widow Jeanette [filed suit](#) against the Oregon State Police, while his family filed a [wrongful death suit](#) against the federal government, the State of Oregon, the Bureau of Land Management and many other public officials and government organizations.

The occupation continued for another two weeks but had largely lost steam as the militants' leaders had mostly been arrested or surrendered or both. On the afternoon of February 10th, some remaining militants drove past a roadblock at high speed. [Michele Fiore](#) attempted to mediate the situation and de-escalate. This resulted in the remaining militants surrendering at 8am the next day.

All told, 27 militants were arrested in relation to the occupation, 26 of these for a single federal count of conspiracy to impede officers of the U.S. from discharging their official duties through the use of force, intimidation, or threats. Several of these were indicted on state charges as well.

Why Does the Oregon Standoff Matter?

The standoff in Oregon matters for two main reasons: First, it is yet another example of how an armed population can sway the hand of government. Remember that the Hammonds eventually were pardoned. But more than this, it provides a lesson in how *not* to go about resistance.

There is nothing to be gained by occupying an area where the local population is unsupportive. In the case of the Oregon occupation, while many in the area were sympathetic to the Hammonds and expressed such at public forums designed to mediate between the locals and the militia, the militants were largely outsiders who had come into the area to support someone who didn't even want their support. For their part, the militiamen weren't by all accounts going out of their way to win hearts and minds.

None of this requires absolving the federal government or the Oregon State Police for their role in the matter. It does, however, shine a light on the role of optics and tactics when confronting federal power. All things considered, this might not have been the right battle to pick.

But there is another side of this story: It is incumbent upon law enforcement to take the high road, to exercise restraint and to look for peaceful solutions rather than going in guns blazing and ratcheting up the tensions. While the local sheriff seems to have made efforts to decrease tensions, they ultimately failed to stop the feds and the state police from intensifying the situation. The proof is that Finicum is dead.

There is one last point to be made, however: Despite the outcome, the federal government now has another example to look to that will urge it to exercise caution and restraint when dealing with armed protesters. This was not a situation like Waco or [Ruby Ridge](#). The Second Amendment and militia movements have learned a lot from these incidents in terms of responding *before* things spiral out of control.

The occupation might not have been perfect, but that doesn't mean it wasn't worth it.

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