Shooting for Respectability

Firearms, False Patriots, and Politics in Montana
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Preface:
Uh Oh! A Liberal with a Gun!

By Ken Toole

When I was growing up, I used guns for a variety of purposes, from hunting big game to “plinking” at cans and bottles down at the dump. We knew the National Rifle Association (NRA) as the group that organized our hunter safety courses. In those days, the NRA was primarily concerned with gun safety and hunting.

I still own and use guns. But when I saw film footage of former NRA President Charlton Heston shaking a rifle over his head and ranting about threats to freedom, I did a double take, trying to decide if I was watching the nightly news or video from a militia meeting. When I heard Heston say, “I’ve come to understand that a culture war is raging across our land,” it just didn’t compute. Am I supposed to feel oppressed because I have a hunting rifle in my closet? I always find myself wondering, “What does a culture war have to do with my hunter safety class?”

Of course, the reality is that the NRA has changed. It has chosen a side in Heston’s “culture war.” The culture war is not just about guns. To the NRA, along with the gun rights movement as a whole, guns are a symbol of personal freedom and individual rights. Any effort to control guns, whether it is basic consumer protection or a response to urban gun violence, becomes a struggle about freedom. Inherent in this argument is the view that we have already lost so much freedom. In this view, “political correctness” dominates our every move. This is where the so-called gun rights movement intersects with other aspects of the political right wing. Right-wing movements share a commitment to an imaginary world as it used to be—before the civil rights movement, before the women’s movement, etc. And, yes, I am supposed to feel oppressed because I own guns.

It is no accident that activists in the gun rights movement are aligned with the right wing. Very rarely will these activists complain about discrimination against women or cuts to child welfare programs. However, we often see them opposing federal regulation of anything, ranging from firearms to land management. Despite their claims to a narrow, single issue focus on guns, the reality is that the gun rights movement has become just one more facet of the political right wing.

The Montana Human Rights Network compiled this report because we believe that the gun rights movement deserves close scrutiny. In much of the West, and certainly in Montana, the gun rights movement has created a political vacuum. Almost no political leaders are willing to challenge groups like the Montana Shooting Sports Association and the National Rifle Association. Politicians, both liberal and conservative, fret over their ratings from these groups, feeling that a poor grade is certain political death.

The goal of this report is to put Montana’s pro-gun groups in perspective vis-à-vis other aspects of the right wing, both in Montana and nationally. Not only is it beneficial to look at the groups and activists in relationship to their allies, but it is also important to examine their behavior in the political arena. Gun rights groups have defined firearm issues in a very simplistic way. People are either for gun control or against it. If you are for it, you are against freedom and a threat to America’s basic liberties, and pro-gun activists use gun issues to bludgeon their political opponents. The reality is that the issues surrounding guns are neither simple nor one dimensional. Almost everyone supports some level of “gun control.” Most Americans don’t see it as a breach of the
Second Amendment to forbid citizens from owning machine guns, grenade launchers, Stinger Missiles or nuclear weapons. However, the divisive nature of the culture-war mentality leaves no room for gray areas.

Unfortunately, gun rights activists have successfully defined themselves as representing everyone who owns a gun. They get away with this precisely because they are perceived to have so much political power. The purpose of this report is to provide an examination of this movement and place it in a broader political context in Montana.

*Shooting for Respectability* has two main sections. The first exposes how Montana’s gun culture has become intertwined with the so-called “patriot” movement. The conspiracy theories and anti-government rhetoric once confined to the “patriot” crowd has become the basis for debate concerning the Second Amendment. The first section details the links, both rhetorically and ideologically, between strident gun rights groups and the “patriot” movement. The second section of the report examines the influence of the gun culture on Montana and national politics, and how that in turn influences social policy. As the debate over guns has become more and more polarized, the same rhetoric that used to be heard at community militia meetings is now heard on the floor of the U.S. Congress. The report concludes with three appendices detailing court rulings and research on the Second Amendment, along with a brief look at lobbying expenditures of the gun lobby.

*K.T.*
Program Director
Montana Human Rights Network
2003
Introduction to Part One

Montana made national headlines in February 2002 when a militia cell, known as “Project 7,” was discovered in Kalispell. The group’s alleged leader, Dave Burgert, threatened to kill himself with an illegal, fully-automatic machine gun during a standoff with law enforcement. As authorities investigated Burgert, they discovered a large cache of weapons, including some illegal firearms, explosives and 25,000 rounds of ammunition. Authorities also found “intel sheets” documenting personal information about local law officers and judges that law enforcement believed to be a hit list.1

Immediately following the terrorist attacks of September 11, 2001, gun and ammunition sales rose between 9% and 22%. The Christian Science Monitor reported that gun sales had been declining in the months leading up to 9/11. However, sales spiked after the attacks and were 39% higher in October 2001 than they were in October 2000. In 9/11’s aftermath, gun manufacturers initiated marketing campaigns that combined patriotism and racism. Ithaca Gun Company featured a “Homeland Security” shotgun. Beretta touted a “United We Stand” nine millimeter featuring a laser-etched flag. Tromix Corporation advertised a rifle which it called its “Turban Chaser.”2

In 2001, John Snyder, a former National Rifle Association employee, led a campaign to get a patron saint for handgun owners. Snyder hoped to persuade the Vatican that Saint Gabriel Possenti, supposedly a skilled marksman, should be given the new designation. Snyder said this change would prove the Vatican was “courageous enough to stick its neck out for the right of individuals to defend themselves against evil and tyranny.” The Catholic Church told Snyder that he would need the support of bishops from around the world to pursue his cause.3

These are just a few examples of America’s gun culture in the news. However, there is much more to this culture than what is reported in the mainstream press, especially when it comes to Montana. Montana’s gun culture surfaces in newsletters, on e-mail lists, at “patriot” conferences and gun shows around the state. Guns take on religious significance, becoming God-given weapons to fight off a tyrannical government. The first section of Shooting for Respectability deals with this perspective.

The anti-government “patriot” movement [see inset box on page 8] uses gun issues to recruit new members and mainstream its image. In doing so, “patriots” have influenced the formation and rhetoric of Montana-based groups supporting the “fighting off a tyrannical government” interpretation of the Second Amendment. The first section of Shooting for Respectability illustrates the overlap, both ideologically and organizationally, of three prominent gun rights groups in Montana: the Militia of Montana, the Montana Shooting Sports Association, and the Citizens to Preserve the Second Amendment.

The Militia of Montana is well-known for its conspiracy theories and contempt for the federal government. However, it is less well-known that groups like the Montana Shooting Sports Association and Citizens to Preserve the Second Amendment share many of the same “patriot” beliefs. The Montana Shooting Sports Association has carved out a niche in Montana politics by championing
causes related to hunters and gun collectors. Beneath its public facade, the group and its leader, Gary Marbut, promote views about the federal government similar to those of the Militia of Montana. Citizens to Preserve the Second Amendment exists somewhere between the political respectability the mainstream has given to the Montana Shooting Sports Association and the mainstream’s distaste for the Militia of Montana’s wacky conspiracy theories.

The Militia of Montana’s newsletter Taking Aim has featured columns by Gary Marbut of the Montana Shooting Sports Association. This particular Marbut article panders to fears of global government and ran in the April 1998 issue.
In the Line of Fire:
Montana Gun Groups and New World Order Conspiracy Theory

From the halls of the U.S. Congress to stools at the local tavern, everyone has an opinion about guns. The political clout wielded by groups like the NRA is common knowledge. However, there is a segment of today’s gun culture that despises the current political system. Some of these groups may engage in political activities, such as lobbying and supporting candidates, but they view the federal government as the enemy. For these groups, gun ownership is not about hunting or recreation. Instead, firearms provide protection against a tyrannical government that may declare war on American citizens. In Montana, this culture is epitomized by the Militia of Montana, Montana Shooting Sports Association, and Citizens to Preserve the Second Amendment.

The Militia of Montana (MOM) is the most publicized group espousing the “evil-government” conspiracy message. MOM has been examined in great detail by the mainstream media, and its conspiratorial views and ties to the racist movement are well-established. However, the Montana Shooting Sports Association (MSSA) appears more mainstream, always having a presence at the Montana Legislature, and Citizens to Preserve the Second Amendment (CPSA) sounds like it could be a neighborhood chapter of the NRA. Nonetheless, MOM, MSSA and CPSA are driven by many of the same issues, and their ideologies, speakers, and events frequently overlap.

An example of this was a speaking tour by William Norman Grigg, an editor for the John Birch Society’s The New American. In April 2002, Grigg

The “Patriot” Movement

As with other social movements, the “patriot” movement encompasses many different themes. The movement itself is decentralized, meaning that beliefs may vary from group to group and individual to individual. However, there are common threads that bind it together. One central theme is an ardent distrust of the federal government. “Patriots” attempt to justify this antagonistic view through conspiracy theories which inevitably involve secret cabals that intend to subvert the American people. The usual suspects behind these one-world government conspiracies are the federal government, the United Nations, the Trilateral Commission, the Council on Foreign Relations, etc. “Patriots” believe they will have to ultimately fight off an invasion by these “New World Order” forces. Therefore, the Second Amendment is seen as the last line of defense against a tyrannical government.

Within this fear of the “New World Order,” other themes emerge. “Patriots” are isolationists. They would prefer that America pull out of international treaties and cut ties with the rest of the world. This isolationist attitude also lends itself to the “patriot” philosophy of individualism. The “patriot” movement views individual rights as divine gifts which exist outside the realm of government. In other words, “patriots” think they can do what they want, as long as they don’t violate “God’s Law,” regardless of whether their actions violate “man’s law” or negatively impact the larger community. “Patriots” often determine “God’s Law” using a fundamentalist interpretation of the Bible, Declaration of Independence, and the U.S. Constitution. The Declaration of Independence and the Constitution are viewed as gifts given directly from God to America’s Founding Fathers. The “patriot” movement is dualist in its view of these documents and scripture, believing that all issues can be divided into right and wrong, good and bad, etc., which leaves no room for the complexity of most issues. The majority of “patriots” view America as a white, Christian nation that must be kept as such.

Some of the themes mentioned above also appear in other social movements. This helps explain why “patriots” move easily between “patriot” and other right-wing groups. As this occurs, the lines between different groups and ideologies can blur. The “patriot” movement’s ambiguity allows it to receive political cover from the political mainstream, while at the same time it cavorts with racists, and everything else in between. There are many connections described in Shooting for Respectability illustrating the nexus between the “patriot” movement and other factions of the right wing. Due to its decentralized nature, it is important to examine the “patriot” movement within this larger context.
toured Montana, warning that the United Nations would eradicate citizens’ right to own firearms. The master plan, according to Grigg, was to turn free Americans into subjects of one-world government. Grigg’s speaking tour was promoted by MOM, MSSA and CPSA, as it fit into their shared fears of a “New World Order.”

The Birth of the “Patriot” Movement

The modern-day “patriot” movement grew out of the 1970s and 1980s Posse Comitatus. Latin for “power of the county,” the Posse combined racism, anti-Semitic conspiracy theory, and paramilitary organizing. Its paramilitary organizing scheme centered on the belief that adult residents of a county were empowered to defend their interpretation of the Constitution, using violence if necessary. The Posse believed citizens were not subject to state or federal authorities, holding that the county sheriff was the highest legitimate law officer. The group swore to use force to prevent the seizure of property to pay “illegal” taxes and also to oppose encroachment by federal institutions.

California’s William Potter Gale pioneered the idea of the Posse Comitatus as far back as the 1950s. However, it wasn’t until the early 1970s that he outlined his vision for “Volunteer Christian Posse,” which were also to be known as the Posse Comitatus, in his newsletter, IDENTIFY. Gale was a Christian Identity adherent. Christian Identity is based on a racist interpretation of the Christian Bible teaching that Jews are the literal children of Satan and people of color are subhuman “mud people.” Its followers also believe that people of Northern European descent are God’s chosen people, because the Lost Tribes of Israel migrated to this region of Europe. America is viewed as the biblical promised land. Identity’s views are frequently combined with anti-Semitic conspiracy theories purporting Jewish control of American government, resulting in an ever-present threat of violence based on the belief that the “promised land” must be liberated from the “anti-Christ.”

Christian Identity

Christian Identity is based on a racist interpretation of the Christian Bible. It teaches that Jews are the literal children of Satan, and people of color are subhuman “mud people.” Its followers also believe that people of Northern European descent are God’s chosen people, because the Lost Tribes of Israel migrated to this region of Europe. America is viewed as the biblical promised land. Identity’s views are frequently combined with anti-Semitic conspiracy theories purporting Jewish control of American government, resulting in an ever-present threat of violence based on the belief that the “promised land” must be liberated from the “anti-Christ.”

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In his newsletter article, Gale stated that county sheriffs who did not follow the directives of these paramilitary Posses should be “removed by the Posse to a populated intersection of streets in the township and at high noon be hung there by the neck, the body remaining until sundown, as an example to those who would subvert the law.” Oregon’s Henry Lamont Beach would later plagiarize Gale’s writings and create the Posse Blue Book. He also encouraged “patriots” to form Posse groups in every American county. Like Gale, Beach had been active in radical right-wing circles for decades, including holding a leadership position with William Dudley Pelley’s pro-Adolph Hitler “Silver Shirt Legion of America” during World War II.

Posse ideology combined with two incidents in the early 1990s to serve as the catalyst for today’s “patriot” movement. The two incidents — Idaho’s 1992 Ruby Ridge standoff and the 1993 siege of the Branch Davidians in Waco, Texas — both involved the violation of federal laws regarding firearms.

At Ruby Ridge, Randy Weaver, a Christian Identity adherent, sold two sawed-off shotguns to a federal informant he had met at a white supremacist gathering at Idaho’s Aryan Nations. The barrels of the altered shotguns were shorter than federal law allowed. Weaver was arrested, posted bond, retreated to his family’s cabin near Ruby Ridge, and did not appear in court. The Weavers engaged in a 17-month standoff with U.S. Marshals. By the time the standoff ended, Weaver’s wife and son were dead, as was a U.S. Marshal.

In Waco, the Branch Davidians, a religious cult, were converting AR-15 semi-automatic rifles into machine guns. The siege at Waco began with a bungled raid by the Bureau of Alcohol, Tobacco and Firearms (ATF).
Even though they knew they had lost the element of surprise, federal agents stormed the cult’s compound. The botched raid left four ATF agents and six Davidians dead. This began a 51-day standoff culminating with another disastrous raid, which ended with the Waco compound burning to the ground, killing more than 70 Branch Davidians.9

These two events helped launch the “patriot” movement. Waco and Ruby Ridge provided the movement with vivid examples for its anti-government message. The message stressed that an arrogant federal government attacks innocent citizens, solely because their beliefs and lifestyles do not conform to those of the mainstream establishment. “Patriots” claimed the federal government’s actions at Ruby Ridge and Waco were manifestations of its real agenda to forcibly disarm those of its citizens who didn’t accept the New World Order (variously defined as globalism or world government under the control of the United Nations, liberals, socialists, communists, etc. The words are used interchangeably).

The overlap between the gun rights and “patriot” movements could be seen at a meeting held in response to Ruby Ridge in Estes Park, Colorado. On October 22, 1992, the meeting was convened by Christian Identity Pastor Pete Peters. The meeting drew white supremacists and other far-right activists from across the country: John and Randy Trochmann, who would start the Militia of Montana; Billings anti-Semite Red Beckman; and Flathead-area neo-Nazi Chris Temple. Also present was Larry Pratt, founder of the Gun Owners of America (GOA), an organization catering to the “patriot” movement and people who believe the NRA is too soft on gun issues.10

Pratt has been characterized as a link between mainstream politicians and far-right activists. He served as a co-chairman for Pat Buchanan’s 1996 presidential campaign, until the media began publicizing his connections to militias and white supremacists.11 Due to the media scrutiny, Pratt took a leave of absence from Buchanan’s campaign.12 At Estes Park, Pratt told activists that the problem with the NRA was that it was not aggressive enough. “What I see in Scripture,” Pratt said, “is not that we have a right to keep and bear arms, but that we have a responsibility to do so. For a man to refuse to provide adequately for his and his family’s defense would be to defy God.”13 Pratt believed the best way to accomplish this was through “unorganized militias,” a role that the Militia of Montana would assume.14 In 1995, he told attendees of a meeting in Seattle that “We [GOA] work with the Militia of Montana.”15

Pratt also hoped that armed citizens could prevent another event like Ruby Ridge and Waco.16 In a 2002 interview with John Stokes, owner of KGEZ radio in Kalispell, Montana, Pratt said Ruby Ridge was a “mini kind of experiment [by the government] to see what would happen if anybody really objected.” He said the government views itself as a separate class of people who are
superior to everyday citizens. “They are masters,” he commented, “and we are subjects.” In a 2003 column, Pratt declared that gun control was socialist, and that “Socialists do not like bad attitudes among their subjects, as we saw at Ruby Ridge and Waco.” He also wrote that America was founded on the belief that “individuals have God-given rights that need to be protected from that same government,” and that America’s founders required citizens to carry guns. He ended his editorial simply – “Fight socialism. Buy a gun.”

For those groups which became the most extreme critics of the federal government – militias and other “patriots” – the gun issue proved to be a ready-made vehicle for attracting people to their meetings and introducing them to a broader “patriot” ideology. Nowhere was this more common than in Montana, a state where guns are considered a way of life and where there was virtually no organized, and very little unorganized, resistance to the right-wing gun rights movement. A frantic and paranoid reaction to the Brady Bill and the Assault Weapons Ban, coming on the heels of Ruby Ridge and Waco, contributed to huge crowds listening to the “patriot” message. In 1994, militia organizers addressed large crowds throughout Montana [see inset box on this page]. The Militia of Montana took full advantage of these types of audiences.

**God, Guts and Guns: The Militia of Montana**

John, Randy and David Trochmann founded the Militia of Montana (MOM) in Noxon, Montana, in the early 1990s. Randy Trochmann held Christian Identity services at his home, and John Trochmann spoke at and attended meetings at Idaho’s Aryan Nations. In the mid-1990s, as MOM tried to become more mainstream, John Trochmann tried desperately to distance himself and MOM from racist beliefs and Aryan Nations. Richard Butler, leader of Aryan Nations, responded with a letter asking why Trochmann lied about the number of times he had visited the Idaho hate group. The letter also said Trochmann had attended several of the group’s Bible studies.

MOM grew out of another group John Trochmann helped organize, United Citizens for Justice (UCJ). UCJ formed to support Randy Weaver following Ruby Ridge. The group expressed a desire to “return our government to a position of service to the people and defender of individual rights,” and to support people so they didn’t have to live in fear of an “overzealous government.”

UCJ’s leadership was comprised of activists with a history in the white supremacist movement. Besides Trochmann, Chris Temple, a self-proclaimed neo-Nazi, was co-chairman of the group. Paul Hall, managing editor of the Christian Identity-based publication *The Jubilee*, participated in twice-monthly telephone conferences sponsored by UCJ to coordinate the response to the Weaver situation. Christian Identity Pastor Dave Barley of Idaho’s America’s Promise Ministries gave the opening prayer at a January 1993 UCJ meeting. Finally, Louis Beam, a former leader of the Texas Ku Klux Klan and ambassador for Aryan Nations, maintained close contact with Temple.

UCJ collapsed amid infighting, and MOM emerged from the ashes. MOM epitomized the belief that the federal government was a danger to American citizens, and that citizens needed to be ready to fight back. In a 1994 issue of its newsletter *Taking Aim*, the group stated, “The Militia of Montana is against an immoral, illegitimate, bastardized form of government [emphasis in original].” It further stated that MOM “believe[d] in the ballot box” but would “not give up the cartridge box” in case the first approach didn’t work.

Through the years, MOM abandoned its references to electoral reform and concentrated more on forceful resistance. David Trochmann wrote in 1995 that “The

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**Militia Meetings**

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<th>Participants</th>
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<tbody>
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<td>2/15/94</td>
<td>250</td>
</tr>
<tr>
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<td>2/24/94</td>
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<td>Kalispell</td>
<td>3/10/94</td>
<td>800</td>
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<td>Sanders County</td>
<td>3/24/94</td>
<td>70</td>
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<tr>
<td>Big Timber</td>
<td>4/1/94</td>
<td>300+</td>
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<tr>
<td>Billings</td>
<td>4/2/ &amp; 3/94</td>
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<tr>
<td>Kalispell</td>
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<td>Troy</td>
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<td>5/6/94</td>
<td>25-30</td>
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<tr>
<td>Great Falls</td>
<td>5/11/94</td>
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New World Order gun grab is escalating at lightning speed in America” and that private gun owners were responsible for “keeping the UN [United Nations] at bay,” because “Without these guns, the populace would be helpless – and we would all be enslaved.”29 A 2000 article in Taking Aim called elected officials “Treasonous Bastards” and warned that the government should “BACK OFF NOW before you cause a revolution.”30

For MOM, the Second Amendment is a deterrent that keeps the government from riding roughshod over citizens. In other words, MOM sees all of the other rights that Americans possess as resting on the absolute inviolability of the Second Amendment. This gives rise to MOM’s claim that individuals should be able to own any type of fire power. “The point is not whether I need a military styled assault rifle,” Taking Aim stated. “The point is this: In a free nation, people have the right to possess one if they want to.”31 Gun ownership was a right “inherent in people, not granted by governmental authorities,” meaning the Second Amendment “protects your right to own military assault weapons.”32

Unrestricted gun rights and impending invasion by one-world government goons is the message MOM has peddled since the mid-1990s. It has spread its message at gun shows and preparedness expos across the country. “Some people think that we go to gun shows to load up on guns & ammo,” MOM wrote, but instead MOM said it went to educate other citizens.33 Many of the “educational items” can be purchased from MOM’s annual Preparedness Catalog. These include books featuring titles like Homemade Guns and Ammo, The Poor Man’s Sniper Rifle, Workbench Silencers and Tactical Shotgun.34 Just because MOM is working a gun show, it doesn’t hide the rest of its “patriot” message. Alongside merchandise relating to guns, there are items outlining conspiracy theories ranging from the “truth” behind the siege at Waco to weather control. Also, MOM sells T-shirts extolling the virtues of the racist and anti-Semitic Posse Comitatus.35

In 2002, calling MOM’s literature display at a Spokane, Washington, gun show “blatantly racist” and “anti-Semitic,” Ronald Springel asked the Spokane County Commission to consider limiting the type of information distributed at the county’s fairgrounds.36 The county attorney determined the Constitution prevented the commission from banning militia literature.37

MOM has offered its constituents an uncompromising position in the debate over gun control, something that many mainstream politicians couldn’t match. As politicians tried to reach a consensus on public policy, MOM’s position remained firm: “guns are freedom.”38

Armed with Political Influence: The Montana Shooting Sports Association

Nobody in the state works harder on gun issues, has

John Trochmann was a featured speaker at this 1999 Preparedness Expo. Other “patriot” speakers listed were militia icon Bo Gritz and former law officer Jack McLamb.
more connections with national gun organizations, or understands state gun politics as well as Gary Marbut. Since 1990, he has led the Missoula-based Montana Shooting Sports Association (MSSA), a nonprofit corporation which claims to serve the interests of Montana gun owners. At the time MSSA incorporated, Bob Davies and Roger Koopman sat on MSSA’s Board of Directors. These two individuals provide an initial glimpse into MSSA’s extreme views.

Bozeman’s Bob Davies is a former member of the Montana House of Representatives. While running for office in 1998, Davies said President Bill Clinton should be executed for allowing U.S. corporations to give military technology to China. The statement regarding Clinton’s execution prompted an investigation by the Secret Service.

During the 2001 Montana Legislature, Davies’ connections to the “patriot” movement were easy to identify. Buying into the “patriot” fear of the New World Order, Davies sponsored a resolution urging the U.S. Congress to pass the “American Sovereignty Restoration Act of 2000,” which called for the United States to terminate its participation in the United Nations. In support of this measure, Davies distributed articles condemning the United Nations from The New American, the John Birch Society’s magazine. The clearest connection between Davies and “patriots” was on his bill that would have required Montana’s Attorney General to sue the federal government to transfer 27 million acres of federal land to the state of Montana. The hearing on the bill was a who’s who of the “patriot” movement from the Bozeman area. Well-known militia and freemen activists spoke in its favor. The Militia of Montana also circulated an e-mail on why the bill would be good for Montana. These two Davies bills died in committee.

Bozeman’s Roger Koopman has been active in various right-wing Montana groups, including Montanans for Better Government and Montana Trustees of Freedom. Speaking for the latter group at a 2000 rally organized by the Montana Christian Coalition (now called the Montana Family Coalition), Koopman warned that America was drifting towards a socialist society. He also has worked for the NRA’s legislative branch, the Institute for Legislative Action, and been active in the Fully Informed Jury Association (FIJA).

FIJA claims that a jury has the right to “judge both the law and the evidence in the case before it.” This tactic is known as jury nullification. It says juries can render judgment based solely on their conscience, because they are the “last safeguard against unjust law and tyranny” [emphasis in original]. According to FIJA, a jury acts as a “panel of twelve judges” and can ignore laws it doesn’t like or that infringe on a defendant’s “God-given inalienable rights” [emphasis in original]. In essence, FIJA allows juries to ignore laws and set defendants free regardless of evidence to the contrary, thereby undermining the entire judicial system.

FIJA has been part of the “patriot” movement for years. The Militia of Montana has sold videos with presentations by FIJA “expert” Red Beckman, an anti-Semite from Billings, Montana. Koopman isn’t the only FIJA activist to sit on MSSA’s board. Bob Davies has been active in FIJA, and FIJA’s co-founder, Don Doig, also served on MSSA’s board. While Doig was FIJA’s National Director, the group distributed fliers in Mississippi supporting Byron De La Beckwith, a white supremacist who was on trial for murdering a civil rights leader in the 1960s. The fliers described Beckwith as a “war hero” and asked jurors to make the “right decision when the
Also during his tenure with FIJA, Doig helped organize a rally in support of an Indiana militia leader.\footnote{54}

MSSA has openly endorsed FIJA. Its website had a section dedicated to “Fully Informed Juries,” with a direct link to FIJA’s website. The section was prefaced with a note from Marbut, which said that juries were the last “peaceable barrier between innocent gun owners and a tyrannous government.”\footnote{56}

**MSSA and MOM:**

**Two Bullets in the Same Chamber**

FIJA is not the only connection between MSSA and “patriot” ideology. Marbut and MSSA frequently show up in Militia of Montana materials. Occasionally he’ll lend suggestions on how “patriots” should organize. He recommended in an e-mail to Randy Trochmann that was dispersed by MOM that “When patriots collect, instead of forming ‘gun clubs,’ I recommend that folks be advised to form ‘Neighborhood Watch’ organizations,” because neighborhood watches won’t “raise nearly as many red flags.”\footnote{57} Returning the favor, MOM has run information on how to become a member of MSSA, notices for upcoming weapons training classes offered by MSSA, and MSSA fundraising appeals.\footnote{58}

Marbut also shares the “patriot” movement’s fears about the New World Order. The April 1998 issue of MOM’s *Taking Aim* ran an article by Marbut titled “Freedom v. the New World Order: A Predictable Conflict [sic].” Marbut wrote that the “global power brokers” who wanted to achieve “global government” could not accomplish their goal while American citizens had the right to keep and bear arms.\footnote{59} He claimed that Americans’ freedoms were slowly being reduced to “ease our assimilation into the global governance of the New World Order.”\footnote{60} In an e-mail message, Marbut prefaced an article stating, “there’s no doubt that the WTO, GATT, and NAFTA are all moves towards the New World Order and the coveted global government.”\footnote{61}

MOM’s E-mail Alert List frequently features messages from Marbut. In one message, Marbut called the discovery of Project 7, a Kalispell militia cell, and its alleged leader, Dave Burgert, a “classic media feeding frenzy” combined with “law enforcement paranoia.” Marbut wrote that he had never met Burgert, but had been told that Burgert was both a “great American, a hero” and a “thug” and a “bully.” Marbut stated he had a list of all law enforcement agencies in the country on his computer because he is trying to sell them shooting range equipment, not because he wants to “overthrow somebody.” Marbut concluded that it was easy for “paranoid” law enforcement to “spin some idiot with a bad attitude and a bunch of guns” into a big story and sell it to the media.\footnote{62}

In 1992, MSSA sent out a survey to the candidates running for the U.S. House of Representatives. It caused quite a stir when it was made public that one of the questions asked if the candidates supported a popular “patriot” idea. The question was worded as follows: “Some scholars assert that the sheriff is the highest power in the county, and that state and federal officers may enforce laws only through the elected county sheriff. Under this view, the sheriff may, at times, be called upon to protect people of the county from abuse by state or federal officials. Please tell us if you favor or oppose this view.”\footnote{63} This concept is a hallmark of “patriot” ideology known as county supremacy, which was popularized by the Posse Comitatus. It views the county sheriff as the highest legitimate law officer, responsible for any action occurring
within the county’s boundary. The idea has become a major tenet of today’s “patriot” movement. In 1995, Marbut took this idea from a questionnaire to a bill in the Montana Legislature [see inset box on page 15].

**MSSA’s Past Political Action**

The 1995 Montana Legislature [see inset boxes on pages 15 and 17] was hardly the first time Marbut jumped to the extreme in the political arena. In 1994, Marbut was so incensed by the passage of the U.S. Congressional ban on assault weapons that he proposed Montana secede from the union. This was no casual suggestion. He drew up a plan to repeal Article I of the Montana Constitution and provide “sufficient power to operate Montana as a sovereign nation.”

He admitted that secession was a drastic step. By going it alone, Montana would have a “very hard time. It would challenge us to the extreme. But it would also be very stimulating.” When Republicans won control of Congress in November 1994, Marbut withdrew his plan. However, he has not ruled out reintroducing it. “It’s still sitting on my computer,” he told a reporter in the summer of 2000.

An example of Marbut’s passion for firearms came in the 1991 Montana Legislature. The Montana Legislature at the time was debating whether to recognize the birthday of Martin Luther King, Jr. Marbut drafted a bill to celebrate guns. As he put it: “I thought to myself – this being Montana, if we can have a day for King, we ought to have a week for our RKBA [Right to Keep and Bear Arms].” The bill “flushed through the Legislature” and was signed into law.

In 1999, MSSA lobbied for a resolution that urged the U.S. Congress to repeal the Brady Bill. The bill’s sponsor was Rep. Rick Jore (R-Ronan), who would later leave the Republican Party for the Constitution Party of Montana [see “Marbut and the Constitution Party of Montana” on page 19]. Co-sponsors of the resolution included Rep. Matt Brainard (R-Florence), Rep. Aubyn Curtiss (R-Fortine), and Rep. Bob Davies (R-Bozeman). The resolution stated that the Brady

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**House Bill 160**

It is not uncommon for the gun rights and “patriot” movements to support the same legislation during the Montana Legislature. House Bill 160, crafted by MSSA’s Gary Marbut, was one such piece of legislation during the 1995 session. Sponsored by Rep. Aubyn Curtiss (R-Fortine), who Marbut has referred to as “an old friend and longtime supporter of MSSA,” HB 160 was known as the “No More Wacos” bill. HB 160 would have required federal agents to notify the local sheriff before conducting any arrests, searches or seizures. It passed both chambers of the Montana Legislature, but was vetoed by Gov. Marc Racicot, who believed it was unconstitutional. It is interesting to note who supported the bill: “patriot” gun owners, militia members and an anti-Semite.

During his testimony, Marbut said he represented the NRA. However, the NRA distanced itself from Marbut, saying he was not an official representative and that the group had no position on the bill. Marbut testified that Ruby Ridge and Waco were proof that HB 160 was needed. He wasn’t the only proponent to invoke these two catalysts of the modern-day “patriot” movement in supporting the bill. During the committee hearing on the bill, proponents of the bill referred to federal law enforcement as “rogue agents,” and the government was characterized as out of control.

Many of the proponents of HB 160 had connections to another “patriot” group, the Citizens to Preserve the Second Amendment (CPSA). Both John Appelt and Louis Kelleher identified themselves as representing CPSA. Appelt said citizens were concerned that legislation like the Brady Bill, which he considered unconstitutional, caused many people to believe that the federal government was trying to create a police state. Kelleher said CPSA feared the government, because the government was taking action meant to instill fear in American citizens. Other proponents of the bill served as CPSA officers at the time or would in the future. These included Matt Brainard, Richard Overcast, Kim Liles, and John Meyers. Another proponent, George Thompson, has run ads for his business in CPSA’s newsletter.

(House Bill, continued on page 16)
Bill was “unwanted,” “unnecessary,” and “hostile” to Montana’s history. The resolution also asserted that Montanans “do not lightly accept outside influence that imposes significant changes on Montana traditions, culture, and individual and state rights.” Marbut supported the resolution stating that the Brady Bill was designed for other areas of the country that had problems not experienced by Montanans. Brian Judy, who declared himself a member of the NRA, testified that the Brady Bill infringed on the Second Amendment. Other proponents of the resolution included three members of Citizens to Preserve the Second Amendment. The resolution passed both chambers of the Montana Legislature.

Jore’s resolution quoted part of Printz v. United States, a U.S. Supreme Court decision. In 1995, Ravalli County Sheriff Jay Printz challenged the Brady Bill in federal court, claiming it was unconstitutional for the U.S. Congress to make local law enforcement conduct criminal background checks on potential gun buyers. “This [Brady Bill] is another in a long list of attempts by Clinton and his cronies to trash the Constitution,” Printz stated. With his legal fees paid by the NRA, Printz took his case all the way to the U.S. Supreme Court and won with a 5-4 vote. The Second Amendment did not provide the basis for the Printz ruling. Instead, the U.S. Supreme Court cited the Tenth Amendment and states’ rights in ruling that the federal government couldn’t force local law enforcement to determine if a person was fit to own firearms.

Gary Marbut took credit for Printz being the lead plaintiff for the NRA’s lawsuit, stating he contacted all the sheriffs in Montana to line up a plaintiff. Printz was often criticized for taking a laid back approach to militia activists in Ravalli County, including Calvin Greenup [see inset box on page 24]. “People are pretty conservative in this area,” Printz said, “and some of the issues [militia leaders] bring up, I’m concerned about, too.” Printz has been on the NRA’s Board of Directors since 1998 and was re-elected for another three-year term starting in 2002.

MSSA and the 2003 Montana Legislature

When the Montana Legislature convened its 2003 session, the Montana Shooting Sports Association once again positioned itself as a mainstream organization representing hunters and recreational sports shooters. Its legislative agenda included a bill supporting an amendment to the Montana Constitution making it a constitutional right to hunt, which passed both chambers of the Montana Legislature. It also supported bills authorizing lifetime concealed weapons permits, requiring people

(House Bill, continued from page 15)

Eureka’s Paul Stramer also testified for HB 160. Stramer’s history includes involvement with both the Militia of Montana and the Montana Freemen, the antigovernment group that engaged in a standoff with authorities in 1996. In 1995, Stramer, joined by MOM’s John Trochmann and other “patriots,” was jailed in Roundup, Montana, after a confrontation with the local police. One of Stramer’s cohorts tried to file documents supporting the Montana Freemen, and members of Stramer’s party entered the Musselshell County Jail with handguns. When police arrested Stramer’s party, they discovered plastic restraining devices, duct tape, video and radio equipment, $80,000 in cash and coins, and numerous weapons. According to Stramer, the incident resulted from a bad business transaction he had with Montana Freemen leader Leroy Schweitzer. Stramer and the others had gone to see the Freemen about a business deal involving radio equipment. He had accepted a bogus Freemen “check” for the equipment from Schweitzer.

Stramer’s association with the Militia of Montana was not limited to being arrested with John Trochmann in Roundup. Stramer tried to help MOM set up a statewide communication network, and the Militia of Montana sells a video featuring Stramer at a Eureka, Montana, militia meeting. The description of the video says that Stramer “is also MOM’s communications man.”

Another proponent of HB 160 was anti-Semite Red Beckman. Along with his FIJA activity, Beckman had his property sold by the IRS for refusing to pay taxes. He has also authored many books, including The Church Deceived, in which he called the Holocaust a “judgment upon people who believe Satan is their God” and said Jews were getting “their just reward” for crucifying Christ.
to be informed that their ability to own firearms might be affected by court orders, and arming citizens to fight terrorism. Early on in the session, Gary Marbut said it was fortunate that supporters of MSSA chaired committees that would likely hear the bills on its agenda: Bozeman’s Rep. Joe Balyeat (House Fish, Wildlife and Parks), Billings’ Rep. Dan Fuchs (House Taxation), and Victor’s Rep. Jim Shockley (House Judiciary). Marbut also said Rep. Dave Lewis (R-Helena), chair of House Appropriations, was “usually a strong sympathizer.” Like Lewis, all the chairpersons mentioned were Republican.

Sen. Ed Butcher (R-Winifred) sponsored the bill seeking lifetime concealed weapons permits. In his testimony to the Senate Fish and Game Committee, Butcher said carrying firearms was “fundamental to our history,” and that it is not a coincidence that America’s Founding Fathers placed gun ownership second only to the freedom of speech in the Bill of Rights. He also referenced the research of John Lott and Gary Kleck [see “Appendix II” on page 54] in support of his assertion that concealed weapons deter crime. Gary Marbut testified in support of the bill, as did a representative of the Montana Women’s Shooting Sports Association. The Militia of Montana circulated an e-mail by Marbut encouraging people to contact Senators Debbie Shea (D-Butte) and Bill Tash (R-Dillon) and urge them to help pass the bill out of committee. The Senate Fish and Game Committee passed the bill, but in altered form. The version of Butcher’s bill that passed out of committee required people with concealed weapons permits to renew them every eight years and required a background check every four years. The bill passed the Senate but died in committee on the House side.

Rep. Jim Shockley (R-Victor) carried legislation requiring people involved in litigation where a temporary injunction was being pursued to be informed that their ability to own firearms could be affected. Marbut said the bill was necessary because an “aggressive divorce lawyer” may try to make the other party look bad by saying “the subject possesses firearms” and “therefore must be dangerous.” The lawyer could seek a restraining order prohibiting the subject from owning firearms. Once the judge signs the order, Marbut said owning a firearm can be a felony, and sometimes that lasts for the subject’s entire life, even if the restraining order expires. Shockley’s bill required that Montana judges inform people “they are at risk of a lifetime prohibition of firearm possession and ownership” in these situations. The Militia of Montana circulated updates on the bill from Marbut, and Marbut told the Senate Judiciary Committee that the bill was supported by the National Rifle Association. Shockley’s bill was passed by the Montana Legislature and has been signed into law.

Based on his comments, Marbut’s support of Shockley’s bill seemed related to both the “Lautenberg Amendment” and the recent Emerson court case [see
Appendix I on page 50]. The Lautenberg Amendment refers to a law passed in 1996 that was sponsored by U.S. Sen. Frank Lautenberg (D-NJ). Also known as the Domestic Violence Offender Gun Ban, the law prohibits the possession of a firearm by anyone who has been convicted of misdemeanor domestic violence or is currently the subject of a restraining order from an intimate partner. In the recent Emerson case, Timothy Emerson was charged with violating firearms laws when he purchased a pistol while under a restraining order.

Unlike previous sessions, no bills overtly appealed to “patriot” movement ideology; however, the resolution supporting the creation of “The Terrorist-Free America Act” toed the line. According to Gary Marbut, Rep. Dan Fuchs (R-Billings) asked him to draft the bill, which Fuchs sponsored. The resolution encouraged the U.S. Congress to pass a law urging citizens to arm themselves and fight terrorism on their own; however, no formal definition of terrorism was given. Amidst the resolution’s celebration of individualism and self-reliance were statements that appealed to “patriots,” but not enough to scare off legislators. These included making decisions “absent the constraining hand of government;” stating that too much law enforcement would “cause our nation to become a police state;” requiring that no government entity should prevent citizens “from having at hand the tools necessary for such prevention [of acts of terrorism], especially firearms;” and exempting people who stopped terrorism from “criminal and civil liability…according to established and standard doctrine for allowable uses of lethal force.”

The House committee hearing the resolution amended out the phrases dealing with fears of creating a police state. The phrases that were left take on a distinct “patriot” tone, especially since Marbut shares the “patriot” movement’s conspiratorial and distrusting view of the federal government. Both the Militia of Montana and the right-wing Sierra Times carried updates on the bill. Both chambers of the Montana Legislature passed the resolution. After it passed, the Sierra Times told its readers to “ask your state legislature [sic] if [sic] they have the guts to pass something similar.”

Right-Wing Writer:
Marbut’s Musings and “Patriot” Publications

Written by Gary Marbut, “The Terrorist-Free America Act” was passed by the 2003 Montana Legislature.

MOM’s Taking Aim isn’t the only “patriot” publication to run Marbut’s writings. Marbut’s columns have appeared in the Sierra Times, an Internet publication which contains articles and editorials from a “patriot” perspective on issues ranging from the sanctity of individual property rights and gun rights to anti-environmental issues and the neo-Confederate movement. Based in Nevada, Sierra Times is the newest project of long-time militia activist J.J. Johnson. In the mid-1990s, Johnson was a regular in militia circles. He was the main force behind the Ohio Unorganized Militia, and, because he is African-American, the “patriot” movement used him to deflect charges of racism. Along with MOM’s John Trochmann, Johnson testified before a U.S. Congressional subcommittee on the militia movement in 1995. During the standoff between the Montana Freemen and law enforcement in 1996, Johnson signed a declaration stating militia leaders in 10 states would consider any action resulting in the injury of a Montana Freemen an “act of war.” Johnson once advocated gathering intelligence on law enforcement officers, judges and politicians. “The most important reason you can’t just go out here and shoot these people,” Johnson said, “is because ammunition is just too expensive. And don’t hang’em either. Rope’s too expensive.”

Johnson left the militia movement in 1997, saying it was “ineffec-
Marbut has referred to Johnson as a friend. Marbut has referred to Johnson as a friend. Marbut has referred to Johnson as a friend. Marbut has referred to Johnson as a friend.

One of Marbut’s editorials from Sierra Times was titled “Keep Citizens Rapeable.” It chronicled his view that the federal government wanted to keep Americans “’stabable’, ‘shootable’, ‘beatable’, ‘robable’, and, of course, ‘rapeable’.” By keeping Americans in this victimized role, citizens would want government to protect them. This was in direct contrast to the actions Marbut wanted citizens to take. He believed that “armed citizens [are] a threat to encroaching tyrannies.” However, he said gun-control advocates won’t allow armed citizens, because they were “quite willing to pour out the blood of slain real people onto the altar [sic] of their social agenda.” This column was also distributed by the Militia of Montana.

Another of Marbut’s Sierra Times articles concerned the Montana Legislature rejecting the Gun Free School Zones Act – the federal law that made it a criminal offense to travel within 1,000 feet of a school while possessing a firearm. Marbut characterized the Act as “incredibly stupid” and said that Montanans were protected from the act by virtue of the state’s constitutional provision guaranteeing adults the right to keep and bear arms. Legislation keeping firearms away from schools, Marbut wrote in an e-mail, had been “developed by smarter and evil people who I believe fully intend to become slavemasters.” This Sierra Times article was picked up and reprinted by The Jubilee, a white supremacist newspaper catering to Christian Identity followers. Marbut has denied knowing that his article was published by The Jubilee. In a letter to the Montana Human Rights Network, Marbut said he is not a racist, and, once Sierra Times published the article, it was “impossible” to keep other publications from copying it.

Despite having a son in the military, Gary Marbut wrote an editorial criticizing American forces for disarming Iraqis in 2003. The editorial appeared in both Sierra Times and the right-wing WorldNet Daily. Marbut stated that he agreed that Iraq’s military should be deprived of its equipment; however, Iraqi citizens should remain armed. He based his decision on the U.S. military not having the “ability whatsoever to protect every individual, or even a significant number of individuals” which he stated was similar to the “police in the United States.” As for the possibility of people driven by anti-American ideology possessing weapons, Marbut concluded: “The best you can do is assume that the good people far outnumber the bad people, as they do in most any culture, and just give guns to everyone. After that, it becomes a simple matter of mathematics, and the ranks of the bad guys will shrink from attrition faster than the ranks of the good guys.”

The Spotlight, an anti-Semitic tabloid, published a letter written by Marbut. The Spotlight was published by the Liberty Lobby, which was founded by Willis Carto. Carto also established the Institute for Historical Review, an organization that denies the Holocaust. Marbut’s letter, which included his title with MSSA, provided readers with suggestions on who to vote for in the upcoming NRA board election.

Marbut and the Constitution Party of Montana

In September 2000, the Constitution Party of Montana held its first annual convention. The party combines fundamentalist Christianity with “patriot” ideology. The party’s founder, Michael Heit, claims he has not paid taxes since 1987 and is trying to rid himself of his social security number. Heit has praised MOM founder John Trochmann for being “a man dedicated to his beliefs and task at hand” and added, “For this, I have great respect.”

The party’s platform contained a plank supporting the Fully Informed Jury Association. It also wanted to abolish the IRS and endorsed “unorganized militias,” or groups like MOM. It rejected America’s participation in the United Nations, because it is part of the New World Order. The party’s platform also declared that the Brady Bill was “NULL and VOID [capitalization in the original]” and should be immediately repealed.

Marbut was a featured speaker at the Constitution Party of Montana’s first annual convention. In his remarks, he declared that the right to keep and bear arms is
the “cornerstone of liberty,” because, when the government has taken everything, “we need the right to take it back.” At the close of his speech, he said he admired the Constitution Party, because it was committed to the right causes. At the time, Marbut was running for the Montana Legislature as a Republican, not as a Constitution Party candidate. He explained that running as a Republican increased his chances in his district.

Other featured speakers at the convention included Howard Phillips and Daniel New. Phillips was the national Constitution Party’s presidential candidate at the time. He said Democrats and Republicans had adopted the Socialist Party’s platform, and, if he was elected, he would abolish the income tax, Federal Reserve System, ATF, and Department of Education.

Daniel New started his presentation by giving out “Citizen Medals of Honor” to Michael Heit and Tom Farrenkopf, who at the time was president of Citizens to Preserve the Second Amendment. New is a favorite speaker of the “patriot” movement because of his son, Michael. Michael New was sent to Macedonia in 1992 as part of a United Nations Peacekeeping force. He refused to wear the UN’s insignia and obey orders from his commanding officer. He received a court martial and immediately became a “patriot” movement hero for standing up to the New World Order. During a panel discussion at the convention, Daniel New claimed the civil rights movement financed the Ku Klux Klan in order to gain more public support.

Marbut, “Patriots” Support the Free State Project

The Free State Project is currently examining 10 lightly-populated “candidate” states, including Montana, with the idea that it will ultimately move 20,000 “liberty-oriented people” to the state that is selected. With 20,000 politically-active people, the group hopes it could repeal laws regulating guns, drugs and prostitution, along with privatizing many state functions. Concocted by Jason Sorens, it is appealing to Libertarian activists from across the country for support.

Supporters who wanted a Western state selected held “The Grand Western Conference” in Missoula, Montana, in May 2003. The event was sponsored by the Montana Libertarian Party and featured some national right-wing speakers with connections to Montana, including J.J. Johnson, who has already been discussed in Shooting for Respectability, and Vin Suprynowicz. Suprynowicz is a Libertarian columnist and author of the book Send in the Waco Killers. In 1999, he addressed the Citizens to Preserve the Second Amendment.

The Free State Project’s founder Jason Sorens announced in 2002 that he had contacted “freedom activists” in various states and mentioned MSSA. According to Sorens, he stayed at Marbut’s ranch during the Grand Western Conference and was impressed with Marbut’s political analysis of Montana. Marbut let other attendees of the conference camp at his ranch as well. At the Grand Western Conference, Marbut shared the plan he drew up in 1994 for Montana to secede from the Union. Marbut also got conference attendees access to Missoula’s Deer Creek Shooting Center.

The Militia of Montana helped Marbut and conference organizers promote the Grand Western Conference, circulating announcements for it. There was also a notice for the conference posted on the Militia of Montana’s “Patriot Calendar of Events.” Following the Grand Western Conference, Marbut posted a “Welcome to the Free State Project” message on MSSA’s website. Marbut said he sat on a panel with MSSA board member and Montana State Rep. Joe Balyeat (R-Bozeman). He reported that Montana received the most votes in a straw poll conducted, adding “in case you wonder if Joe and I did a good job for Montana.” Part of the message from MSSA’s website also ran as a Sierra Times article by Marbut supporting the Free State Project. The Free State Project latched on...
to Marbut’s endorsement, quoting him as a Free State supporter alongside J.J. Johnson, Larry Pratt, and Montana State Sen. Jerry O’Neil (R-Columbia Falls). It is interesting to note that Marbut found himself on the same side of the Free State Project as MOM and the Montana Libertarian Party. During the 2003 Montana Legislature, Marbut lobbied legislators using a mainstream image; however, he returned to right-wing circles by supporting an idea that was rejected by more mainstream conservatives in Montana. When told that the Free State Project was considering Montana, a spokesperson for Republican Gov. Judy Martz encouraged the group to bypass Montana and consider Idaho.

The List Goes On: More “Patriot” Connections

In 1994, Marbut accepted an invitation to serve on the board of Gun Owners of America (GOA). GOA was and is headed by Larry Pratt, who has well-known ties to racists, anti-Semites and militia promoters. Marbut considered Pratt a “good personal friend” at the time, although they have since had their differences. Pratt also has served as FIJA’s vice-president.

In 2000, MSSA promoted a rally in Libby, Montana, by relaying a notice for it. The message, originally written by one of the rally’s organizers, Scott Orr, said, “We also intend to lower the u.S. (small u to indicate the [sic] we are a federation of 50 States, joined together in one united States) flag to the playing of taps – it will be flying upside down which is the universal signal of a ship in distress. We will then raise a United Nations flag and then burn it.” The use of “u.S.” is common in freemen rhetoric to symbolize their argument that the United States is not a democracy, but a republic of sovereign states. This argument is used to “prove” the federal government has no authority over an individual. The Libby rally was advertised by “patriot” groups all over the country, from the Militia of Montana to the Michigan-based U.S. Theatre Command. Rally organizers eventually tried to cancel the rally, because Libby residents were concerned about the crowd the organizers were recruiting. The rally would not die. White supremacists and militia activists continued to organize the rally, which was held at a weigh station between Libby and Troy. A United Nations flag was burned.

Marbut has also appeared on “Radio Free Republic,” which is part of the “Free Republic” website. The website features forums where people can post comments about news topics with a far-right slant. On the radio program, Marbut said that Ruby Ridge and Waco made him believe that the county sheriff was the chief law enforcer and that is why he drafted HB 160 [see inset box on page 15]. Marbut said MSSA wasn’t a militia group, but made a clarifying statement. “We are in the classical term a militia,” Marbut said, “but in terms [the] media would currently understand, that’s not what we are.”

Marbut’s statement is a common game played by the militia movement. Militias claim they are made up of all able-bodied citizens of the state, and the governor can call them out at any time. They refer to themselves as “unorganized militias” and claim to be carrying on the tradition of state militias from America’s colonial times. Militia activists view themselves as modern-day versions of the Founding Fathers who served in citizen militias and won the American Revolution. As author Daniel Levitas writes, this view of history is false, as “many of the state militias were ill-equipped, poorly trained, and performed notoriously badly” and it was the Continental Army that won the war. The idea of “unorganized militias” also flies in the face of various U.S. Supreme Court rulings [see also “Appendix I” on page 50]. An 1886 ruling stated that “military operations and military drill are subjects especially under the control of the government of every country. They cannot be claimed as a right independent of law.” Another ruling in 1944 stated that there “can be no justification for the organization” of paramilitary groups, and there was “inherent potential danger” with forming a “private militia.”

Marbut and Pratt: Similar Approaches

Gary Marbut is Montana’s version of GOA’s Larry Pratt. As mentioned earlier in the report, Pratt is comfortable moving within and outside of mainstream politics. Pratt is able to both influence members of the U.S. Congress and speak at militia meetings. Marbut fits this same mold. Despite their far-right leanings, Marbut and MSSA do have political influence in Montana. Marbut uses traditional techniques in his political campaigns – lobbying, voter guides, and letters to the editor. When these techniques are combined with rhetoric supporting Montana’s sportsmen, Marbut gains a level of credibility in mainstream politics that MOM does not have, due to its baggage from being overtly anti-government and its concrete connections to the racist movement. Marbut plays a game common among gun activists. In
the public arena with the spotlight shining on him, he
professes to be an advocate for hunters and other shoot-
ing sports interests. In reality, Marbut’s views fit squarely
within the “patriot” camp. He espouses the conspirato-
rial theories of his colleagues in the “patriot” movement.
He sees “power-hungry” politicians in the United States
working to take away citizens’ guns in order to facilitate
the dreaded New World Order. The Second Amendment
becomes the last line of defense against a tyrannical gov-
ernment – the same analysis used by MOM. Marbut is
also closely tied to another Montana group that embraces
the “patriot” perspective: the Citizens to Preserve the Sec-
ond Amendment.

Taking Aim Locally:
Citizens to Preserve the Second Amendment

One of the more prominent Montana gun-rights
groups to spring up in the 1990s was Citizens to Preserve
the Second Amendment (CPSA), a Missoula-based po-
litical action committee. While testifying at the Mon-
tana Legislature, John Appelt, a long-time member of
CPSA, said the group started in response to the Brady
Bill. CPSA has published a newsletter, Constitution
Watch; held regular meetings with invited speakers; in-
fluenced media coverage of gun issues; and monitored
legislation in Helena. The group has said it would not
accept any “government infringement, violation, en-
croachment, erosion or intrusion on the right of the people
to keep and bear arms.”

While portraying itself as a local gun-rights club,
CPSA caters to the “patriot” movement. CPSA has ad-
vertised its meetings on the Militia of Montana’s “Pa-
triot Calendar of Events.” Constitution Watch has fre-
quently reprinted articles from “patriot” publications, in-
cluding MOM’s Taking Aim, the anti-Semitic Spotlight,
and Media Bypass. Media Bypass is a monthly maga-
azine largely dedicated to arguments that citizens are not
legally required to pay taxes. In 2002, Media Bypass
named a new managing editor, Paul Hall, who is also the
editor of the Christian-Identity based The Jubilee. By-
pass’s new associate editor is Chris Temple, the neo-Nazi
who formerly lived in the Kalispell area and co-founded
United Citizens for Justice, the precursor to MOM.

John Trochmann of MOM has been a featured speaker
at CPSA meetings on at least three occasions. CPSA’s
support for MOM was demonstrated in other ways as
well. Following the arrest of Trochmann and several other
militia activists in Musselshell County [see inset box on
page 16] in March 1995, CPSA’s Board of Directors ap-
proved a $100 donation “to John’s defense fund” and en-
couraged individuals to give whatever they could af-
ford. Also, Constitution Watch ran advertisements for
Militia of Montana videotapes. Prior to participating
in the Constitution Party of Montana’s convention,
Howard Phillips and Daniel New also addressed a CPSA
meeting. Their presentations were publicized by
MOM.

One of the key figures in CPSA is Gary Marbut of
MSSA. He has not been an officer or board member, but his presence has been felt in other ways. He provided regular updates to the group on pending legislation, wrote occasional items for Constitution Watch, and submitted possible articles to be reprinted to Kim Liles, a long-time editor of Constitution Watch.

Along with MOM’s Taking Aim, Constitution Watch ran Marbut’s article titled “Freedom vs. The New World Order.” Marbut warned that “Those who strive to achieve global government (or New World Order), with themselves in charge are already vastly powerful people.” Sticking with “patriot” terminology in another article, Marbut warned readers that driver’s licenses were quickly becoming national identification cards. Marbut also used Constitution Watch to convey his support for county supremacy. He asked CPSA members to encourage the Montana Republican Party to adopt a plank recognizing the county sheriff as the chief law enforcement officer and requiring federal agents to check in before taking any action. Marbut’s proposed plank included similar language to his HB 160 [see inset box on page 15].

Marbut’s relationship with CPSA was hardly a one-way street. Marbut cited an article in Constitution Watch while testifying in favor of his “No More Wacos” [see inset box on page 15] bill during the 1995 Montana Legislature. In a letter to a Montana state senator, Marbut noted the reference he used and gave the senator the names and phone numbers of CPSA’s officers for further information. Also, Constitution Watch sporadically gave congratulatory notes to Marbut, such as, “A special thanks to Gary Marbut for all his hard work this session” and published information on how to join MSSA.

Legislating the Militia: Matt Brainard

A common presence throughout CPSA’s history has been Matt Brainard, former Montana Representative and current Public Service Commissioner and candidate for Lieutenant Governor. Brainard has held various positions in CPSA, serving as president and as a member of its board of directors.

Throughout his legislative career, Brainard endeared himself to the “patriot” movement by bringing elements of its ideology into the mainstream political process. In 1995, Rep. Brainard carried House Joint Resolution 18 [see inset box on page 17], which would have urged all Montana citizens to own firearms and ammunition “suitable for service in the militia” and contained many references to the “unorganized militia,” or groups like MOM. Also during the 1995 session, he signed the so-called “militia petition,” which called on Gov. Marc Racicot to grant amnesty to “patriots” to travel to an official forum where they could air their grievances against the government. The petition resurfaced during the Montana Freemen Standoff in 1996, when MOM’s John Trochmann used it to insist that the Montana Freemen had support in the Montana Legislature.

In 1997, Brainard co-sponsored House Bill 415, which recycled 1995’s HB 160, the “No More Wacos Bill.” Brainard was joined by four people who testified in favor of HB 160 — Gary Marbut, Richard Overcast, “Stoney” Burk and Walter Hammermeister. Another proponent of HB 415 was Mike Hankins, identified as part of the National Volunteer Militia. In letters to the editor, Hankins has been a supporter of the militia and freemen movements. In 1995, Hankins and the National Volunteer Militia considered helping militias in other states patrol the Mexican border, after receiving a request from the First Volunteer Texas Militia. Criticizing a NAACP position on guns, Hankins wrote that the NAACP should spend more time working on the “problems inherent within their race.” After observers pointed out the racism in this statement, Hankins tried to clarify his position, saying he had meant to write “the problem being inherent within their community.”

Brainard also sponsored bills in 1997 to define the duties of the home guard (militias), and House Bill 325 which would have provided for a constitutional amendment allowing citizens to call a grand jury. Supporters of
HB 325 included Tom Farrenkopf and Jay Sage, both of whom have served as CPSA officers. Kamala Webb, the Militia of Montana organizer from Bozeman, was also a proponent of the bill. Other proponents included associates of Bitterroot-area militia activist Calvin Greenup [see inset box on page 24].

Matt Brainard’s “patriot” presence extended beyond the bills he proposed while serving in Montana’s Legislature. Brainard helped organize CPSA’s Freedom Rendezvous in 1996, even loaning CPSA money to help fund the event. The gathering featured nationally-known “patriot” figures, including Larry Pratt, who has already been discussed, and Jack McLamb. McLamb is a former police officer whose Operation Vampire Killer was a manual for recruiting police officers and military personnel into the “patriot” movement. The report “documents” secret cabals and committees that are orchestrating a supposed New World Order and includes a map of how America would be divided under one-world government. The Militia of Montana sold the manual. McLamb was also present at the Ruby Ridge standoff with militia icon and Christian Identity adherent Bo Gritz.

All of Brainard’s work hasn’t gone unnoticed by his “patriot” allies. The Militia of Montana agreed with Gary Marbut’s description of him as a “GREAT guy [emphasis in original]” and “a stalwart RKBA [Right to Keep and Bear Arms] supporter.”

Editing with Attitude:  
Kim Liles and Constitution Watch

Kim Liles is a long-time editor of Constitution Watch. Liles, who runs a sporting apparel company with former CPSA President Tom Farrenkopf called “Ought Six Wear,” wrote occasional editorials attacking the government, the mainstream press, and watchdog groups like the Southern Poverty Law Center.

Writing almost three years after the Oklahoma City bombing, Liles echoed a conspiracy theory promoted by the “patriot” movement claiming the federal government

Calvin Greenup and House Bill 325

Calvin Greenup, who was affiliated with the Indiana-based North American Volunteer Militia, is best known for calling out fellow militia members in an attempt to shoot down a National Guard helicopter flying over his property in the Bitterroot Valley in 1995. Greenup grew up heavily influenced by the John Birch Society and became engulfed by “patriot” fears of a New World Order. He believed that international bankers and powerful elites pushed for global government and were only waiting while the “government gets our guns away from us, so they can move in and take over the country.” Greenup once stated that “patriots” wanted “our freedom and our country back…There cannot be cleansing without the shedding of blood.” It was in the context of this supposed UN-invasion that Greenup called out the militia when the helicopter hovered over his ranch.

Three supporters of HB 325 traveled in the same circles as Greenup. HB 325 would have allowed citizens to convene grand juries.

In September 1996, Brainard spoke at a meeting of We the People, a militia group that supported Greenup. He also gave CPSA a large check from We the People. Another proponent of HB 325 was Paul Befumo of Montanans for Due Process. Befumo submitted testimony saying, “With the exception of the rights guaranteed by the Second Amendment to the U.S. Constitution, it [grand jury] is the only effective weapon against organized government tyranny.” His organization also called for any member of the Bar Association holding judgeships to “stand trial for treason,” claiming they had violated their oath. Greenup helped promote a seminar by Befumo that was held in the Bitterroot Valley.

Finally, Loran Don Herbert supported the bill. Along with Calvin Greenup and others, Herbert filed a notice in the Ravalli Republic stating all the signers were returning to their sovereign citizenship. Sovereign citizenship is an integral part of the freemen movement. Freemen believe there are two types of citizenship – sovereign and 14th Amendment. According to freemen, sovereign citizens are only bound by God’s
was behind the bombing. Liles wrote that the bombing was a "bungled federal sting operation." But, even if it were proven to be an act of domestic terrorism, he said, the blame should still fall on our leaders, since "It is they after all who create the distrust and anger towards government that spawns this kind of behavior."214

Liles had an answer to the injustices and corruption he saw everywhere: “America first, to hell with the U.N., to hell with this globaloney crap, and to prison for those who are destroying and stomping on our Constitution, and violating it’s [sic] rules. That would include almost all of those who supposedly serve us as our representatives in government.” Prison, indeed, might be insufficient for individuals such as Sarah Brady of the Brady Campaign to Prevent Gun Violence and gun control advocate and former U.S. Sen. Howard Metzenbaum (D-OH).

According to Liles, these people had said things that “two hundred years ago would have doomed you to the existence of a wind chime, swinging from a tree or the nearest available yardarm.”215

In one Constitution Watch, Liles recapped a trip to Helena he made with then-CPSA President Louis Kelleher. The duo met with members of Gov. Marc Racicot’s staff about resolving the incident involving Calvin Greenup calling out the militia to shoot down a helicopter that flew over his property [see inset box on page 24].216 Racicot did announce that the warrant for Greenup’s arrest had been pulled after Greenup promised to appear in court.217 Liles reported in Constitution Watch that Greenup was not going to attend the hearing.218 This ended up being the case as Greenup filed paperwork with the court stating that he would not attend the hearing, only a couple of weeks after Racicot’s intervention.219

The conspiracy theories driving the “patriot” movement frequently graced the pages of Constitution Watch. In the August 15, 1997, issue, CPSA Board Member Chuck Hollenbaugh utilized material from The Spotlight to rail against NAFTA, GATT, and the WTO. What these organizations represented, he said, was the near realization of “global government – A dream of President Clinton and his colleagues in the Bilderberg and the Trilateral Commission.” The Bilderbergs and Trilateral Commission are frequently targeted by “patriots” as driving forces behind one-world government. Hollenbaugh saw a dark future of “A single party of REPUBLICATS…selling us down the river leading to socialism and communism [emphasis in original].” Hollenbaugh believed the only hope against this was the unification of third parties, such as the Libertarian Party and Constitution Party. Otherwise, the United States risked becoming “a slave state of the NEW WORLD ORDER [emphasis in original].”220
law, which takes the form of the “divinely-inspired” U.S. Constitution’s preamble and Bill of Rights. Because these come directly from God, freemen believe they supersede any law instituted by man or government. All the amendments passed after the first 10 are considered unconstitutional. Of course, this includes the 14th Amendment, commonly called the equal protection clause. Freemen believe the 14th Amendment created “state citizens” or “14th Amendment citizens.” These state citizens (people of color and women) only have the rights given to them by the government. In freemen logic, these rights are inherently inferior, because they don’t come directly from God. Freemen believe that by cutting connections to the government, such as giving up social security numbers and driver’s licenses, they can regain their “sovereign citizenship” and only have to obey the Constitution’s preamble and Bill of Rights, sometimes called the “organic Constitution.”

Posting notices in the local paper, as Herbert and Greenup did, was a common strategy to “reclaim” sovereign status. Herbert has also said he doesn’t believe in having a driver’s license and that he follows the “organic” Constitution. He has prophesized that “bloodshed” was almost inevitable as “the international bankers, the One Worlders, the Illuminati” try to subvert Americans. He believed that UN troops would show up, which would be followed by the “slaughter” of “hundreds of thousands” of Americans.
shovels from all over Montana, which he delivered to the Jarbidge rebels.228 The Jarbidge Rebellion culminated on July 4, 2000, when Farrenkopf, Hurst and others, including J.J. Johnson, “reopened” the road.229

Farrenkopf’s wife, Lynn, has her own way of supporting the “patriot” movement. She runs the Big Sky Redemption Center in Darby, Montana.230 Redemption Centers are part of the “patriot” movement’s strategy to disrupt the banking system. Currency, known as American Liberty Dollars, is issued by a group called the National Organization for the Repeal of the Federal Reserve Act (NORFED). NORFED argues that Federal Reserve Notes are worthless, while Liberty Dollars are supposedly backed by gold and silver. In September 2000, the Farrenkopfs hosted a meeting of Montana redemption centers in Missoula, Montana, that was addressed by a national representative of NORFED.231 Farrenkopf wasn’t the only CPSA officer involved in NORFED. Gil Turner, who has been both an officer of CPSA and the Constitution Party of Montana, ran the Stevensville Redemption Center in Stevensville, Montana.232 Marilyn Hatch was a CPSA officer whose husband ran for the Montana Legislature as a Constitution Party of Montana candidate.233 She ran the Lone Ranger Redemption Center in Lolo, Montana.234

Like Gary Marbut, Farrenkopf supported the anti-government rally that was held near Libby, Montana, in 2000. He described the event as a “UN flag burn” and encouraged people unable to attend to send “small un [sic] flags” and tax forms to him, and he would take them and burn them.235 After rally organizers tried to cancel the event, Farrenkopf wrote an angry letter to Libby public officials expressing his belief that the “pestilence of war” hovered near and would crack “like a bull whip on this nation.”236 He said he didn’t know if the Libby politicians were “ignorant” or “evil.” He stated he carried the “black plague of being ‘anti-government.’”237

Farrenkopf frequently espoused one-world government conspiracy theory and frustration with mainstream politicians. In November of 1997, he wrote that it was depressing to endure “public servants from the top down, not fit for a monkey suit” speaking and acting “as if they were above the virtues of anything Christ like, or commanded by God.” Perhaps, he went on, “being a patriot, I am a throw back to a different era, or perhaps it is in my blood line.”238 He once warned fellow “patriots” that “we must keep in mind the following: None of us is exempt from a violent death at the hands of government (foreign or domestic).”239 He also said “patriots” must continue focusing on the Second Amendment to “protect ourselves from the tyranny of government.”240

In July 2003, Farrenkopf distributed a warning about a UN conference which he saw as dedicated to global disarmament. He said representatives of the federal government had stated that “small weapons that could be used by a government oppressed citizenry to defend against tyranny, should be controlled.”241 The UN understood, according to Farrenkopf, that to accomplish “global governance” it must “disarm the Americans and terminate their Constitution and Bill of Rights.”242 Farrenkopf provided some tips for fooling the “UN Blue enforcers,” recommending that people “feign worship to ‘mother earth’ and put a pie pan in your lip,” because “Indigenous cultures will fare somewhat better under UN rules.”243 Farrenkopf concluded by saying that “patriots” planning on “giving the enforcers your ammunition one bullet at a time” had better “mean it,” because the UN would control everything.244 His column was distributed throughout the Internet, including by the Militia of Montana.245

CPSA on the Decline

Throughout the 1990s, CPSA regularly referred to its strong membership base. However, in 1995, then-Presi-
dent Louis Kelleher told a legislative committee the group only had 300 members. More recently, CPSA admitted its numbers and financial resources were dwindling. The April 2001 Constitution Watch urged members to bring their friends to the group’s monthly meetings in order to help build its base. Also in 2001, CPSA announced that Constitution Watch was changing from a monthly publication to a quarterly one, because the group had “not been able to generate enough funds.” The newsletter itself illustrates the group’s decline in activist participation. For most of the 1990s, Constitution Watch contained a number of original submissions. Over the past few years, the newsletter’s articles have become almost exclusively reprints from other “patriot” and right-wing sources, such as WorldNet Daily, Gun Owners of America, Neal Knox and the NRA.

In May 2002, Tom Farrenkopf resigned as CPSA’s president and Kim Liles assumed the position. The switch demonstrates CPSA’s inability to recruit new members and groom them for leadership. The leadership positions of the organization are routinely passed around among the same individuals, making the group’s stagnation understandable. While CPSA struggled, the gun lobby, both nationally and locally, continued to exert much political power.

Flowing into the Mainstream: “Patriots” and Politics

MOM, MSSA and CPSA have, with varying degrees of success, used the debate over guns to mainstream their message. The Militia of Montana used gun rights, the ban on assault weapons, and the Brady Bill as recruiting tools in the early and mid-1990s. Its ability to use the Second Amendment as an initial platform to larger conspiracy theories suffered in the wake of the Oklahoma City bombing. The intense media exposure illustrating the connections between Timothy McVeigh and the militia movement, along with connections between the militia movement and white supremacists, greatly hindered militia organizing. The more moderate members of the militia movement left, not wanting to be associated with a movement capable of racism, terrorism and murdering fellow Americans.

Montana’s U.S. Senators had different reactions to militia groups following Oklahoma City. U.S. Sen. Max Baucus criticized the militia movement and took special aim at the Militia of Montana. He stated that the group was formed by “people associated with the neo-Nazi Aryan Nations group” and frequently used “code words that anyone familiar with the history of anti-Semitism recognizes immediately.” He made passing reference to Kamala Webb’s distribution of anti-Semitic literature at the Montana Legislature [see inset box on page 17] and said that militia groups bring “hate, lawlessness, and terror” to communities. He warned that “patriot” groups were issuing death warrants for public officials and telling local community members who opposed them that they would “die like the Jews.”

On the other hand, U.S. Sen. Conrad Burns said, “I don’t know how dangerous they [militias] are in the state of Montana.” He said that many social movements contained “dangerous, unstable” people, but he didn’t agree with Gov. Marc Racicot’s statement that citizen militias were no longer needed. He voiced concerns that members of militias might lose their right to freedom of speech under anti-terrorism laws resulting from the Oklahoma City bombing. He also was not concerned that Noxon High School had provided a forum for John Trochmann, and he suggested that “somebody in the political world should say why are these people [militia activists] so alarmed. What are we [federal government] doing wrong?”

The “patriot” movement successfully mainstreamed
pieces of its message in the electoral arena. While serving in the U.S. House of Representatives, Idaho’s Helen Chenoweth was the mouthpiece for the militia movement. She brought militia conspiracies about black helicopters and the New World Order to the U.S. Congress and never strayed from her militia roots. Chenoweth once declared that democracy functioned best when “the government is afraid of the people.” Even after the Oklahoma City bombing, she refused to condemn the militia movement, instead blaming the government for pushing people like Timothy McVeigh too far. She also sponsored a bill modeled after Gary Marbut’s “sheriff empowerment” bill, HB 160 [see inset box on page 15]. The Militia of Montana continued to sell videos of Chenoweth presentations.

A current favorite of the “patriot” movement is U.S. Rep. Ron Paul (R-Texas), who has asserted that “the right to keep and bear arms is a key cornerstone right that acts as an insurance policy for all other liberties.” According to Paul, “All government power is ultimately gun power, and serves the interests of those who despise or do not comprehend the principles of liberty.” Paul believed it was government agents, not citizens, who needed to be disarmed, stating, “we need to control the bureaucrats, disarm them, and then abolish their agencies.”

Through the early and mid-1990s, the rhetoric of the traditional gun lobby also began sounding much like the “patriot” movement. Before the Oklahoma City bombing, the NRA Board of Directors told its members it hadn’t adopted a formal policy regarding militia groups, stating, “Although the NRA has not been involved in the formation of any citizen militia units, neither has the NRA discouraged, nor would the NRA contemplate discouraging, exercise of any constitutional right.” Two months before the Oklahoma City bombing, the NRA's Tanya Metaksa went to Michigan to meet with the leaders of the Michigan Militia. Ken Adams of the Michigan Militia stated, “A lot of our members are their members, of course, and we wanted to formalize how we would work together.”

After Timothy McVeigh bombed the federal building in Oklahoma City, the NRA tried to distance itself from the militia movement. However, much of the rhetoric stayed the same. In 1995, the NRA called federal agents “jack-booted government thugs” that would “attack law-abiding citizens” and “injure or kill us.” Wayne LaPierre, executive vice president of the NRA, stated that gun ownership was “a birthright confirmed for us by the Constitution. It was ours the moment we were born beneath these heavens.” LaPierre has also referred to the NRA as the “oldest civil rights institution in America,” and claimed that gun ownership by citizens is the “ultimate safeguard against despotism and genocide.”

Fellow NRA leadership has made similar claims. Charlton Heston took over as NRA President in 1998, and he is credited with increasing the group’s membership. During his tenure, the group took credit for getting George W. Bush elected president and helping the Republicans take control of Congress. He once told journalists that “the Second Amendment must be considered more essential than the First Amendment” and that questioning the position of the NRA threatened “not only the physical well-being of millions of Americans, but also the core concept of individual liberty our founding fathers struggled to perfect and protect.” In a taped message for attendees of the 2003 NRA Convention, CNSNews.com, a conservative Internet publication, quoted Heston as saying, “Our founders pledged their lives, their fortunes and their sacred honor in the name of liberty. We pledge to preserve it.” Slowed by his battle with Alzheimer’s disease, Heston still managed to delight conference attendees by delivering his infamous “From my cold, dead hands” statement while raising an 1866 Winchester rifle over his head in his last public appearance as president. After five years as president, Heston stepped down at the NRA’s 2003 convention; however, it doesn’t appear the group will become more
moderate. NRA First Vice President Kayne Robinson was elected to follow Heston as president. If his public comments are any indication, the NRA’s rightward march will continue under his guidance. At the convention, Robinson said of gun control advocates that “It’s our freedom they hate” and that “They’re the same crowd who would gut the Second Amendment and disarm Americans.” He finished by alluding to the religious fervor associated with guns, saying that NRA members “stand on the side of angels.” This isn’t the first time Robinson has used this type of rhetoric. At the 2002 NRA convention, Robinson equated gun control groups with Osama Bin Laden, Al-Qaeda and the Taliban, calling them “an axis of abolition.”

With gun lobbyists and public officials espousing such views, it’s no surprise that an organization like the Montana Shooting Sports Association was able to become an influential political entity. While the Militia of Montana has largely been relegated to the fringe, MSSA has wiggled into the political scene, even posting a list of legislative victories on its website. However, the core ideology of MSSA lies below this mainstream surface and fits squarely within the “patriot” movement. For every message concerning hunters and sportsmen, there are warnings against the government, United Nations, and gun grabbers.

Citizens to Preserve the Second Amendment exists somewhere between the Militia of Montana and MSSA. CPSA has attracted public figures unlikely to speak at Militia of Montana meetings for fear of losing political support. However, CPSA is nowhere near the “junkyard dog of politics” that MSSA characterizes itself as on its website. CPSA lacks the public standing given to MSSA, but also lacks the scarlet letters attached to the acronym MOM.

Below the surface, the Militia of Montana, Montana Shooting Sports Association and Citizens to Preserve the Second Amendment share the same perspective. These Montana gun activists have become anti-government ideologues, promoting irrational conspiracy theories about the New World Order and occasionally aligning themselves with racists and anti-Semites.

**Blurring the Lines: “The Liberty Summit”**

In July 2003, the nexus of mainstream politics, the gun lobby and the “patriot” movement was illustrated at the “Liberty Summit” held in Missoula. The Liberty Summit was organized by sometime gubernatorial candidate and University of Montana Law Professor Rob Natelson. It featured a series of panels by right-wing activists who claimed, among other things, that the Montana Republican Party was too liberal. One panel, “Defending the Bill of Rights,” featured Gary Marbut, John Trochmann and Frank McGee, former general counsel for the Montana Republican Party. Therefore, it wasn’t surprising that both MSSA and MOM helped promote the Liberty Summit. In his introduction for Trochmann, Natelson attempted to justify MOM’s existence and constitutional standing. He said the Militia of Montana used the term militia “in the sense of taxpayer” and that the group was “peaceful” and should not be confused with other militia groups around the country. Gary Marbut started the panel off by complaining that the Liberty Summit was being held in a University of Montana building, which meant that attendees could not carry their firearms. This objection was seconded by Kandi Matthew-Jenkins, who ran for the Montana Leg-
ile, he asked, “If we’re going to talk about guns, why aren’t we wearing our guns?” During the panel discussion, Marbut announced that he was drafting legislation that would exempt guns made in Montana that stayed in the hands of Montanans from federal regulations. Marbut also claimed that fully informed juries were the last barrier between gun owners and confiscation.

Following up on his announcement at the Liberty Summit, Marbut started gathering information on gun manufacturing in Montana and asked MSSA members to assist him in the effort.

John Trochmann told attendees that citizens should “fear a government that fears your guns” and that the federal government wanted to take away .50 caliber weapons because citizens could use them to fight off a government invasion. He stated that the government was “disarming us one gun at a time.” He also expanded on Natelston’s description of the militia. He said the Constitution does not refer to groups like the National Guard, but to citizens. He also claimed that women and ethnic minorities were the first demographic groups to join the militia.

Frank McGee focused most of his time on how citizens possessing firearms supposedly lowers the amount of violent crime. He said gun control laws in California make citizens easy targets for criminals, but in Montana “we shoot back.” He also encouraged audience members to work within the Republican Party to elect true conservatives, instead of voting for third parties, and stressed the importance of getting right-wing judges appointed to federal courts.

After listening to the panel discussion, audience members were asked to mark “Agree” or “Disagree” on a ballot provided. The question relating to the Trochmann-Marbut-McGee panel was: “Increased government violations of the Bill of Rights now justify civil disobedience to protect those rights.”

Despite the ultra-conservative ideology driving the Liberty Summit, there were many elected officials in attendance: State Senators Ed Butcher (R-Winifred) and Aubyn Curtiss (R-Fortine); State Representatives Verdell Jackson (R-Kalispell), Dave Lewis (R-Helena), Jim Shockley (R-Victor) and Joe Balyeat (R-Bozeman); Public Service Commissioner Matt Brainard; and former Representative Rick Jore, now a member of the Constitution Party of Montana. Both Lewis and Brainard are currently running for Lieutenant Governor.
Introduction to Part Two

One might argue that Montana’s politicians could not be influenced by the radical right-wing ideology driving groups like MOM, MSSA and CPSA. However, these groups capitalize, with varying degrees of success, on the political power demonstrated by national gun rights organizations like the National Rifle Association. Also, groups like MSSA play a political game of duck and weave. Depending on the audience, one moment they claim to represent sportsmen and the next moment they become strident ideologues.

There is a tendency for the mainstream to discount radical groups, because they appear irrational, and they don’t have many followers. The mainstream fails to realize that radical groups influence the debate. In the case of gun rights, the substance of the radical right-wing’s argument has defined the debate. A person is categorized as either pro-gun, pro-American, and pro-freedom or anti-gun, anti-American, anti-freedom and running America down the road to tyranny. The NRA’s 2002 Convention provides an example of this dichotomy. “We must move the front lines of our fight beyond the Second Amendment,” Wayne LaPierre, the NRA’s vice president, said. “We must declare that there are no shades of gray in American freedom. It’s black and white, all or nothing. You’re with us or you’re against us.”

The reality of the debate over gun control and the Second Amendment is that it is not this cut and dried. For example, there is hardly anyone who favors restrictions on firearms—such as on assault weapons, waiting periods to purchase handguns, registration or licensing—who also supports confiscation of all weapons, as the gun lobby would have us believe. Nor do such restrictions inevitably lead toward confiscation, any more than restrictions on other consumer products inevitably result in their banishment. But the gun activists refuse to enter this “gray area” because that would mean that guns would have to be viewed like other consumer products, would no longer occupy a protected status, and might lose their sacred quality in the minds of extremists. As long as the gun rights movement can frame the debate as freedom and guns versus disarmament and slavery, politicians will be naturally reluctant to support even minimal restrictions on firearms. Because of the polarized debate over firearms, there is extremely little reasoned discussion of the real issues surrounding guns and the Second Amendment.

In Montana, pro-gun rhetoric has all segments of the political spectrum buffaloes. Both major parties try to convince voters that they are pro-gun. Even though Democrats court gun rights advocates, gun rights rhetoric is a political bludgeon used in a partisan manner against them. While individual Democrats may be given occasional praise, there is no doubt that right-wing conservatives receive the bulk of support from the gun rights political machine.

This section of Shooting for Respectability examines the interaction between the radical right-wing, Montana politics and the gun culture. It also addresses the public health concerns that are largely ignored, because of the polarized nature of the gun control debate.
Arming the Culture War:
The Gun Lobby’s Influence on Cultural Debate

The Political Clout of Guns

The influence of guns is easily found within Montana politics, and it is hardly confined to one political party. Both Democrats and Republicans strive to appear “correct” on gun issues. A fairly recent example of this was the Montana Democratic Party trying to shake the national party’s anti-gun image. It opened booths at outdoor shows and made the right to keep and bear arms part of its platform. It even issued pro-Second Amendment buttons. This shift was designed to help rural candidates who felt they couldn’t get elected because of the National Democratic Party’s support of gun control.292

Gary Marbut of MSSA was immediately suspicious. While admitting there were some Democrats who were good on gun issues, he believed that most of them had worked “hard, long and steadily to earn their current anti-gun image.” Marbut claimed to understand why the Democrats were trying to change their public perception, since most of the state’s voters saw guns as a “politically galvanizing part of our heritage and culture in Montana.” Marbut said current Montana Democratic Party Chairman Bob Ream had compiled “probably the most absolutely dependable anti-gun voting record of any legislator.” Marbut surmised that, being led by Ream, the Montana Democrats efforts seemed “more like pandering than genuine.”293

In fact, both Democrats and Republicans in Montana pander to the extreme gun rights movement, and activists like Gary Marbut and his Montana Shooting Sports Association use that to gain access to and influence in the political mainstream. Sometimes, the Militia of Montana even nudges its way in.

Gun Fever: Republicans Catch It

In August 1999, MOM released a letter it received from U.S. Sen. Conrad Burns (R-MT). In the letter, Burns was upset because of a “recent gun control crusade” in the form of legislation that would require background checks on all gun-show transactions and on anyone pawning a firearm.294 Burns was also concerned about possible “overbearing gun control provisions” that might be slipped into other bills.295

The Montana Human Rights Network criticized Sen. Burns’ political judgment for sending a letter to a group clearly aligned with the white supremacist movement. Sen. Burns defended that action, saying the mailing was sent to 500 Montanans who had written the Senator objecting to restrictions on gun ownership. “All people should glean from this is what Conrad said in his letter – that he is an energetic supporter of the Second Amendment of the U.S. Constitution,” a Burns staffer said. “And Montanans of all stripes in the political spectrum have agreed with that.”296

Burns has frequently attended MSSA’s annual Great Northern Celebrity Bowling Pin Shoot.297 MSSA’s website features a picture of Sen. Burns getting ready to fire away.298 Sen. Burns is also a frequent beneficiary of the gun lobby, receiving money from political action committees, especially the NRA.299 He is a firm opponent of gun control, including the ban on assault weapons and background checks at gun shows.300 Burns has consistently received “A” and “B” rankings from the NRA and Gun Owners of America.301 During the 2000 elections, NRA President Charlton Heston campaigned for Burns in Montana. In Kalispell, Montana, he said Burns supporters were “the direct descendants of these patriots
[American colonists]” who were now fighting “blue-blood elitists.” Heston told the crowd to remember that gun control was the current threat to freedom. In 1999, GOA announced that Burns was co-sponsoring legislation to “begin rolling back the unconstitutional Brady law” that would protect gun owners from “the FBI’s dangerous tax and registration schemes.”

Other Montana Republicans who have served in Washington D.C. have similar records. Rick Hill served only two terms in the U.S. House of Representatives, but in that time he co-sponsored several pro-gun bills. This activity was supported by John Trochmann who wrote to Hill and stated, “If you really care about saving lives and fighting crime, consider making it easier for us to carry guns.” Hill also became the second leading recipient among House members of PAC money and independent expenditures from gun organizations between 1993 and 1999, including the “NRA Political Victory Fund.”

While campaigning for his first term in office, Hill attended Citizens to Preserve the Second Amendment’s “Freedom Rendezvous ’96,” where speakers included Gun Owners of America’s Larry Pratt and former law officer Jack McLamb, both right-wing “patriots.” The Montana Human Rights Network criticized this appearance, stating, “These groups [“patriot” groups] seek to enter the mainstream by attaching themselves to legitimate political figures and organizations.” Hill responded that he did not endorse the speakers at the event, adding that he had “visited with individuals and groups across the political spectrum” during his campaign and was “an advocate of Second Amendment rights.”

Hill is also a member of U.S. Rep. Ron Paul’s “The Liberty Committee.” Paul, a current favorite of the “patriot” movement, was quoted in the right-wing Media Bypass as saying the Liberty Committee was made up of people who “recognized that socialists have, for decades, been actively involved in our national legislative process; patiently, methodically, relentlessly working to make us subjects of the government, instead of the government being subject to us.” Along with Hill and Paul, The Liberty Committee lists Montana’s current U.S. House of Representative, Dennis Rehberg, and former U.S. Rep. Helen Chenoweth (R-ID) as members.

Current U.S. House of Rep. Dennis Rehberg (R-MT) has continued Hill’s pro-gun tendencies. The NRA has contributed to his political campaigns all the way back to his bid to unseat U.S. Sen. Max Baucus in 1996. Both GOA and NRA have given him high marks since being elected to the U.S. House. Guns were an integral issue in his initial 2000 campaign for office. He and Democratic opponent Nancy Keenan both tried to win the gun lobby’s favor. In the end, Rehberg secured the endorsements of the NRA and MSSA, along with the appreciation of GOA for filling out its survey. Upon receiving the NRA’s support, Rehberg stated, “I will not waver, I will not flip-flop, I will not change my mind with the changing times. I will never vote for any encroachment on our Second Amendment rights, nor will I ever stop fighting those who do.” His appreciation of the gun lobby has endured. In a 2002 interview with John Stokes of Kalispell’s KGEZ radio, Rehberg said, “I’m walking down the street to meet God… I’ve got a quick little meeting here in about five minutes with Charlton Heston.” During the 2002 election cycle, MSSA endorsed the Montana Libertarian Party’s Mike Fellows for the U.S. House instead of Rehberg. MSSA gave Rehberg a “C” grade, because he refused to sign a pledge stating he would not oppose being recalled from office if he voted to extend the Brady Bill.

The Republicans vying for the party’s nomination to run for the U.S. Senate in 2002 had all the right rhetoric and appeared before Montana’s extreme gun rights groups. Mike Taylor, who won the party’s nomination, attended MSSA’s 2001 and 2002 Pin Shoots and his campaign distributed literature reprinted with the permission of MSSA. Taylor’s official website said there was always a “liberal extremist” who had a “new idea for taking away our gun rights.” Taylor’s website promised a “no” vote on any gun control issue, because he knew how it could interfere with “legitimate enjoyment” of firearms. The site also said that Taylor knew the “Second amendment [sic] was never meant to protect just hunting and target shooting.” MSSA endorsed Taylor for the 2002 general election, which he lost to incumbent U.S. Sen.
Max Baucus (D-MT). The NRA also contributed $4,000 to Taylor’s U.S. Senate campaign.

One of Taylor’s opponents in the Republican primary election, Brad Johnson, had a similar resume. Johnson addressed a meeting of CPSA in early 2002. Johnson told the media that the Second Amendment had “nothing to do with hunters and sportsmen.” Instead, Johnson said the Constitution’s framers knew that an “armed citizenry” was “the best defense against a tyrannical government.”

Johnson has announced that he will run for Montana Secretary of State in 2004.

MSSA also became a focal point in a legislative race for the Montana State Senate during the 2002 cycle. In Helena, Republican Mary Jo Fox and Democrat Mike Cooney faced off in Senate District 26. Fox ran newspaper ads reprinting a letter attributed to Cooney that was sent to MSSA. The ad emphasized a portion of the letter stating that Cooney didn’t have the time to respond to all the surveys he received and that he found it “very difficult to take solid positions on many of the issues” without hearing all sides of an argument. The ad also featured information that Fox had been endorsed by MSSA and received a “solid ‘A’” rating from the NRA.

Cooney filed a report with the Commissioner on Political Practices, accusing Fox of forging the letter. Cooney said the ad misled voters on his support of gun rights and used a falsified version of the letter sent to MSSA. Cooney said the ad left out a sentence of his original letter stating: “I hope that you will take into account my past 16 years in public office and the strong stands I have taken in support of protecting the Second Amendment.”

Fox admitted to leaving out the sentence, but said, if Cooney truly supported gun rights, he would have answered MSSA’s survey. Fox continued to run ads touting her support of gun rights; however, they featured Marbut’s letter notifying her of MSSA’s endorsement.

Cooney won the election.

Another candidate receiving MSSA’s support, along with that of the Militia of Montana, in the 2002 cycle was Bob Eddleman, a candidate for the Montana Supreme Court. Eddleman attended MSSA’s “2002 Pin Shoot” and was later endorsed by the group. MOM circulated MSSA’s endorsement of Eddleman, along with an e-mail by Marbut containing an essay on why Eddleman needed to win the election. MSSA’s website featured a picture of Eddleman at the 2002 Pin Shoot with Marbut and national gun rights activist Neal Knox. Knox once stated that the assassinations of John and Robert Kennedy, along with Martin Luther King, Jr., were part of a conspiracy to disarm Americans.

In Montana’s statewide elections in 2000, Bozeman’s Joyce Schmidt ran for state auditor. Her primary cam-
campaign material was a video of her shooting milk jugs and jack-o-lanterns with an assortment of handguns and rifles. In a statement asking the Montana Shooting Sports Association for an endorsement, Schmidt wrote, “Our second amendment [sic] right to keep and bear arms is absolutely vital to ensure our freedom.” Schmidt received the endorsement. Schmidt’s written statement was distributed by MSSA, as well as by the Militia of Montana.

Long before any of these races, U.S. Rep. Ron Marlenee (R-MT) not only voted as the NRA wished, but was one of its spear carriers. In 1986, he worked closely with U.S. Rep. Harold Volkmer of Missouri and U.S. Sen. James McClure of Idaho to pass the Firearm Owners Protection Act, which weakened many of the provisions of the 1968 Gun Control Act. In recognition of his service, the NRA gave Marlenee its first sportsman of the year award. Marlenee also received campaign contributions from GOA.

Democrats Court Gun Crowd

Gun fever doesn’t just apply to Republicans. Democrats in Montana have sought the approval of the gun lobby. In the 2000 election cycle, gubernatorial candidate Mark O’Keefe answered a survey put out by GOA and sided with its viewpoints in his answers to every question. Democrat Nancy Keenan, running for the U.S. Congressional seat vacated by U.S. Representative Rick Hill, received an “A” rating from the NRA, even though most of her political views were on the liberal side of Montana politics. During her battle with opponent Dennis Rehberg for the support of the gun lobby, Keenan stated, “I do not support expansion of gun control legislation, including President Clinton’s proposal to require licenses to purchase a handgun. I agree with the NRA on this one. We should enforce the laws that we have. We don’t need any new laws.” Rehberg received the NRA endorsement.

Although he was a leading critic of the “patriot” movement, even U.S. Rep. Pat Williams (D-MT), perhaps the most liberal politician the state has seen in the past half-century, was a staunch enemy of gun control. He regularly earned “A’s” on the NRA’s report card. Williams served in the U.S. House from 1981 until 1997. Early in his Congressional career, Williams told a gun show audience in Kalispell that he was co-sponsoring a bill to repeal the 1968 Gun Control Act. To Williams’ credit, he identified important underlying causes of violent crime, such as poverty and inadequate education, and he worked to rectify such injustices. Since leaving office, Williams has been more critical of the gun lobby’s sloganeering and has come to “finally understand the tragedy of easy access to handguns.”

The Junk Yard Dog Attacks Max

U.S. Sen. Max Baucus (D-MT) was elected to the U.S. House of Representatives in 1974 and to the U.S. Senate four years later. Until the mid-1990s, he had the support of the NRA. During his 1990 re-election campaign, the NRA endorsed him with what the Great Falls Tribune called “gushing praise.” “Max,” wrote the NRA’s James Jay Baker in a letter to the organization’s Montana members, had been “an absolute rock for us and for you every day of his sixteen years of Congressional service.” The letter continued: “In Max Baucus, Montana has a senator of such outstanding stature, seniority and influence that when the inevitable political arm wrestling happens in Washington, Montana can play with the biggest states in America and win.” Such a view was not shared by Gary Marbut who said the NRA spoke “for beltway interests,” not Montana gun owners.

Nevertheless, it was a shock to many observers when Sen. Baucus, in 1993, announced his support for the Brady Bill, which called for a five-day waiting period before a handgun could be purchased. About the same time, Baucus came out in support of the bill to ban 19 types of so-called assault weapons. Neither the Brady Bill nor the ban on assault weapons was radical, and each received broad support. Even the NRA had supported a waiting period in the 1970s, before embarking on its more militant course. Baucus said he had “agonized a long time”
over his decision. He thought “stiff penalties, more police, and better law enforcement were the best ways to stem” violent crime, and “we need to restore family values to our most troubled and violent areas.” Still, as he told a reporter a year later, he believed his votes “would in a small way reduce crime,” and the ban on assault weapons did “not infringe on the legitimate rights of sportsmen.” “You don’t need an Uzi to bag an elk,” he said.

Baucus realized his votes would be controversial, but he might not have realized just how controversial. Leading the charge against him was MSSA’s Gary Marbut, the self-proclaimed “junkyard dog of politics” in Montana. Marbut started with a statewide ballot resolution calling on Sen. Baucus to resign. When Montana’s Attorney General refused to approve the resolution, Marbut undertook a public relations blitz. According to his figures, Marbut orchestrated a campaign that included 4,000 radio ads condemning Baucus, 50,000 handbills with the words BETRAYED on them, and 30,000 bumper stickers reading AX MAX. However, Marbut’s most serious effort against Baucus came in 1996, when Baucus was up for re-election. In the final days before voters went to the polls, MSSA took out full-page ads in three of the state’s daily newspapers (not all papers accepted the ad). The ads featured a large black and white drawing of a uniformed Adolph Hitler giving a stiff-armed Nazi salute. “ALL IN FAVOR OF ‘GUN CONTROL’ RAISE YOUR RIGHT HAND [emphasis in original]” appeared in large letters below the drawing. A few lines of text explained that Baucus had sided “with his east coast friends” and had betrayed “all Montanans.” At the bottom of the ad were the words, “BAN BAUCUS, NOT GUNS.”

In 1996, the U.S. House of Representatives voted to repeal the Assault Weapons Ban, with U.S. Rep. Pat Williams (D-MT) voting with the majority. “We certainly appreciate Pat’s good vote, and the fact that he kept his word to the people of Montana,” Marbut stated. “If this bill comes up in the Senate, we know that Senator Burns will support the repeal, but we have no idea how Senator Baucus will vote on the bill.” Marbut said that Baucus had lied about his position on gun issues in the past. Baucus’ staff responded by saying Baucus would vote in favor of the ban again and called Marbut “an extremist who is out of touch with Montanans.”

Although Senate Majority Leader Bob Dole (R-KS) had promised the NRA that he would lead the charge to repeal the ban in 1995 when he was gearing up for a presidential campaign, he said it was not a priority for the Senate in 1996. Baucus had actually met with members of Citizens to Preserve the Second Amendment in June 1994. Trying to explain his votes, he was greeted with “sneers from the audience.” When asked if he would vote for future gun control measures, Baucus replied, “Will I stand up here and say 100 percent, absolutely, categorically, that in no situation, any conceivable situation, [will I] ever vote for anything that could conceivably be called gun control? Well, I’m not going to stand up here and say that.” That was about as close to a no answer as one could give.

Marbut’s eleventh hour attack in 1996 played well with the die-hard gun folks, but its tasteless and vicious nature angered some who were otherwise unsympathetic to restrictions on firearms. Baucus was re-elected to a fourth term in the Senate. Still Marbut was looking to the future. As he said, there would be “lots more opportunities for Senator Baucus to demonstrate his loyalty to Montana.” Marbut well understood that if one could not achieve outright intimidation of a wayward politician, there was always the “hassle” factor – constant badgering will often cause foes to give in simply to avoid the harassment. It would appear that Marbut has had some success with
Despite the hostile relationship with Montana’s gun groups, U.S. Sen. Baucus courts their members. The Montana Democratic Party issued these postcards during the 2002 elections touting Baucus’ support of the Second Amendment.

Mike Mansfield Stands Alone

The previous examples reflect Montana politicians’ customary response to gun issues. There has been one significant exception over the past several decades — U.S. Sen. Mike Mansfield (D-MT). Mansfield, who was elected to both the U.S. House of Representatives and U.S. Senate (1943-1977), reversed his previous stance and voted for the Gun Control Act of 1968. The bill banned the interstate shipment of firearms and ammunition to private parties; prohibited gun sales to minors, drug addicts, mental incompetents, and convicted felons; increased penalties for crimes committed with guns; and outlawed the importation of foreign-made surplus firearms, except those used for sporting purposes.
Mansfield’s change of mind was prompted by what he saw as a patchwork of state and local laws that did not address the high rate of deaths and injuries from firearms. He did not think that the Gun Control Act by itself would halt violent crime. More and better trained police were needed. Families had to exercise greater responsibility. Conditions in inner cities had to be improved. Prisons needed to be reformed, because, in their present state, they served as “breeding grounds” and “graduate schools” for advanced crime.

Had Mansfield just voted for the Gun Control Act and nothing more, he would have been condemned by many Montanans. In fact, he went further and co-sponsored, along with fifteen other Senators, an even stronger gun control bill. Named after U.S. Sen. Joseph Tydings (D-MD), this measure would have provided for the registration of all firearms, as well as for the licensing of gun owners and ammunition users. But Mansfield went further still and proposed an outright ban on handguns, restricting their use to law enforcement authorities and others appropriately qualified.

Mansfield knew that his change of course would be unpopular. He had received a steady stream of letters since 1963 advising him not to support the gun control bills that had been introduced by U.S. Sen. Thomas Dodd (D-CT) following the assassination of President John Kennedy. In 1967, the Montana Legislature had passed a joint resolution, signed by the governor, which opposed restrictions on guns. When Mansfield announced in June 1968 that he would support the Tydings bill, his office was deluged with protesting letters, telegrams and petitions. In 25 years in Washington, he had never received as much mail on any one issue. Letters ran four to one against him, while signatures on petitions were far more lopsided in opposition, reflecting the activity of the NRA and other gun groups.

The criticism abated somewhat the following year, but in 1970, when Mansfield faced re-election, it resumed with a vengeance. A statewide campaign was launched calling itself Citizens Against Mansfield, loosely coordinated by Daniel Masse, a bar owner from Clinton, Montana. In some communities, Citizens Against Mansfield was affiliated with the National Association for the Right to Keep and Bear Arms, an Oregon group whose leaders had ties to the John Birch Society and the Posse Comitatus. Anti-Mansfield ads were placed in newspapers around the state, while fliers and posters were widely distributed. A typical example was this poster: “Without the Second Amendment, Our Constitution Bears Strong Similarities to the Constitution of the U.S.S.R.” Several ads emphasized that Mansfield’s best friends were “Gentlemen from the East,” naming Senators Tydings, Dodd, and Edward Kennedy, as well as Milton Eisenhower. Eisenhower had chaired the National Commission on the Causes and Prevention of Violence and was called a Communist by the John Birch Society.

From the time that he had decided to support the Gun Control Act, Mansfield had laid out his reasons in well-argued speeches on the Senate floor and in lengthy letters to constituents. “I believe a Senator owes the people of his State not merely an echo but also a judgment,” he said. One of Mansfield’s more effective presentations was in September 1968 when he gave answers to twenty-four of the most frequently asked questions concerning the gun control legislation of 1968. Many of these questions – about gun licensing, registration, the Second Amendment, etc. – are still being debated.

Mansfield easily won re-election in 1970, polling about 60 percent of the vote, which was only slightly less than his margin of victory in 1964. While his Republican challenger, Harold “Bud” Wallace, was a virtual unknown, Mansfield’s stature as Senate Majority Leader, his long years of service, and his record of integrity and bipartisanship would no doubt have allowed him to defeat any opponent. Still, there is a widespread and wrong impression among even well-informed Montanans that Mansfield narrowly escaped defeat in 1970 because of his support for gun-control. Perhaps it’s a case of cognitive dissonance: that it is too difficult for Montanans who believe passionately in guns to recall that the man who is almost universally recognized as the Treasure State’s most celebrated political figure, its “moral compass,” a person of unimpeachable integrity and honesty, should also be the politician who advocated the most far-reaching restrictions on firearms.

When Mansfield died at the age of 98 in October 2001, and was eulogized by Montanans of every persuasion, there was hardly any reference to his support for
gun control in opposition to the gun interests and his own constituents. It also seemed ironic that, on the day Mansfield died, the Montana Democratic Party issued a statement — in Butte, where Mansfield grew up — that it stood foursquare for the right to keep and bear arms. The announcement was designed to counter the gun lobby’s characterizations of Democrats as anti-gun and to “spruce up their image” so they could better compete in a state that had moved considerably to the right over the past three decades. Pat Williams was almost a lone voice in mentioning, without elaboration, that Mansfield courageously favored gun control despite the opinions of constituents.

The Culture War

To understand the intensity of the emotions aroused by the votes of Mansfield and Baucus, it is helpful to look briefly at the gun issue against the backdrop of events shaping the nation over the past four decades. The passage of the Gun Control Act in 1968 followed the assassinations of John Kennedy, Martin Luther King, Jr., and Robert Kennedy, along with other public figures. The NRA had opposed the Gun Control Act, but its stance was much less strident than would later be the case. It had even accepted a ban on the importation of Saturday Night Specials. Its change in attitude can be seen in the NRA’s leadership. In his book Guns, Crimes, and Freedom, the NRA’s Wayne LaPierre writes that a “ban on any firearm is a vehicle for banning all firearms” and that the Saturday-Night-Special designation was a “scam designed to ban all handguns.”

The turbulence of the civil rights movement, the vocal and sometimes violent protests against the Vietnam War, along with the growing feminist, environmental and gay rights movements, converged with the slowing of the economy in the late 1960s and early 1970s. For millions of Americans, these developments caused profound unease, if not fear and loathing. An older and, in their eyes, better way of life seemed to be vanishing. Those in the rural areas of the South and West, in particular, viewed this onslaught of change as originating in urban centers, especially on the East and West coasts. The cities were where people of color concentrated, where “effete intellectuals” hatched their leftist schemes for social engineering, where Broadway plays and Hollywood movies were produced which glorified secular values, where global corporations and international organizations, such as the United Nations, had their headquarters, and where violent crime ran rampant.

Politicians such as George Wallace, Richard Nixon, and Ronald Reagan successfully tapped into this burgeoning discontent. However, in spite of conservative triumphs in the electoral arena and a distinct slowing of the pace of social change, the “problems” did not go away. Urban growth continued, swelled by waves of immigrants from Asia and Latin America. The ratio of whites to non-whites steadily declined. The corporations became larger. The federal government seemed just as intrusive. The right wing focused on the erosion of family values and escalating urban violence.

Charlton Heston, the movie actor who became the president of the NRA in 1998, spoke for many of those disaffected with society in an address before the Free Congress Foundation in December 1997. Nothing less than a “cultural war” was taking place in the United States, Heston said. He went on to name the principal targets of this so-called liberal attack: white, heterosexual, middle class, God-fearing, rural, male, working stiffs who owned guns. Heston’s statements were circulated far and wide.
throughout the “patriot” movement.

NRA Gets a Foothold in the Justice Department

The gun lobby received a huge boost when John Ashcroft was confirmed as the new U.S. Attorney General in 2001. During his time as a U.S. Senator, John Ashcroft was strongly supported by the gun lobby. The NRA, of which Ashcroft is a lifetime member, took credit for getting Ashcroft elected in 1994 and spent more than $374,000 on his failed re-election campaign in 2000. The NRA’s support of Ashcroft continued during his confirmation hearing. It said a vote against Ashcroft would be considered an anti-gun vote and would be communicated to its members as such.372

Both the Montana Shooting Sports Association and the Militia of Montana also urged their members to support Ashcroft’s confirmation. Marbut said what was “most important to us is that Ashcroft is decidedly pro-gun.” Marbut urged MSSA members to contact U.S. Sen. Max Baucus and get him to support Ashcroft’s confirmation. Marbut said to tell Baucus that Montanans would be “watching very closely” how he voted on the confirmation, and it would be the “most critical gun-related vote” that Baucus would cast before his next election.373 Baucus ultimately voted against Ashcroft’s nomination, saying the U.S. Attorney General could not allow his or her political views to “influence their respect for the law,” and Ashcroft might not be able to make that distinction.374 However, Baucus did state that he agreed with Ashcroft on certain issues, “especially defending the Second Amendment to the Constitution and the right to bear arms.”375

The Militia of Montana encouraged Ashcroft’s confirmation, but was not quite as enthusiastic as Marbut. MOM reported that John Trochmann contacted President George W. Bush’s transition team and encouraged them to nominate Ashcroft instead of Frank Keating. Ashcroft, Trochmann stated, “may not be a perfect choice, but he would be a breath of fresh air compared to what we have suffered from for 8 long years.” Trochmann urged the White House not to cave to special interest groups.376

Since being appointed Attorney General, Ashcroft has not forgotten his roots. He wrote a letter to the NRA saying he believed the Second Amendment guaranteed citizens the right to own firearms. He wrote that he didn’t believe in the “collective right” interpretation of the Second Amendment. He did say, however, that it would be possible for Congress to enact gun control laws “for compelling state interests.”377 Because of this letter, the NRA put Ashcroft on the cover of its July 2001 magazine. That was just the beginning.

In May 2002, the Justice Department submitted briefs to the U.S. Supreme Court saying the Bush Administration supported an interpretation of the Second Amendment that affirms an individual’s right to possess firearms, and that right is not tied to service in the military or the militia. Press reports stated this was believed to be the first time an administration had formally filed papers in federal court saying that gun ownership is an individual right. The briefs did affirm that firearms could be subject to “reasonable restrictions,” based on the individual and type of firearm in question.378 The U.S. Supreme Court refused, without comment, to hear the two cases for which the Justice Department filed the briefs [see “The Emerson Decision” in “Appendix I” on page 51].379

Eighteen state attorney generals, including Montana Attorney General Mike McGrath, a Democrat, signed a letter sent to John Ashcroft supporting his position. The letter stated, “We have noted the criticism that has been leveled at you and the Department of Justice for taking this position, and wish to offer our wholehearted support of your efforts.” The letter goes on: “Simply put, your position on the Second Amendment is a sound public policy decision. There is an increasing amount of data available to support the claim that private gun ownership deters crime…To the extent that a society’s laws make it more difficult for law-abiding private citizens to buy and keep firearms, that society is more subject to the destructive behavior of those who do not follow any law…It [Ashcroft’s position] is, in a way, a twenty-first century vindication of the wisdom of our eighteenth century Founders in securing our right to bear arms.”378

Gun Violence: A Public Health Concern
Suicide Numbers for 1996-1998

<table>
<thead>
<tr>
<th>Cause</th>
<th>United States Deaths</th>
<th>United States Percent</th>
<th>Montana Only Deaths</th>
<th>Montana Only Percent</th>
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<td>16.6%</td>
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<tr>
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<td>7,108</td>
<td>7.7%</td>
<td>21</td>
<td>4.1%</td>
</tr>
</tbody>
</table>

Source: Center for Disease Control

The gun lobby’s success at framing the debate over firearms as one of freedom versus slavery has resulted in important public policy issues being ignored. Guns, for example, are too often discussed only in regards to crime.

Contrary to widespread impression, gun deaths from homicides rank well below the combined total of suicides and unintentional shootings. Moreover, while the U.S. homicide rate does indeed dwarf that of most other industrialized nations, the majority of those murdered are not strangers to the shooter but spouses, lovers, family members, friends and acquaintances. Thus, the preponderance of gun violence isn’t due to guns being in the “wrong hands,” but being readily available at the “wrong time.” The U.S. has a widely distributed and dangerous product - handguns in particular - which are easy to use in impulsive moments of anger or panic. Unlike almost every other consumer product, firearms are virtually unregulated. Gun violence should properly be seen as a public health and safety issue with crime being only one part of the problem.381

The gun lobby asserts that we already have 20,000 or so gun laws on the books which, if enforced, would largely solve the problem. This figure of 20,000 gun laws has become conventional wisdom. It apparently was derived from a speech by U.S. Rep. John Dingell (D-MI) in 1965, and, although no source is given for the reference, it has been endlessly repeated by opponents of gun control. The most detailed research on the subject found about 300 different state gun laws as of 1999. If one adds to this figure local laws plus the relatively few federal laws regulating guns, the total is substantially less than 20,000. Moreover, the NRA has worked successfully since the 1980s to encourage state governments to pass “preemption” laws forbidding localities from enacting their own gun laws. Montana is one of over forty states that now have such laws. Also left unsaid in the rhetoric of the gun lobby is that most of the local gun ordinances relate to zoning regulations, discharge of weapons within city limits, etc. Relatively few restrict access to weapons or regulate the sale or purchase of guns.382

If firearms were viewed from the perspective of public health and safety, they would be scrutinized in the same way as other consumer products. It would begin with their design and continue through production, distribution, and eventual use by consumers, weighing the costs and benefits in the balance. Different federal commissions and agencies regulate prescription drugs, insecticides, household chemicals and other inherently dangerous products. Many of these products lack the lethal character of firearms. But no federal agency – certainly not the Bureau of Alcohol, Tobacco and Firearms – has power over firearms comparable to the authority within their jurisdiction exercised by the Food and Drug Administration, the Environmental Protection Agency, the National Highway Traffic Safety Administration, or the Consumer Product Safety Commission. That is how the gun industry likes it and wants to keep it, and why it demonizes the ATF at every turn. Certainly the ATF has made its share of mistakes, but exercising excessive power over the gun industry has not been one of them.383

The gun industry succeeded in 1972 in excluding firearms and ammunition from the bill creating the Consumer Product Safety Commission. The consequences of such an exclusion have been monumentous, but two recent Montana examples are instructive of the lack of regulation over gun design. The Remington 700 rifle has been shown to discharge without the trigger being pulled. By 1994, over 1,000 instances of this defect had been reported to Remington. No doubt many others went unreported. An internal company memo showed Remington had been aware of the defect since 1979. Yet the company continued to deny responsibility and the tragedies mounted. In October 2000, a nine-year-old boy from Manhattan, Montana, was killed when his mother slid the safety without touching the trigger on the 700, and the gun discharged. By this time, the number of complaints to Remington about the rifle had reached 1,500. As Richard Barber, the boy’s
father, asked, “How many more are out there…and how
many more [people] are there who don’t know they may
be carrying a time bomb.” 384

Richard Barber at first refused to file a lawsuit against
Remington, fearing that pending litigation would deny
him the freedom to speak out and spread the word about
the dangers of the Model 700. For more than a year he
carried on a campaign to educate the public about the
gun’s history. Then, in 2001, the Barber family filed a
wrongful death suit
against the arms com-
pany. Shortly thereafter,
Remington announced a
“Safety Modification
Program” for the 700
model which they said
was in response to
Barber’s son’s death.
The company invited
owners of pre-1982 bolt-action rifles to have the bolt-lock
feature removed, so that such guns could be unloaded
while the safety was on or in the “safe” position. The
charge to consumers would be $20, but the charge would
be offset by a $20 rebate coupon that could be used to
purchase Remington safety products. The program was
offered through December 31, 2002. 385

While obviously a big victory and a testament to
what one person can do even when up against a stone-
walling gun manufacturer, Remington’s actions still left
much to be desired. As the Consumer Federation of
America’s Firearms Project Director, Susan Peschin,
noted: the word “recall” was never used by Remington
in its message to consumers; there was no revelation about
the number of reported cases of deaths and injuries in-
volving the weapon or the previous lawsuits settled by
the company; the program was time-limited whereas most
recalls of products that are federally regulated have an
unlimited time horizon; and recall programs should not
be tied in with future product purchases. In short, public
relations seemed to be driving the company as much as
public safety. 386

A Great Falls, Montana, couple had earlier sued
Remington for a similar incident in 1998. Curtis Hester
shot himself in the foot while unloading his Remington
700, and the trigger was not pulled. He and his wife
charged that Remington failed to properly warn custom-
ers, produced a gun with a negligent design, and failed to
recall the Model 700 rifle. The suit also charged
Remington with destroying evidence relevant to the litiga-
tion. Remington, as with numerous earlier lawsuits,
settled out of court and imposed a gag order on the
Hesters. 387 However, Richard Barber’s unwillingness to
be gagged will prevent untold numbers of injuries and
deaths.

The Remington 700 is not an isolated example of a
defective firearm. The Sturm, Ruger Company’s Old
Model Single Action Revolver, manufactured between
1953 and 1972, has been responsible for the death or in-
jury of over 600 people due to unintentional discharges,
according to the Consumer Federation of America. Yet
no federal agency can require a recall of this or any other
such firearm. 388

The costs of gun violence go well beyond the annual
toll of 25,000 to 35,000 deaths and 75,000 to 100,000
injuries, staggering as those numbers are to most people
in the world. Poorly understood and little publicized is
the sheer economic cost of injuries resulting from guns.
Two recent studies peg the total at around $100 billion a
year, with the public picking up about 75% of the tab. 389

The Coalition to Stop Gun Violence has reported that
“almost 85-98% of all health-care expenses due to gun-
shot injuries and fatalities are charged to taxpayers.” 390

The firearms industry is not going to regulate itself.
When William Ruger, Sr., was asked in 1994 what re-
sponsibility his company and others had for gun violence,
he replied, “It’s not my fault. It really isn’t.” There is a
cavalier attitude among gun makers. “I sell the guns that
the market is demanding,” declared Smith and Wesson
President James Oberg in 1981, after it was found that
short-barreled and concealable Smith and Wesson hand-
guns were being used in an inordinate number of crimes.
What Oberg neglected to say was that his industry shapes

### Comparing Montana with Other States and Washington, D.C.

(1999)

| Rate of firearm deaths/100,000 pop. | 13.9 | 15 of 51*
| Number of firearm deaths          | 123  | 41 of 51
| Number of Federal Firearm Licensees| 1,521 | 28 of 51
| Rate of Federal Firearms Licensees per 100,000 pop. | 172.2 | 2 of 51

*Rankings (1-highest, 51-lowest)

Source: The HELP Network
the market with its advertising, including campaigns directed at children. Tobacco company executives used the same “the market made me do it” reasoning in explaining why they loaded up cigarettes with addictive nicotine and tried to hook young kids with their product.391

**Gun Industry Fights Restrictions at the Federal Level**

The response to legislation in Washington D.C. during 2003 displayed the gun industry’s push to stay free of regulation. “The Firearms Safety and Consumer Protection Act” was introduced by U.S. Sen. Jon Corzine (D-NJ) and U.S. Rep. Patrick Kennedy (D-RI).392 Supporters of the bill stated that it made sense that firearms should be regulated like other consumer products, since even toy guns have to meet safety standards.393 The legislation would give the Department of Justice authority to regulate the design, manufacture, and distribution of guns.394 The Justice Department would also be allowed to issue product recalls.395 The gun industry, represented by the NRA and the National Shooting Sports Foundation, claimed the ATF already regulates firearms and that gun manufacturers have been producing safe weapons for over 100 years.396 The gun lobby maintained that the individual was responsible for using the gun safely. “The only foolproof way to make sure a firearm does not accidentally shoot is to keep it unloaded and your finger off the trigger,” said Gary Mehalik of the National Shooting Sports Foundation.397

In early 2003, the U.S. House of Representatives passed a bill preventing victims of gun crimes from filing civil lawsuits against gun manufacturers. U.S. Rep. Dennis Rehberg (R-MT) was listed as one of the many co-sponsors of the bill.398 Both the NRA and the National Shooting Sports Foundation, which is funded by the likes of Smith and Wesson and Remington, lobbied for the bill. The media reported that some lawmakers who initially opposed the bill decided to support it after pro-gun lobbyists told lawmakers that voting for the bill would result in the gun lobby going easy on the legislators during re-election campaigns.399 Walter Olson, a senior fellow at the right-wing Manhattan Institute, told the House Committee hearing the bill that lawsuits against gun manufacturers were a way for gun control groups to “attempt an end run around democracy, in search of victories in court that [they have] been unable to obtain at the ballot box.”400 Another lobbyist, Lawrence Keane of the National Shooting Sports Foundation, said lawsuits against gun manufacturers weren’t just seeking to create new laws derived from legal precedent, but to destroy the gun industry itself.401 The House of Representatives sided with the gun lobby, passing the bill 285-140.402

On the U.S. Senate side of the lawsuit-prevention bill, Montana Senator Max Baucus is sponsoring the bill with Senator Larry Craig (R-ID), while Montana’s other Senator, Conrad Burns, is listed as a co-sponsor. In introducing the bill, Baucus stated the legislation would “correct a significant injustice that threatens the viability of a lawful United States industry.” He called lawsuits against gun makers “outrageous” and “frivolous,” noting that they are filed to shut down the gun industry.403 The June 2003 edition of the NRA’s *American Rifleman* had a picture of Baucus, Craig and the NRA’s Chris W. Cox. The caption for the photo said that, by carrying the bill, Baucus and Craig “symbolize the bipartisan support for this common-sense legislation.”404 The *American Free Press* has also encouraged its readers to support the Craig-Baucus bill, because it “protect[s] the gun makers from predatory suits designed to destroy the firearms industry.”405 *American Free Press* is the latest incarnation of the anti-Semitic *Spotlight* tabloid. A few Senate Democrats have announced they plan to filibuster the bill to prevent its passage, resulting in Ted Novin of the NRA claiming the Senators are “intentionally misleading the American people about this common sense measure.”406 The Brady Campaign is spearheading national opposition to the legislation. It is urging people to contact their U.S. Senators to oppose “special legal immunity for the gun industry.”407

Robert Ricker, a former lawyer and lobbyist for the NRA and the Citizens Committee for the Right to Keep and Bear Arms, has criticized Senate Democrats for supporting the law granting gun manufacturers immunity from lawsuits. He said the legislation protected gun stores like Bull’s Eye Shooter Supply, which has been linked to the 2002 sniper killings around Washington D.C. and the 1999 shooting at the Los Angeles Jewish Community Center by Buford Furrow, a former Aryan Nations security guard.408 Ricker reported that Bull’s Eye Shooter Supply could not account for over 200 guns in its inventory, and the legislation passed by the U.S. House protected such companies.409 Ricker criticized Senate Democrats for thinking that the NRA would go easy on them during the next election cycle for supporting the bill. He said the gun lobby had never trusted Democrats, and the NRA had become “a wholly owned subsidiary of the...
Republican Party. Ricker concluded by saying that Democrats believing the gun lobby would support them was “tantamount to believing in the tooth fairy.”

In Montana, MSSA proudly stated that it helped pass a law preventing cities from filing “harassment lawsuits” against gun manufacturers in 1999. Rep. Matt Brainard carried the bill and was joined in supporting it by MSSA and CPSA. Gary Marbut testified that lawsuits against gun makers were an attempt to drive gun manufacturers out of business, which would increase the cost of firearms and make them unaffordable for many citizens. Brian Judy, who identified himself as a member of the NRA, said that prohibiting lawsuits was important, because the gun industry was already heavily regulated. He also said lawsuits against gun makers shift the blame from the person committing the crime to the gun. Three members of CPSA testified in favor of the bill, one of whom stated that suing gun makers was a vindictive attempt to destroy the wishes of our Founding Fathers and the Second Amendment.

Part and parcel of the market defense used by the gun lobby are the old adages that “Guns are a matter of individual responsibility” and “people kill people, not guns.” Apart from the fact that guns make it much easier to kill, “no one in the industry seems able or willing to grasp or accept the simple, common-sense concept of shared responsibility, or the idea that civilized societies control access to inherently lethal products.”

Montana: A Home on the (Shooting) Range

Guns are a major issue in the United States and, until Gary Marbut gets his wish and Montana secedes from the union, that problem will be Montana’s as well. But the Treasure State has its own facts to face. Firearms death rates in Montana have consistently been in the top 20% to 30% among the 50 states. Most of those gun deaths have been suicides. The proliferation of guns in this country has made them the preferred means for taking one’s life. Suicide attempts with firearms succeed over 80% of the time. Such attempts, especially in the case of youth, are often impulsive actions. The easy access to firearms makes that impulse a final act. Montana’s firearms death rate from accidents has also been well above the national average over the past two decades, in some years more than twice as high. That Montana’s homicide rate is compared to other industrial democracies.

The first section of Shooting for Respectability outlined how Montana’s gun activists promote one-world government conspiracy theories and the belief that they need firearms to battle a tyrannical government, the same views of the “patriot” movement. Do most gun owners in Montana share these views? It seems improbable. Are they aware that the prime movers behind such groups as the Citizens to Preserve the Second Amendment and the Montana Shooting Sports Association hold such views? That also seems unlikely. Yet even when citizens are familiar with the ideas of these individuals, they tend to dismiss them as too far-fetched to merit attention. That is a response which only emboldens the extremists. Gary Marbut often asserts that 85-90% of Montana households contain firearms, and that, therefore, his cause is politically invulnerable. Marbut’s statistical estimates are obviously self-serving, yet they go unchallenged. The same lack of critical scrutiny of the Montana gun lobby’s ideology, its ties to anti-government groups, and its exaggerated claims about defensive use of guns allow Marbut to exercise considerable influence over the state.
on gun issues. Surely Marbut does not get everything he wants from the Montana Legislature, but his record would be the envy of many lobbyists.

Public opinion polls for decades have shown that Americans support stronger gun control laws than Congress, under pressure from the NRA and other members of the gun lobby, has been willing to enact. What is perhaps more surprising is that polls show Montanans do not differ that much from other Americans. In 1994, the University of Montana’s Bureau of Business and Economic Research polled 405 adult Montana residents after the passage of the Brady Bill and Assault Weapons Ban. Almost 66% favored the ban on assault weapons, and only 27% opposed it. Sixty-two percent supported the Brady Bill, while 32% were negative. Even among the 68% of gun owners, a solid majority also favored the Brady Bill. More noteworthy was that 49% of all those polled supported licensing and the registration of firearms, while 43% were in opposition. The poll also revealed that 24% thought handguns should be limited to law enforcement officers and other authorized persons.

While Gary Marbut immediately called the poll biased, similar polls conducted by Montana State University, the Missoulian, and the Great Falls Tribune have yielded comparable results.

Various groups are weighing in on gun issues. The public health community has taken encouraging initiatives. Doctors, led by pediatricians, are looking more closely at gun violence. Studies are being conducted by economists on the dollar cost of gun deaths and injuries. Religious bodies have been going on record for restrictions on firearms. Foundations are supporting more research on the subject of gun violence. A national databank on all forms of violent deaths has now been created under the Centers for Disease Control and Prevention. More gun control organizations exist today than only a few years ago. There is even a group called “Hunters for Gun Control” in Colorado, and it helped pass the state’s initiative closing the gun-show loophole in November 2000. While the NRA still outspends these organizations by several times over, the gap is narrowing.

**Overcoming the Old West Image**

Changes will not come quickly. Some of the reasons change will proceed slowly in Montana were set forth in December 1984 by John Stromnes, a Missoulian reporter, in an article entitled “The Sacred Six-Shooter’s Harvest of Deaths.” Stromnes listed all of the gun deaths for 1984 and went on to call for restricting handguns to law enforcement officers and other adults with a legitimate need. It was in his analysis of the state’s culture that Stromnes made his most trenchant observations. There was, he said, a “myth of the Eternal Cowboy and his Sacred Six-Shooter” at the core of Montanans’ values. It was the story of the lone gunman, pure and chaste, riding into town and “saving civilization from its inherent corruption.” To challenge this myth by even discussing restrictions on handguns, Stromnes said, was to threaten “the unconscious core of manly Montanans’ lives.”

Stromnes’ column elicited many letters, as always occurs when anything is written supporting restrictions. The paper even printed a cleverly done opposing op-ed piece by a local resident named Dennis McCloskey. McCloskey wrote that he had pictured gun-control advocates “sitting around nibbling their granola and giggling to each other” as they awaited anti-Stromnes letters to appear. McCloskey said that he did not know how others felt, but he doubted “that many pistol shooters really be-
lieve that John Stromnes is a commie-pinko-fag tool of the international conspiracy to disarm and destroy America. (Sorry, John, you’re just not that important).423

This “Montana culture” mentality can be easily illustrated. In 1990, Gary Marbut helped organize a picket of KUFM, the public radio station at the University of Montana, in retaliation for its carrying a broadcast of a National Public Radio Program, “America’s Love Affair with Guns.” The picketers charged the program was biased, and among the signs were messages saying, “Guns are Montana culture BUZZ OFF.”424 On the Montana Shooting Sports Association’s website, Marbut has listed about one hundred of his favorite quotes. Judged by the length of the quotes, Louis L’Amour is Marbut’s favorite novelist. In addition to citations from writings of America’s founders, Marbut includes several quotes from Machiavelli’s The Prince as well as this from Mao-Tse Tung: “Every Communist must grasp the truth, ‘Political power grows out of the barrel of a gun.’” Here, says Marbut, was an example of the Chinese leader “inadvertently endorsing the Second Amendment.”425

By the mid-1990s and into the new millennium, the language of the gun rights extremists hadn’t changed in responding to opposing viewpoints. If anything, they now saw their mission in even more grandiose terms than portrayed by Stromnes, for they were not just saving their local community from corruption, but rescuing the world from gun-grabbing international villains. And in order to thwart that conspiracy, they needed assault weapons, machine guns, silencers and unorganized militias.426 In many ways, the discovery of the militia group in Kalispell, Montana, called Project 7 epitomizes this view. It possessed the arsenal as well as the fear of imminent invasion.

Mike Mansfield demonstrated political courage in his 1968 confrontation with pro-gun forces. The man who was already on his way to being the most revered political figure in Montana history chose to support far-reaching controls over firearms, most notably the banning of handguns, despite the threat of this ending his Senatorial career. To have a productive debate over issues relating to firearms, new courageous lawmakers will have to step
forward in our own time. These leaders will be more apt to emerge if their constituents cease being a silent majority and begin to make their voice heard.

**President Supports Assault Weapon Ban**

In April 2003, President George W. Bush stated that he supported the renewal of the Assault Weapons Ban, which is set to expire prior to the next presidential election. During his last campaign, Bush stated he supported the current ban, but it was unclear if he would support extending it. Getting rid of the ban has been a priority of the NRA and other gun groups that like to take credit for helping Bush get elected.\(^{427}\) In May 2003, U.S. Rep. Carolyn McCarthy (D-NY) introduced legislation seeking to renew the Assault Weapons Ban. The bill had over 90 co-sponsors and has been referred to committee.\(^{428}\) In her opening remarks on the legislation, Rep. McCarthy said that both President Bush and Attorney General John Ashcroft supported the ban while seeking office, and she looked forward to working with them in the upcoming months.\(^{429}\) However, U.S. House of Representative Majority Leader Tom DeLay (R-TX) has stated that the U.S. House would not take up the issue.\(^{430}\)

Bush’s support of the Assault Weapons Ban sent shockwaves through the gun rights movement. The NRA stated it was “lousy politics” and that the “law is a fraud.”\(^{431}\) Another gun rights group said, “Worse yet, it suggests that he’s [Bush] just another Bill Clinton when it comes to the Second Amendment.”\(^{432}\) Gun Owners of America said it was important that all gun owners “WRITE THE PRESIDENT AND URGE HIM TO REMAIN TRUE TO HIS CONSTITUTIONAL OATH OF OFFICE [emphasis in original].”\(^{433}\) GOA has also stated that there is no guarantee that pro-gun Senators will put pressure on repealing the ban. Instead, GOA said “fence-sitters” in the Senate may support the ban in order to gain support from Democrats for tax cuts.\(^{434}\) The group urged its members to call the White House, because President Bush is “trying to straddle the fence on this issue. It’s up to us to yank the President over to our side.”\(^{435}\)

The pro-gun crowd is claiming that, if President Bush extends the ban, he will lose the presidency. Possibly looking to reaffirm his commitment to the NRA, Bush awarded Charlton Heston the “Presidential Medal of Freedom,” the nation’s highest civilian award, in July 2003.\(^{436}\)

**Framing the Debate**

The Gary Marbut and Larry Pratt of the gun rights

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**Slogans of the Gun Rights Movement**

MSSA’s website features a graphic (right) illustrating the saying, “You can have my gun when you pry it from my cold, dead hand.”

MOM went with a slightly different slogan in its newsletter (above).
opposes anything characterized as liberal. Any support of gun control results in a person being labeled anti-American, against freedom and supporting government tyranny. On the other hand, freedom and the American way are packaged by the gun lobby to include an assault rifle in every home. A book review in American Free Press, the latest incarnation of the anti-Semitic Spotlight, illustrates the point. The article praised Wayne LaPierre’s latest book, Shooting Straight: Telling the Truth About Guns in America, which the newspaper is selling through its “First Amendment Books.” The article stated that most people would like to believe that the gun control lobby has “mistaken ideas” about the Second Amendment; however, it concluded that “the leaders of the [gun control] movement are, without a doubt, conscious and diabolically insidious liars.” The reporter boiled down the framing of the debate over guns into one sentence, saying, “The right to bear arms ultimately hinges on who wins the hearts of the American public—the liars who advocate social control, or the patriots who advocate the Constitution.”

The right-wing’s framing of the gun debate has made thoughtful discussion about the Second Amendment and gun ownership largely impossible. There is, however, a difference between “gun control” and “gun confiscation.” There is a difference between citizens owning hunting rifles and machine guns. There is data proving that firearms are used in a majority of suicides, and that certain weapons are defective and pose serious hazards to their owners. Studies have repeatedly shown that having guns in the home increases the likelihood that family members or friends—as opposed to criminals—will be injured or killed with such weapons. The risk of firearm-related homicide is especially high for women at the hands of spouses, intimate acquaintances, or close relatives. A 1997 study in the Archives of Internal Medicine found that having one or more guns in the home made a woman 7.2 times more likely to be the victim of such a homicide. These are serious issues with real implications for public policy, and Montanans, along with all Americans, need to acknowledge them. However, these issues cannot be resolved in the political mainstream because the right wing has defined the parameters of the debate.

The vast majority of politicians would not waste the postage to respond to a legislative survey by the Militia of Montana. However, candidates routinely tout the high ratings they receive from the Montana Shooting Sports Association. The difference between the two organizations, as outlined in the first section of Shooting for Respectability, exists largely in the candidates’ minds. As long as the mainstream refuses to debate the policy issues surrounding gun ownership in a serious and thoughtful manner, it will continue to allow groups like MSSA and CPSA to masquerade as representatives of public opinion. Under this guise, these organizations will con-
Appendix I:

The Second Amendment and the Courts

continue to mainstream the beliefs of “patriot” groups like MOM and frame the debate.

A Right or a Privilege?

Behind the rhetoric which characterizes the gun rights and “patriot” movements is an interpretation of the Second Amendment which has been almost totally at odds with historical reality. The Second Amendment reads: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” The NRA, Gun Owners of America, and other gun-rights groups contend that the Second Amendment cannot limit an individual’s right to keep and bear arms. As Stephen Weaver wrote in Guns and Ammo, reprinted in CPSA’s Constitution Watch, “Congress would be breaking the supreme law if it infringed on our Second Amendment right. It does not have that legal power and never has. Neither do the courts.”440 The case would seem to be closed.

For Weaver, Gary Marbut, and others pro-gun activists, the rights and freedoms that Americans possess rest ultimately on the sacred nature of the Second Amendment. If this premise is granted, then one can at least appreciate the passion they bring to the debate. If one also accepts their contention that any given restriction on firearms is intended to disarm the people for the purpose of achieving global domination by power-seeking tyrants, then it is not difficult to understand why the words “treasonable” and “traitorous” come easily to them when characterizing those who differ with them on gun issues.

The belief that the Second Amendment gives groups like the Militia of Montana, CPSA, the NRA, or any individual the Constitutional right to possess – and use, since otherwise it makes no sense – weapons of their choice is challenged by other groups. The American Civil Liberties Union has written: “If indeed the Second Amendment provides an absolute, constitutional protection for the right to bear arms in order to preserve the power of the people to resist government tyranny, then it must allow individuals to posses bazookas, torpedoes, SCUD missiles and even nuclear warheads, for they, like handguns, rifles and M-16s, are arms.” Few people believe that serious resistance to the military would be possible without such heavy arms, and even fewer who would maintain that the Second Amendment allows individuals the right to possess any weapons they choose. Therefore, the “dam of Constitutional protection” is breached, as the ACLU said, and the question is not whether government can constitutionally restrict arms but to what degree is deemed reasonable.441

There are those who hold the belief that civilians should have access to military weaponry. A caller to a Kalispell, Montana, radio program said the Second Amendment meant “that any citizen of the United States that’s a law-abiding citizen, that ain’t been in a nuthouse or ain’t been proved to be some kind of dangerous criminal should be able to own any kind of weapon [sic]. That means helicopters, gun ships, or whatever, rocket launchers, machine guns, bombs or anything else that they want to own.”442 It is interesting to note that even this ardent weapons supporter puts a restriction on ownership – a person must be law abiding and mentally stable. Another caller to the same radio station said the Second Amendment guaranteed that he could own an F-16 fighter jet.443

It is a testament to the power of the gun lobby’s unceasing propaganda, however, that most people believe that the Second Amendment prohibits any restrictions on firearms. Since polls show that the public favors restrictions such as registration, licensing and child safety devices, a conflict is created in the minds of those who support restrictions, yet revere the Constitution and do not want to change it. The result too often is a sense of futility and nothing gets done. Since the gun lobby is anything but conflicted in its viewpoint, the outcome is predictable.444

The High Court Backs Gun Control

Courts have traditionally ruled that the Second Amendment is quite different from what Charlton Heston, Larry Pratt and Gary Marbut proclaim. Never in the history of the United States has the U.S. Supreme Court invalidated legislation restricting an individual’s gun rights on the basis of the Second Amendment. As the court
ruled in *United States v. Miller* (1939), the purpose of the Second Amendment is “to assure the continuation and render possible the effectiveness” of state militias. “It must be interpreted and applied with that end in view,” said a unanimous court. Groups like the Militia of Montana have tried to legitimate their goals by saying they are the “militia” referred to in the Second Amendment. However, the Second Amendment’s use of the term “well regulated” flies in the face of the Militia of Montana and other groups that call themselves “unorganized” militias.

Eugene Becker, judge of the U.S. Third Circuit Court of Appeals, cogently expressed his opinion of such militias and their far-fetched claims in a 1997 address in Missoula, Montana. “I submit that the notion that in this age of powerful plastic explosives and small tactical nuclear weapons, where the threat of terrorism strikes fear into the heart of everyone who occupies a federal building or flies in an airplane, the Second Amendment protects private militias, many of whose members are bitter, violent extremists, haters of government, and minorities, is not only contrary to history but quite frightening.”445

Perhaps the most significant U.S. Supreme Court case is *Lewis v. United States* (1980). In it, the Court held that restrictions contained in the 1968 Gun Control Act were constitutional. The Court held that “these legislative restrictions on the use of firearms [do not] trench upon any constitutionally protected liberties.” The right to vote, to practice medicine, even to hold office in a labor organization, were considered “activities far more fundamental than the possession of a firearm.”446

The Chief Justice in the *Lewis* case was Warren Burger, a conservative appointed by President Richard Nixon. Burger wrote in 1991 that the Second Amendment had been the “subject of one of the greatest pieces of fraud, I repeat the word ‘fraud,’ on the American public by special interest groups that I have ever seen in my lifetime.” The NRA, he continued, had “misled the American people and they, I regret to say, they have had far too much influence on the Congress of the United States than as a citizen I would like to see – and I am a gun man.”447

While there have been relatively few direct Supreme Court rulings on the Second Amendment, U.S. Circuit Courts have handed down countless decisions denying an individual’s constitutional right to gun ownership. A recent decision in Montana’s own U.S. Ninth Circuit Court of Appeals reaffirmed this view. As the Court stated in *Hickman v. Block*, “We follow our sister circuits in holding that the Second Amendment is a right held by the states [i.e. the militias, now National Guards] and does not protect the possession of a weapon by a private citizen.”448

In the last 25 years, legal scholarship, some of it financed by the NRA and generally reflecting a more individualistic and laissez-faire culture, has swung somewhat toward an individual as opposed to a collective-right interpretation of the Second Amendment. At the same time, historians have shown that gun-lobby lawyers, who have also contributed many of the recent law review articles, frequently take historical statements out of context in order to justify their contemporary legal briefs.449

By their unwillingness to concede that the Second Amendment allows for “degrees of regulation” and by framing the issue as one of “absolute right,” the extreme gun advocates employ the kind of absolutist rhetoric which does so much to impoverish political discourse and fundamentally weaken the democratic process. 450

That is especially the case in communities where those proposing even the mildest of regulations on firearms are characterized as treasonable, pathological, and un-American. Such communities exist throughout Montana.

**The Second Amendment**

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.
under a domestic violence restraining order. In its October 2001 decision, the U.S. Fifth Circuit Court of Appeals said it wasn’t wrong for authorities to prosecute Emerson for buying a handgun, because the order was meant to protect his wife and child. However, the Fifth Circuit made a point to say the Second Amendment preserves an individual’s “right to keep and bear arms whether or not they are a member of a select militia or performing active military service or training.”

Even though this was perhaps the most favorable decision ever won by gun rights activists, the gun community had mixed emotions regarding the decision. Gary Marbut wrote that the Emerson ruling was “MILDLY HOPEFUL, BUT VERY DISAPPOINTING” [emphasis in original]. Marbut said the good news was the Fifth Circuit came down “squarely” on the Second Amendment guaranteeing an individual’s right to own firearms; however, the case didn’t keep the government from infringing on citizen’s rights. Marbut said the ruling sought to “avoid a civil war over the SA [Second Amendment]” and didn’t surrender any ground to the “would-be masters in the federal government.”

On the other hand, the Second Amendment Foundation focused on the belief that Emerson “crushed over 60 years of judicial misinterpretation” and anti-gun rhetoric. The Foundation acknowledged that Emerson did allow for “reasonable regulation” of firearms but found that consistent with other rights provided in the Constitution. As an example, it stated the freedom of speech isn’t absolute, because libel and slander are not protected.

Mixed sentiments were also found in the gun control community. The Violence Policy Center, trying to put the best interpretation on the Court’s narrow ruling rather than its broad constitutional opinion, applauded the Emerson decision for upholding the banning of guns in protective orders. The Center said the decision rejected the legal argument that the Second Amendment guarantees domestic abusers an individual right to possess firearms. The Center commented that the decision meant “Final score: public safety, one; gun lobby and domestic abusers, zero.”

In contrast, the Brady Campaign criticized the Emerson decision, arguing that it was “based on a gross distortion” of Constitutional history and prior rulings by the U.S. Supreme Court. The Campaign said it felt the ruling was an “aberration” and that the collective rights interpretation would be upheld in courts outside the Fifth Circuit. That has indeed been the case. While Emerson was being litigated, other Circuit Courts continued to rule in accordance with U.S. Supreme Court precedent.

In a letter to prosecutors about the case, Ashcroft wrote that Emerson “generally reflect[s] the correct understanding of the Second Amendment.” Because of the letter and briefs filed with the U.S. Supreme Court acknowledging the ability to regulate firearms, the Justice Department’s opinions have received mixed reviews similar to the ones expressed over the Emerson decision. The U.S. Supreme Court did not take up either of the cases for which the Justice Department filed briefs.

Meanwhile, In the Ninth Circuit…

In 2002, the U.S. Ninth Circuit Court of Appeals upheld California’s 1999 ban on assault weapons in Silveira v. Lockyer. More significantly, it ruled that individuals have no constitutional right to keep and bear arms under the Second Amendment. In his opinion on the case, Judge Stephen Reinhardt wrote, “What the drafters of the amendment thought ‘necessary to the security of a free state’ was not an ‘unregulated’ mob of armed individuals such as Shay’s band of farmers, the modern-day privately organized Michigan Militia, the type of extremist ‘militia’ associated with Timothy McVeigh and other militants with similar anti-government views…To the contrary, ‘well-regulated’ confirms that ‘militia’ can only reasonably be construed as referring to a military force established and controlled by a governmental entity.”

In May 2003, the Ninth Circuit Court of Appeals refused a request by the plaintiffs in Silveira for a re-hearing before a larger panel of the Court’s judges. Sounding like Gary Marbut, Judge Alex Kozinski, a dissenting judge, wrote that the Second Amendment is a “doomsday provision” that was established in case “all other rights have failed.” He concluded by stating, “The prospect of tyranny may not grab the headlines the way vivid stories of gun crime routinely do. But few saw the Third Reich coming until it was too late.”

The plaintiffs in Silveira wasted little time appealing the Ninth Circuit Court’s ruling to the U.S. Supreme Court. Gary Gorski, the plaintiffs’ attorney, filed the petition with the country’s highest court right before the Fourth of July, saying that America’s independence was directly linked to the Second Amendment. “After fighting a bloody war for freedom, of course they [Founding Fathers] meant ‘the people’ when they penned the Second Amendment,” Gorski announced. “Unfortunately,
many politicians today no longer understand the importance of freedom. If the U.S. Supreme Court justices decide to hear *Silveira*, the case would be argued in 2004 as national and local political campaigns heat up. “Friend-of-the-court” briefs supporting the plaintiffs have been filed by the NRA, Second Amendment Sisters, Jews for the Preservation of Firearms Ownership, and others.463

_Federal Judge:_
**Gun Industry Guilty of “Careless Practices”**

In July 2003, a federal judge dismissed a lawsuit brought by the NAACP against handgun makers. The NAACP sued Smith and Wesson, Glock and other gun makers in 1999 claiming the gun industry knew corrupt retailers were supplying products to criminals in African-American and Hispanic neighborhoods and did nothing to stop it. In dismissing the suit, the judge did state that there was “clear and convincing evidence” that gun stores were guilty of “careless practices.” Also, U.S. District Judge Jack Weinstein said that gun manufacturers do not take steps to “eliminate or even appreciably reduce the public nuisance they individually and collectively have created.” Judge Weinstein dismissed the case, however, because he did not think the plaintiffs had proven that “its [NAACP] harm was different from that suffered by other persons in New York.”

The National Shooting Sports Foundation stated the industry should have never been forced to defend itself against the NAACP’s lawsuit. It also claimed that the NAACP structured the lawsuit so it would be heard by Judge Weinstein, whom the Shooting Sports Foundation stated was “plaintiff-friendly” in suits against gun makers. Lawrence Keane of the Shooting Sports Foundation said this “legal trickery” was commonly done by anti-gun groups. In an interview with *American Free Press*, Keane stated Judge Weinstein “slapped the jury in the face” by blaming the gun industry, and that these types
of lawsuits were “the poster child for what Congress must act to stop.” Overall, the gun lobby was glad the lawsuit was dismissed, but it was unhappy with Judge Weinstein’s comments.

Along with legal opinions and judgments, the research and publishing done concerning the Second Amendment has also been controversial. Both sides of the gun-ownership debate have been accused of playing loose and fast with their facts. John Lott and Gary Kleck are favorites of the gun lobby for their work supporting arming American citizens. On the other hand, Michael Bellesiles published a book attacking the gun lobby’s interpretation of American history. All three authors have had their work criticized. Despite questions concerning their research, Lott and Kleck are still frequently cited by the gun lobby. On the other hand, Bellesiles’ work is rarely mentioned by those opposing the gun lobby.


While pro-gun activists believe the Second Amendment is the philosophical foundation for their cause, more immediate and practical reasons are also advanced for opposing restrictions. Perhaps the most prominent of these is the argument that guns in private hands serve as a deterrent to crime. Two authors, John Lott and Gary Kleck, have become virtual gurus for the gun industry.

Lott is the more controversial, partly because of the sound-bite title of his 1998 book More Guns, Less Crime, but also because of his bizarre views on many subjects. He has claimed that the hiring of minorities by law enforcement agencies increases the violent crime rate. He has also stated that wealthy criminals should be allowed to buy their way out of court, that some crime is good for society, and that arming teachers would solve school violence. Lott has even posed as a former student in online forums to praise and promote his work.

In his book, Lott examined the effect of concealed weapons laws on the incidence of crime. He found what he considered evidence that states which loosened their concealed weapons laws experienced a reduction in certain types of crime. In fact, Lott’s work has been subjected to devastating criticism on grounds of methodology, such as not properly accounting for other factors which affect crime rates. Several researchers have criticized his numbers, saying that small changes in the statistical models he used caused large changes in his findings. Lott’s research has also been attacked for inconsistencies and implausible findings, such as estimating that if “shall issue” concealed weapons laws were enacted in all states, crime would fall to 1910 levels. His research also lacked an absence of expected effects, critics claimed. For instance, if “right to carry laws” deter crime, their greatest impact should be on robberies involving strangers in public places; however, Lott found that concealed weapons laws had the least effect on robberies. It also has not been demonstrated that lax concealed weapons laws have resulted in any significant increase in the number of weapons being carried, rendering the “more guns” part of the equation problematic in itself.

Lott’s research has been questioned in both academic and political arenas. Georgetown University Professor Jens Ludwig stated, “Shall issue laws have resulted, if anything, in an increase in adult homicide rates.”

Professor David Mustard, a co-author of an early study

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**Appendix II:**

**Problems with Gun Research**

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Featured in Constitution Watch

"Gore Doesn't Seem to Trust People to Handle the Truth"

by John R. Lott, Senior Research Scholar, Yale Law School from the Hartford Courant

Vice President Gore is battleing with Green Party candidate Ralph Nader for the hard-core environmen-

the extremes to which it goes in supporting the environmentalist cause should give even the most radical environmentalists comfort. The book paints a grim future of overpopulation, mass starvation and death.

John Lott's writings show up in CPSA's newsletter. This article appeared in the September 2000 issue.
with Lott that led to Lott’s book, testified under oath that there were serious flaws in their research that undermined their conclusions.\textsuperscript{479} Even Gary Kleck, another favorite of the gun lobby, has stated that Lott’s thesis “could be challenged...[More] likely, the declines in crime, coinciding with relaxation of carry laws were largely attributable to other factors not controlled for in the Lott and Mustard analysis.\textsuperscript{480}

In 1999, the Brady Campaign to Prevent Gun Violence conducted an analysis of crime statistics. It discovered that 29 states with lax concealed weapons laws experienced a decrease in the crime rate of 2.1%. During the same time period, 21 states and Washington, D.C., which all had strict laws, had a decrease of 4.4%.\textsuperscript{481} The Brady Campaign also found that, from 1992-1997, the violent crime rate in states with strict laws fell 24.8%, while states with lax policies dropped only 11.4%. The national average during that time was a decrease of 19.4%.\textsuperscript{482} In addition, it was found that 12 of 29 states that weakened their policies regarding concealed weapons had an increase in violent crime.\textsuperscript{483}

The Violence Policy Center has questioned the funding of Lott’s studies. Lott conducted his research while he was a John M. Olin Fellow at the University of Chicago Law School. The Violence Policy Center reported that there were “significant links” between the John M. Olin Foundation and the Olin Corporation, which owns Winchester Ammunition and is the largest producer of ammunition in the country.\textsuperscript{484} The John M. Olin Foundation has funded many right-wing organizations, including the Heritage Foundation, Cato Institute and the Free Congress Foundation.\textsuperscript{485}

Even with all the criticism, Lott’s research is taken as gospel by the gun lobby and cited frequently as proof that guns deter crime. Lott’s research was cited extensively in the letter signed by 18 state attorney generals, including Montana’s Mike McGrath, endorsing the Department of Justice’s support of individual gun ownership [see “NRA Gets a Foothold in the Justice Department” on page 41].\textsuperscript{486}

Sometimes, the “more guns, less crime” mantra even involves arming people who have already committed crimes. In 2000, the Billings Gazette found 100 violent felons who bought hunting permits in 1999, meaning that they probably had access to rifles, shotguns or archery equipment. Billings Police Chief Ron Tussing stated he thought there should be a “cooling off” period before violent criminals could own weapons.\textsuperscript{487} However, he said there was a “laisssez faire attitude toward crime and criminals” in Montana.\textsuperscript{488} Then-Montana Attorney General Joe Mazurek echoed Tussing’s feelings, stating that he felt that felons who used firearms in committing crimes should never be allowed to posses them again.\textsuperscript{489} Gary Marbut, on the other hand, stated, “When people get out of Deer Lodge, there ought to be a gun shop right outside the gate so people can buy a weapon to hunt or protect themselves with. If they abuse that right, they should be taken out back and shot.”\textsuperscript{489}

Kleck’s Creative Numbers

Along with John Lott, Gary Kleck has become a favorite source for the gun lobby because of his claim that civilians (non-police) use handguns in self-defense almost 2.5 million times a year. This figure was arrived at after a survey of 5,000 individuals resulted in 66 reports of defensive gun use. This was extrapolated to the total adult population to arrive at the final 2.5 million. The gun industry has used Kleck’s survey as a major marketing tool, directing the message at women in particular in recent years.

There are as many problems with Kleck’s research as with Lott’s. For example, 8% of Kleck’s 5,000 respondents said they had killed or wounded an offender in self-defense in the past year. That would extrapolate to an astounding 190,000 gunshot injuries and deaths a year, a number which exceeds the total of all shootings – fatal and non-fatal – including suicide attempts, criminal assaults, and unintentional shootings.

The kind of survey research used by Kleck has severe limitations. These limitations are magnified when the activity being measured is so infrequent (1.3% of the...
population using guns each year in self-defense, according to Kleck’s figures). If only 0.5% of the survey respondents incorrectly reported a defensive gun use, it would cause the estimated total of such uses to be about twice that of the true number.

Dr. David Hemenway of Harvard’s School of Public Health applied Kleck’s methodology to a 1994 ABC News/Washington Post survey which asked people if they had ever seen an alien spacecraft or had direct contact with a space alien. Using Kleck’s methods, Hemenway said the results would indicate that almost 20 million Americans had seen a spaceship and more than one million had actually met space aliens.

Another problem in Kleck’s research which critics have cited is what has been called “social desirability bias.” There are certain questions which, answered positively, reflect well upon the respondent. That would certainly seem to be the case where nearly half of Kleck’s respondents who reported a defensive gun use believed their actions had saved their own life or that of others.

There is also the bias of “telescoping,” the tendency to report the incident as having occurred more recently than was the case, i.e., not within the past year. This leads to an overstating of the incidents being measured. Another problem is deciding when gun use is defensive. In many situations when guns come into play – quarrels in a bar, road confrontations, even disagreements between neighbors – the parties have conflicting opinions on whose behavior was defensive. Respondents to a survey such as Kleck’s are more likely to see themselves as acting in self-defense when reporting these incidents.

Finally, Kleck’s figures are substantially larger than those of the National Crime Victimization Survey (NCVS), generally considered the most reliable source of data on predatory crime. The NCVS, which questions far more people and employs follow-up questions in a shorter time interval, thus minimizing telescoping, estimates self-defensive gun use to occur less that 100,000 times a year.

*Arming America Disarmed*

When Emory University’s Michael Bellesiles released his book *Arming America: The Origins of a National Gun Culture* in 2000, it received praise from the mainstream press for offering a different view of the history of gun ownership and how America’s gun culture was created. Bellesiles’ thesis was that gun ownership during America’s earliest days was rare, and that guns only became a common commodity following the industrialization of the mid-19th Century. Bellesiles stated that the “gun culture grew with the gun industry” and that guns had become “so central to American identity that the nation’s history has been meticulously reconstructed to promote the necessity of a heavily armed American public.” Simply stated, Bellesiles thesis was “America’s gun culture is an invented tradition.”

Bellesiles’ thesis immediately generated disagreement from the gun lobby, which had constructed itself on the basis that individual gun ownership had helped create America itself. Gun Owners of America’s Larry Pratt criticized Bellesiles for basing his numbers on probate records, saying, “Based on this approach, colonial women must have been barefoot because shoes were almost never mentioned in probate records.” Pratt also blasted Bellesiles for questioning the role of citizen militias during the American Revolution, stating, “They [Bellesiles and other gun control advocates] want us to believe that a bunch of amateurs cannot defend their freedom against a tyrant,” Pratt wrote. “Believe that only if you chose [sic] to remain ignorant of our own history.”

Gun activists weren’t the only ones criticizing Bellesiles work with probate records and his interpretation of history. Northwestern Professor James Lindgren examined Bellesiles’ data and found that Bellesiles’ numbers did not match probate records. Other academics said Bellesiles incorrectly cited laws relating to militias and misinterpreted first-hand accounts of gun ownership. The questions posed by academics led to Emory University appointing a committee to investigate Bellesiles’ research.

The committee released its findings in October 2002. It found that Bellesiles was “careless in the gathering and presentation of archival records.” The committee also questioned his use of quantitative analysis and said his research raised questions about his “scholarly integrity.” Bellesiles resigned from his teaching position at Emory University, but not before questioning the committee’s findings. He said the committee’s investigation was “based on three paragraphs and a table in a six hundred-page book” and those sections could be “eliminated entirely and the thesis of the book would still stand.” He said it was “unfair” to “question the credibility of an entire book without considering the book as a whole.” Bellesiles did admit to making some errors but said he was correcting them for the second edition of *Arming America.* He concluded stating, “The overwhelming bulk of the evidence in support of this book’s
Appendix III:
A Cursory Look at the Gun Lobby

The NRA and GOA are two of the most visible forces of the gun lobby at the national level. While their political activity undoubtedly benefits the gun industry, there are other political-action committees (PACs) with direct ties to gun makers. The National Shooting Sports Foundation (NSSF) has been referred to by the media as a firearm “industry trade association” and claims to have 1,800 members that manufacture, distribute and sell weapons. NSSF has also helped form “SHOT-PAC,” which NSSF refers to as the “industry’s Political Action Committee,” and encourages members of the gun industry to financially support the PAC.

Some gun manufacturers bypass coalition efforts and start their own PACs. Remington Arms Company started REMPAC to respond to the “band of anti-gun activists” that attempts to “dictate the future of our company [Remington] and our employees.” The PAC stated that “anti-gun activists” wanted to destroy the gun industry and were behind the implementation of the “most restrictive gun laws in our nation’s history.” The PAC promised to support candidates that supported the gun industry. “Our jobs, our rights, and the well-being of our families are at stake,” Remington’s Thomas Millner said in support of REMPAC, “and from now on, when we feel threatened, we’re going to stand up and fight.”

The focus of the gun lobby may be on firearm issues; however, it is also very apparent that the activities of the gun lobby support the Republican Party. A quick look at expenditures illustrates this point [see “Partisan Giving” chart on this page].

The overwhelming support for Republican candidates can also be seen in Montana races for the U.S. Senate and House of Representatives. Over the years, the majority of support from the NRA’s Political Victory Fund has

### Partisan Giving

<table>
<thead>
<tr>
<th>Cycle</th>
<th>Group</th>
<th>Amount</th>
<th>Dems</th>
<th>Repubs</th>
</tr>
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<tbody>
<tr>
<td>1994</td>
<td>NRA</td>
<td>$2,222,238</td>
<td>20%</td>
<td>80%</td>
</tr>
<tr>
<td>1994</td>
<td>GOA</td>
<td>$48,050</td>
<td>12%</td>
<td>87%</td>
</tr>
<tr>
<td>1996</td>
<td>NRA</td>
<td>$1,671,696</td>
<td>16%</td>
<td>84%</td>
</tr>
<tr>
<td>1996</td>
<td>GOA</td>
<td>$79,095</td>
<td>2%</td>
<td>98%</td>
</tr>
<tr>
<td>1998</td>
<td>NRA</td>
<td>$2,041,661</td>
<td>14%</td>
<td>86%</td>
</tr>
<tr>
<td>1998</td>
<td>GOA</td>
<td>$60,933</td>
<td>1%</td>
<td>93%</td>
</tr>
<tr>
<td>2000</td>
<td>NRA</td>
<td>$3,139,946</td>
<td>8%</td>
<td>92%</td>
</tr>
<tr>
<td>2000</td>
<td>NSSF</td>
<td>$330,000</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>2000</td>
<td>GOA</td>
<td>$83,618</td>
<td>6%</td>
<td>94%</td>
</tr>
<tr>
<td>2002</td>
<td>NRA</td>
<td>$2,027,889</td>
<td>8%</td>
<td>92%</td>
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<tr>
<td>2002</td>
<td>NSSF</td>
<td>$215,740</td>
<td>1%</td>
<td>99%</td>
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<tr>
<td>2002</td>
<td>GOA</td>
<td>$178,666</td>
<td>0%</td>
<td>100%</td>
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</table>

Source: Center for Responsive Politics

### Montana Federal Races

<table>
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<tr>
<th>Cycle</th>
<th>Republican</th>
<th>Amount</th>
<th>Democrat</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1993-1994</td>
<td>Cy Jamison</td>
<td>$0</td>
<td>Pat Williams</td>
<td>$500</td>
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<tr>
<td>1993-1994</td>
<td>Conrad Burns</td>
<td>$8,950</td>
<td>Jack Mudd</td>
<td>$0</td>
</tr>
<tr>
<td>1995-1996</td>
<td>Dennis Rehberg</td>
<td>$9,900</td>
<td>Max Baucus</td>
<td>$0</td>
</tr>
<tr>
<td>1995-1996</td>
<td>Rick Hill</td>
<td>$4,950</td>
<td>Bill Yellowtail</td>
<td>$0</td>
</tr>
<tr>
<td>1997-1998</td>
<td>Rick Hill</td>
<td>$14,850</td>
<td>Dusty Deschamps</td>
<td>$0</td>
</tr>
<tr>
<td>2000-2001</td>
<td>Conrad Burns</td>
<td>$9,900</td>
<td>Brian Schweitzer</td>
<td>$0</td>
</tr>
<tr>
<td>2000-2001</td>
<td>Dennis Rehberg</td>
<td>$7,950</td>
<td>Nancy Keenan</td>
<td>$0</td>
</tr>
<tr>
<td>2001-2002</td>
<td>Mike Taylor</td>
<td>$4,000</td>
<td>Max Baucus</td>
<td>$3,950</td>
</tr>
<tr>
<td>2001-2002</td>
<td>Dennis Rehberg</td>
<td>$8,560</td>
<td>Steve Kelly</td>
<td>$0</td>
</tr>
</tbody>
</table>

Source: Political Money Line
benefited Republicans running for those offices [see “Montana Federal Races” chart on page 57].

The partisan giving by the gun lobby also extends to state-level elections in Montana. While the NRA Political Victory Fund and Gun Owners of America sometimes contribute to Democrats, their contributions generally benefit Republicans and other right-wing conservatives. The list in “State Elections” gives some examples of contributions to right-wing candidates by listing people who have been mentioned in Shooting for Respectability.

As for Montana gun rights groups, their funds pale in comparison to groups like the NRA, GOA and NSSF. While their contributions are insufficient to swing an election, the disbursements and reception of their funds are rigidly ideological. The following transactions illustrate this ideological bent.

Citizens to Preserve the Second Amendment

- In 2001, CPSA contributed $100 to MSSA’s legal fund.
- In 2001, Matt Brainard contributed $100 to CPSA. In 1998, CPSA gave $50 to Brainard’s campaign. In 1996, Brainard loaned CPSA over $400 to help sponsor the “Freedom Rendezvous.”
- In 1999, CPSA paid Tom Farrenkopf $199 for “Food Supplies” and “Y2K Materials.” Farrenkopf has also financially supported CPSA, including a $2,000 contribution in 1998.
- In 1996, John Appelt gave CPSA a check for $300 to pay for a Militia of Montana advertisement in Constitution Watch. Throughout the 1990s, Appelt consistently received reimbursements from CPSA of around $100 for telephone calls gathering “intelligence.”
- In 1996, CPSA contributed $68 to Pat Buchanan’s presidential campaign.
- In 1995, CPSA donated $100 to the Militia of Montana.
- In 1995, CPSA gave over $100 to Rob Natelson’s campaign for governor.
- In 1995, CPSA paid $100 a piece to join the NRA and GOA.
- In 1994, CPSA spent $25 to buy a “Waco Tape” from a Kansas television station.506

Montana Shooting Sports Association

- In 2000, MSSA spent over $1,100 to sponsor a speaking tour by presidential-candidate Alan Keyes.
- During the 2000-2001 election cycle, MSSA received $1,000 from the NRA Political Victory Fund.
- During 1999-2000 election cycle, MSSA received $2,000 from the Montana Republican Central Committee. During the same cycle, MSSA contributed $200 to Dennis Rehberg’s campaign.
- In 1998, MSSA received over $3,600 from the NRA Political Victory Fund. The group then used those funds to contribute $2,000 to the Montana legislative campaigns of Bob Davies and Jack Wells.507
thesis remains unchallenged, despite the most rigorous examination."

5) Montana Shooting Sports Association, e-mail, April 23, 2002; Militia of Montana circulated the e-mail written by MSSA on April 23, 2002; Citizens to Preserve the Second Amendment, flier, postmarked April 27, 2002.
10) Dees, Gathering Storm, pp. 49-52.
12) Burghart and Crawford, Guns and Gavels, p. 15.
13) Dees, Gathering Storm, pp. 53-54.
14) Dees, Gathering Storm, p. 54.
15) Burghart and Crawford, Guns and Gavels, p. 16.
16) Dees, Gathering Storm, pp. 54-55.
19) Ibid.
20) Ibid.
25) Temple told a University of Montana class in 1997 that he was a national socialist; Montana Human Rights Network, Network News, November 1999.
62) Militia of Montana, E-mail Alert, Feb. 28, 2002.
67) Ibid.
68) Montana State Law Library, 1995 Montana Legislature; Citizens to Preserve the Second Amendment, Constitution Watch, April 8, 1997; Constitution Watch, Volume 1 — 1995; Constitution Watch, March 11, 1997; Filings by CPSA with Montana’s Commissioner on Political Practices.
70) Billings Gazette, March 5, 1995.
81) Missoulian, March 9, 1995; Billings Gazette, April 1, 1996.
82) Billings Gazette, March 26, 1996; Billings Gazette, March 29, 1996.
83) Billings Gazette, April 1, 1996.
87) 1999 Montana Legislature, House Joint Resolution, 5.
88) Ibid.
89) Ibid.
91) Ibid.
92) Ibid.
100) 2003 Montana Legislature, House Bill 306.
103) Ibid.
104) 2003 Montana Legislature, Senate Bill 184.
110) Ibid.
111) Ibid.
112) Ibid.
113) Militia of Montana, E-mail Alert, Feb. 18, 2003; Montana Shooting Sports Association, e-mail, March 29, 2003.
117) Militia of Montana, E-mail Alert, April 7, 2003.
118) 2003 Montana Legislature, House Joint Resolution 12, original bill.
119) 2003 Montana Legislature, House Joint Resolution 12, bill passed by the Montana Legislature.
120) Militia of Montana, E-mail Alert, April 7, 2003; Sierra Times, April 9, 2003.
121) Sierra Times, April 9, 2003.
124) Southern Poverty Law Center, Intelligence Report, Fall 1997.
128) Ibid.
129) Ibid.
130) Militia of Montana, E-mail Alert, Feb. 3, 2000.
138) Ibid.
139) Ibid.
142) Ibid.
144) Ibid.
145) Ibid.
147) Ibid.
148) Ibid.
151) Citizens to Preserve the Second Amendment, Constitution Watch, Aug. 9, 1999.
152) Free State Project, e-mail, Nov. 4, 2002.
157) Militia of Montana, E-mail Alerts, April 7, 2003; April 15, 2003; and May 1, 2003.
160) Ibid.
161) Ibid.
168) Militia of Montana, E-mail Alert, March 13, 2000.
170) Ibid.
175) Ibid.
177) Citizens to Preserve the Second Amendment, Constitution Watch, March 12, 1998.
182) Citizens to Preserve the Second Amendment, Constitution Watch, Sept. 6, 2000; Militia of Montana, E-mail Alert, Sept. 13, 2000.
183) Citizens to Preserve the Second Amendment, Constitution Watch, March 12, 1998.
184) Ibid.
186) Citizens to Preserve the Second Amendment, Constitution Watch, June 10, 1998.
199) Missoula Independent, April 18, 1996. CPSA was a member of Larry Pratt’s Gun Owners of America in the early 1990s; Filings by CPSA with the Montana’s Commissioner on Political Practices.
201) Militia of Montana, E-mail Alert, Feb. 19, 1999.
204) Neiwert, In God’s Country, p. 211.
208) Montanans for Due Process, flier, undated.
209) Great Falls Tribune, April 14, 1995; Missoulian, April 14, 1995.
213) Ibid.
221) Citizens to Preserve the Second Amendment, Constitution Watch, Dec. 6, 1999.
224) Ibid.
228) Ibid.
237) Ibid.
238) Citizens to Preserve the Second Amendment, Constitution Watch, Nov. 12, 1997.
239) Citizens to Preserve the Second Amendment, Constitution Watch, Feb. 9, 1998.
240) Ibid.
242) Ibid.
243) Ibid.
244) Ibid.
245) Militia of Montana, E-mail Alert, July 28, 2003.
247) Citizens to Preserve the Second Amendment, Constitution Watch, April 12, 2001.
248) Citizens to Preserve the Second Amendment, Constitution Watch, June 14, 2002.
250) Ibid.
251) Ibid.
253) Ibid.
254) Ibid.
257) Levitas, The Terrorist Next Door, p. 309.
258) Ibid.
259) Ibid.
263) Ibid.
265) Anderson, Inside the NRA, p. 84.
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294) Militia of Montana, E-mail Alert, Aug. 12, 1999.
295) Ibid.
303) Ibid.
304) Gun Owners of America, E-mail/Fax Alert, March 19, 1999.
309) Ibid.
311) Media Bypass, October 2002.
318) Montana Shooting Sports Association, news release that was circulated by the Militia of Montana, Sept. 15, 2002.
319) Ibid.
322) Montana Shooting Sports Association, news release that was circulated by the Militia of Montana, Sept. 15, 2002.
332) Militia of Montana, E-mail Alert, Sept. 13, 2002.
334) Balz and Brownstein, Storming the Gates, p. 192.
345) Missoulian, Sept. 18, 1992; Williams MS, Mansfield Lir-
346) ary, University of Montana.
349) Missoulian, Nov. 2, 1993; Congressional Record, 103
350) Congress, First Session, Nov. 10, 1993; Rolling Stone, June 1,
351) 1995.
352) Balz and Brownstein, Storming the Gates, p. 199; Inde-
353) pendent Record, March 31, 1996.
354) Ball and Brownstein, Independent Record, March 31, 1996.
356) Billings Gazette, May 21, 1999; Billings Gazette, Dec. 1,
358) Montana Shooting Sports Association, e-mail, Oct. 31,
359) 2002.
359) Militia of Montana, E-mail Alert, Oct. 31, 2002.
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364) Congressional Record, 91st Congress, Second Session,
366) Congressional Record, 90th Congress, Second Session,
368) Congressional Record, 90th Congress, Second Session,
370) Great Falls Tribune, Oct. 6-13, 2001; Independent Record,
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374) Free Congress Foundation, website,
376) Montana Shooting Sports Association, e-mail, Jan. 11,
378) U.S. Sen. Max Baucus, website, http://baucus.senate.gov,
380) Militia of Montana, E-mail Alert, Jan. 11, 2001.
381) Tom Diaz, Making a Killing: The Business of Guns in
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384) Effects on Crime and Violence, Brookings Institution Press,
385) 2003, pp. 32, 361-363; Josh Sugarmann and Kristen Rand,
386) Comprehensive Strategy to Reduce Firearms Violence, Violence
388) Diaz, Making a Killing: The Business of Guns in America,
390) Montana Shooting Sports Association, website,
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394) Coalition to Stop Gun Violence, press release, March
396) Bozeman Daily Chronicle, Dec. 2, 2001, and Feb. 18,
397) 2002.
398) Coalition to Stop Gun Violence, press release, March
399) 11, 2002.
380) Militia of Montana, E-mail Alert, Oct. 31, 2002.
381) Coalition to Stop Gun Violence, press release, March
382) 11, 2002.
383) Diaz, Making a Killing: The Business of Guns in America,
384) pp. 13-14, 124, 193.
386) Consumer Federation of America, press release, March
387) 11, 2002.
389) 2002.
390) Coalition to Stop Gun Violence, pp. 9-11.
393) Ibid.
394) Ibid.
395) Ibid.
396) Ibid.
397) Ibid.
398) House Resolution 1036, Thomas Legislative Information
401) Ibid.
402) Ibid.
410) Ibid.
411) Ibid.
415) Ibid.
416) Ibid.
417) Ibid.
418) Diaz, Making a Killing, p. 196.
429) Ibid.
432) Militia of Montana, E-mail Alert, April 17, 2003.
433) Gun Owners of America, e-mail, April 14, 2003.
434) Gun Owners of America, e-mail, May 9, 2003.
435) Ibid.
439) Ibid.
440) Citizens to Preserve the Second Amendment, Constitution Watch, Feb. 9, 1998
448) 81F. 3d, 98-103 (1996).
459) Ibid.
461) Ibid.
465) Ibid.
466) Ibid.
467) Ibid.
468) Ibid.
470) Ibid.
486) Letter from 18 state attorney generals to John Ashcroft, July 8, 2002.
488) Ibid.
489) Ibid.
490) Ibid.
494) Ibid.
497) Ibid.
499) Ibid.
500) Ibid.
504) Ibid.
505) Ibid.
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The Montana Human Rights Network is a non-profit, grassroots, membership-based organization of over 1,500 members and eight local groups. In the late 1980s, Montana communities began forming local human rights groups to counter the rhetoric and organizing of white supremacist groups. In 1990, these local groups came together to form the Montana Human Rights Network. Over the years, as hate groups have appealed to the “hot-button” social issues of the mainstream, the Network has expanded its program to counter the efforts of the militias, freemen and other “patriots,” along with anti-Indian groups, anti-environmental activists, and the theocratic right in Montana.

The Network’s mission is to promote democratic values such as pluralism, equality and justice; to challenge bigotry and intolerance; and to organize communities to speak out in support of democratic principles and institutions. It seeks to challenge hate groups and other extremists who use violence and intimidation as tools for political activism. MHRN does so by organizing local human rights groups; by monitoring and reporting on the activities of right-wing groups in Montana; by developing and pursuing public policy initiatives and holding public officials accountable in the area of human rights; by conducting community education on human rights issues; and by working to increase community support and legal protection for groups of people targeted by hate activity.

If you are interested in joining the Network, please contact us at:

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You can visit our website at: http://www.mhrn.org

Thanks to everyone who helped with Shooting for Respectability