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Internship Report

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Hatred, Soil, and the Big Sky: A Summer with the Montana Human Rights Network

No nation which has kept the commandments of God has ever perished, but I say to you that once freedom is lost, only blood—human blood—will win it back.

There are some things we can and must do at once if we are to stave off a holocaust of destruction.

-Ezra Taft Benson, former President of the Quorum of the Twelve Apostles

When I woke up a couple of minutes before the landing, I found myself flying over these gorgeous green mountains, and a city tucked right beneath them. It was nearing ten o'clock but the sun was yet to set. After a long day of flying, while under the effect of antibiotics, it was a good sight to wake up to. It reminded me of the traditional Windows background photo that we all know of, the one with the green hills and the baby blue sky.

I was exhausted and ready to go to bed by the time I entered the terminal and met Rachel, the co-director of the Montana Human Rights Network. Before I figured out that she was Rachel, she seemed to have figured out that I was Artun, probably because I looked a bit confused by how relaxed this airport was. Employees were not looking like they hated their lives, no one was running around with a sharp frown on, and even the

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¹ Benson, Ezra Taft, "A Witness and A Warning," LDS, October 1979

design of the interior had a soothing effect: light green-yellow walls and old-school patterned rugs, and a huge display of nature and (not real, but could as well be) wildlife to welcome the arriving passengers. Without doubt, it was nothing like the John F. Kennedy airport and had no similarity with the corporate airport atmosphere that is the norm in many places now.

While flying over those gorgeous mountains, however, I had no idea that these two feelings of nostalgia and relaxedness would also constitute the core of my work with the Network. I did not know much about the people trying to resurrect the Wild West—Cowboys are only in Western movies, I thought. I did not know about the people who wanted to "relax" the government to the point of practical non-existence either. Having spent some time down South, I had heard a lot of the "tyrannical government" talk, but none of those people would go the distance to say that the federal government is unconstitutional. I was not aware of the intensity of the issues throughout the American West. So I was glad that Travis, the research director of the Network, with whom I shared an office and many ginger snaps over the course of seven weeks, gave me some reading (read: a lot of reading) for the first week of my internship. I read about the anti-Indian groups, gun rights advocates, the wise-use movement, and many others that plague this beautiful state. While I knew quite a bit about the pro-gun crowd already from my time down in Virginia, I knew nothing about the anti-Indian movement. The efforts around natural resource and public land deregulation were not new to me, but I had no acquaintance with the specificities. Montana was, in a sense, a completely new playing field for me, and I was down to explore.

Before I get into what I worked on, however, let me talk about the organization itself a bit, and its relation to the concept of hate, which I was sent to investigate by Ken Stern and the Human Rights Project at Bard College. The Montana Human Rights Network was founded in 1990 by Ken Toole to fight the racist right. The Network branched out since then, now also dealing with LGBTQ issues, immigration, antigovernment extremism, and the environment. Where there is a human right violation, there is the Network. Rachel Rivas and Kim Abbott are the co-directors of the organization, and Travis McAdam runs the research program. Shawn, Ella, and Garrett all work with the Network and handle different initiatives. They also have a couple of employees scattered around the state to help with organizing in more remote areas, as Montana is a humongous state with a relatively small population of only one million people.

Travis divides the Network's activities into the two categories of proactive and reactive. Legislative efforts, for example, are (mostly) proactive, while research can be seen as reactive. One of the earliest victories of the Network was the setting-up of an official MLK Day. They also had a finger in the decriminalization of sodomy back in 2013, sixteen years after Gryczan v. State of Montana found that sexual conduct statute that banned homosexuality unconstitutional. These are only two examples of the Network proactively countering discrimination. They identify what is out there, and then take the initiative to fix the problem.

The research done by the Network, on the other hand, aims to raise awareness about the human rights abuses within the state. Something happens, they hear about it, and then write about it. While I was there, the Network published a report arguing that

the anti-Indian groups deserve "hate group" designations, and Travis was working on a report on an anti-trans activist. Occasionally, they will write warning-style pieces, which are still rooted in their previous investigations. Their reports are really accessible, as they are written with the average citizen in mind. Social media and community input are crucial for their investigative work. (Occasionally, however, a white supremacist might decide to quit his respective racist group and donate everything he has to the Network, essentially providing the Network with a gold mine. There was a shelf full of *White Man's Bible* copies in Rachel's office.)

In addition to research and policy work, the Network is also active on the streets. I happened to be in Montana during the Pride week and the Network was instrumental in the organization of the Helena Pride rally. They also arranged an event to protest the Trump administration's family separation policy. Rachel puts all this kind of stuff in a third category of organizing. Still, it seems to me that the research is what makes the Network a big player in the human rights field, especially in Montana. The reports they publish will make their way to local newspapers pretty quickly. The Network is seen by many people in the area as a reliable source of information.

As I have mentioned previously, I was sent to intern with the Network by Ken Stern, and he asked me to evaluate how the Network sees hate. This was especially important in the case of the Montana Human Rights Network because Ken had sent Katie Hopper, another student from Bard, last year to intern with them, meaning that we could now compare whether there have been any changes in the course of this past year. Unfortunately, or fortunately, depending on your viewpoint, my answer will be negative. After discussing the hate frame in her reflection paper, Katie had written in her paper,

That is not to say that the hate frame is not a useful tool. While it has its shortcomings, it still has value. But the world cannot be viewed from one lens; not everything fits into one box. After this mini-revelation, I realized that I hadn't even bothered asking the staff of MHRN whether or not they thought the hate frame was useful. It first struck me when I was interviewing co-director Kim and she said, "I don't use 'hatred.' I don't think it's useful. People think it's useful, this organization has thought its useful and I recognize that. It's just not particularly descriptive to me." Travis had similar notions, although he did find value in the use of the term. However, he thought that talking about hate is only particularly useful when talking to people who had a similar understanding and definition of what kind of hate we're talking about, not hate in the way kids feel about asparagus. The overall takeaway from this encounter is that when talking about hatred you have to know your audience. Do you share common ground or are you talking to the opposition? Neither?²

Similar sentiments came out during my interviews with Rachel and Travis. Travis expressed that the word is watered down: kids hate naps, sports fans hate opposing teams. These kinds of hatred are not like the hatred we associate with the Klan members or religious fundamentalists, at least not necessarily. The latter example of sports fans given by Travis, however, does share some commonalities with the Klan-style hatred. It identifies an "other" of some sort and demonizes or dehumanizes this other—this is how hate studies defines hate. This demonization does even result in Klan-like violence at times. After nearly each soccer derby in Turkey, we hear news of people getting stabbed by the fans of the opposing team. I am always careful not to wear a Galatasaray jersey if I am going to be hanging out near the Fenerbahce stadium in Istanbul.

If we are not using hate, what are we supposed to use? Travis prefers specificity, so does Rachel: anti-Indian, anti-gay, anti-Muslim, white supremacist and so on.

Expectedly enough, the hate group designation request for anti-Indian groups came up during my interview with Travis. If we are not using hate, why are we asking for a designation? For Travis, it is important to do this because it gets the word out and creates public awareness. Most people do not even know that there is an active anti-Indian movement. Additionally, if someone is really confused about what we mean by a hate

 2 Hopper, Katie, "Hate Through the Eyes of Montana Human Rights Network Through the Eyes of an Intern," JKR, September 22, 2017

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group, they can just check the definition provided by organizations such as SPLC: "an organization that – based on its official statements or principles, the statements of its leaders, or its activities – has beliefs or practices that attack or malign an entire class of people, typically for their immutable characteristics."

My most interesting conversation on hate in the office, however, was with Christine Kaufmann. Christine was hired back in the 90s by Ken Toole to be the first Executive Director of the organization. As she herself put it, she was known by everyone to be a lesbian, hence especially qualified for the job. Christine retired during the 2008 economic crisis so that Rachel and Kim can keep their job, and got involved in the local government instead. When I was there, she was voluntarily working on their archives.

Two statements Christine made during our interview stuck with me and deserve close attention. The first one is that "not all discriminatory acts are full of hatred." A school principal, for example, might end up having to enforce discriminatory policies if he feels trapped in the mechanism and does not have a proper way out. One can simply think of those Nazis who felt like they had no way out. Franz Stangl, who commandeered the Treblinka extermination camp, sincerely thought that there was no other option besides what he was doing. Let alone stopping the murders, he did not even think that he could change the way things were done in Treblinka:

Q: Could you not have changed that?... In your position, could you not have stopped the nakedness, the whips, the horror of the cattle pens?

A: No, no, no. This was the system. Wirth had invented it. It worked. And because it worked, it was irreversible.⁴

The fear of change is easy to see in Stangl's response: the sole state of functionality, a really low bar indeed, deemed the system irreversible. Never mind that

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³ SPLC, "Frequently asked questions about hate groups," October 04, 2017

⁴ Sereny, Gitta, *Into That Darkness*, Vintage Books, 1974: http://echoesandreflections.org/wp-content/uploads/2014/04/EchoesAndReflections Lesson Five Interview-InterviewWithFranzStangl.pdf

the aim that is being worked towards is belligerently wrong. Stangl failed to imagine a different outcome. I wish I had asked her, but I tend to think that Christine would not see Stangl as a "hateful" being. She defined hate, after some hesitation, as "a feeling more deeply held." Christine sees hate more like the way the general audience sees hate rather than the way hate studies define it. On the other hand, hate studies definition of hate would see Stangl as a hateful being as he dehumanizes the Jewish people by managing to compare them to "cattle in the pens." The very fact he aids a system that is inherently hateful is sufficient for the hate studies definition. A hateful person, as hate studies defines it, might not show any extreme emotion that Christine would interpret as hatred. We again find ourselves dealing with the gap between how different people define hate. Even Christine, who has been a part of the human rights community for a long time, does not completely align with the hate studies definition of hate. If hate studies is to progress, we need an exhaustive effort to change how the public sees and defines hate.

The second thing Christine said that I found important was that "hatred might be caused by previous discrimination." Without doubt we have seen this happen with the Nation of Islam and the New Black Panther Party. Quoting Ken on Louis Farrakhan:

Throughout 1984 and 1985, Farrakhan told his audiences that Jews were responsible for slavery, that they were "sucking the blood of our poor people that [they] might live well," that "Anti-black Jewish schemes [kept] blacks from moving on up," that "Jewish shopkeepers and landlords... swarmed the ghetto to preyupon our people ... like vultures."⁵

Similarly, King Samir Shabazz of the New Black Panther Party went on a vicious tirade targeting whites during a radio broadcast back in 2013:

We gonna need preachers going into the cracker churches throwing hand grenades on early Sunday morning when the cracker got his hands up, 'please white Jesus!' Well we gonna throw a bomb in that God damn church, burn up the cracker, burn up the cracker Jesus, and burn up some cracker white supremacy.⁶

⁵ Stern, Kenneth, "The Minister of Hate", J.O.I.N. Australia/Israel Review, 1998

⁶ ADL, "King Samir Shabazz: Bomb White Churches and Kill White Babies", August 24, 2012

Rachel and I talked a bit on the Nation of Islam's hate group designation by SPLC. While she condemns the calls and actions of the NOI, she is disturbed by the fact that Klan chapters and the Nation of Islam are on the same hate map, giving the sense that these two movements are on some sort of an equal level. Rachel believes that SPLC's hate map lacks an understanding of power dynamics, specifically of racial power in this case: the Klan is a violent racist organization aiming to undermine the humanity of racial minorities in this country, while the Nation of Islam is a reaction to the racism staged by the Klan and its alike groups. While the organizations' final states—especially in terms of the amount of hatred they preach—might resemble each other, due to their vastly different histories, one should be careful to equate them with each other, would say Rachel. That, however, does not change that fact that NOI is a hateful organization. Fighting fire with fire is not necessarily the best strategy either.

Just to be clear, the Network does not condone violence in any way, shape, or form. It does not even tolerate the potentiality thereof. Ken Toole previously confronted an employee for carrying a concealed firearm in the office. While I was there, Travis and Rachel were discussing whether they should ask a local activist to erase their name as a resource from the activist's article, as the local activist was suggesting that those countering bigoted rallies should not be outgunned, essentially asking the Left to arm up. Rachel once told me that there are specific ways of doing things in democracies, and an arms race is obviously not one of them.

When it comes to what I actually worked on, the Network recruited me as a research assistant, and asked me to do research on the Bundy standoffs from 2014 and 2016. Travis wants to put a report together this year on the Montanans associated with the

standoffs, as some high profile sovereign citizens from Montana have been involved in the incidents. Sovereign citizens believe that the American government is hijacked and the Constitution is violated. What is not in the Bill of Rights, they say, is invalid. Correspondingly, they engage in pseudo-legal activities that affirm them as sovereign citizens and supposedly help them detach from the federal government. For beginners, this is mostly to drive around the country without a license. The more experienced ones, on the other hand, run their own courts, where they "convict" government agents for treason. To get a better understanding of the sovereign involvement from Montana in the standoffs, Travis asked me to do both legal and social media research on these two events. I spent quite a bit of time around sketchy YouTube accounts and Facebook pages, and also in the state law library. The Network believes that there is an ongoing attack on public goods of many kinds in the United States, and they see these standoffs as a part of this offensive from the Right. The Bundy movement did this in at least two ways: taking over public lands, and undermining the rule of law by promoting jury nullification.

Before explaining what jury nullification is, however, let me give some background information on these incidents. In 2014, the federal government decided to confiscate Cliven Bundy's cattle to pay for his debt of near \$1 million in grazing fees, which has accumulated in the course of near three decades. As the BLM agents started confiscating his cattle, Cliven Bundy sent out a national call to arms to help him fight the tyrannical government, which resulted in a huge standoff in Bunkerville, Nevada, near the Bundy ranch on April 12, 2014, a sight reminiscent of old Western movies. The Bureau of Land Management agents, fearing for their security, left the scene and released the cattle. The related court case was dismissed by Judge Gloria Navarro this year due to

prosecutorial misconduct, as FBI mishandled evidence by incompletely disclosing what was known to them,⁸ and Navarro recently upheld her decision of mistrial with prejudice, arguing that the government's failure to disclose information regarding the surveillance of the Bundy ranch via cameras and snipers have prevented the defendants from pursuing a self-defense strategy in court.⁹

The Bundy family believes that the federal government does not have the constitutional authority to own land, so they disregard all sorts of federal regulations, including the grazing fees imposed by BLM. This line of thought can be traced back to the Posse Comitatus ("force of the county"), which eventually became the sovereign citizen movement, and also the Sagebrush Rebellion of 1970s and 80s. While the Posse promoted the idea that the county level is the highest legitimate form of government, the Sagebrush Rebellion furthered the feeling that the federal land policy is unfair to rural Americans out in the West. The Bundy case is the meeting point of these two ideologies, as Cliven Bundy insisted on talking to the sheriff and really no one else, and demanded continuously the opening of federal lands.

In 2016, two of Cliven Bundy's sons, Ammon and Ryan, took over the Malheur National Wildlife Refuge in Burns, Oregon as a response to the extended jail time of the Hammonds, who were convicted for arson on federal land. The Hammonds were involved in a near two-decade legal dispute with the federal government over public lands, and got convicted of arson in 2012 for the two fires they started in 2001 and 2006

⁷ The best resource on what happened on that day seems to be SPLC's report, "War in the West: The Bundy Ranch Standoff and the American Radical Right," written by Ryan Lenz and Mark Potok, published in July 2014.

https://www.splcenter.org/sites/default/files/d6_legacy_files/downloads/publication/war_in_the_west_report.pdf

⁸ Pérez-Peña, Richard, "Mistrial Declared in Bundy Armed Standoff Case", The NYTimes, December 20, 2017

⁹ "Judge upholds dismissal of charges in Cliven Bundy case," WorldTribune, July 5, 2018

to hide the traces of their illegal hunting. Similar to the Bundys, the Hammonds are frustrated by the federal conservation efforts and grazing permits, making them brothers in arms of the Bundys. The takeover near Burns was concluded with the death of LaVoy Finicum, a friend of the family. While most of those involved in the occupation have been convicted and sentenced, Ammon and Ryan Bundy, who organized the takeover, are currently free. ¹⁰ Ryan Bundy is running for Nevada governor as an independent, and is endorsed by Ron Paul.

Travis asked me to focus specifically on jury nullification, the idea that the jury can evaluate not only the evidence, but also the validity of the law invoked by the judges. If the jury thinks that the law is unconstitutional, or if they simply do not like the law for that matter, they can vote their conscience, the supporters of the doctrine say. This unorthodox constitutional theory was used to acquit Klan members from allegations of lynching, but then was also used in the 60s and 70s to help people get out of convictions related to anti-war protests. This idea fits in pretty nicely with the rest of Cliven Bundy's worldview, who thinks that the federal government is mostly unconstitutional at this point. Correspondingly, its laws are unworthy of attention. For example, Roger Roots, an attorney who has been preaching the doctrine of jury nullification for many years through the Fully Informed Jury Association, was helping the Bundy family throughout both cases. He was a legal advisor for Ammon Bundy during the Oregon trial. His past is full of racist activities, including the publishing of *Whites & Blacks 100 FACTS (and one lie)*, "but the word on the street is that he is a changed man now.

¹⁰ Wiles, Tay, "Acquitted, convicted, fined or free: after the Oregon Standoff," High Country News, April 12, 2018

¹¹ http://yun.complife.info/100facts.htm

What do these Bundy standoffs have to do with hatred? Well, there is the fact that Cliven Bundy is not sure whether black people are better off as slaves or as free Americans. While bragging to his friends during the standoffs, he asked: "[Are Black Americans] happier than they was when they [were] in the South in front of their homes with their chickens and their gardens and their children around them and their men having something to do?" As a result of these statements, many politicians, including Senators Rand Paul and Dean Heller, who initially supported the Bundys as they confronted the tyrannical government, withdrew their support from the Bundy movement But there is another story that deserves, in my opinion, a lot more attention. I have previously mentioned that Cliven Bundy sees the federal government as unconstitutional. Believe it or not, this is a common belief in conservative America. Rick Perry, the current Secretary of Energy, wrote a book arguing for it! Bundy's belief, however, has some conspiratorial overtones to it that might be absent in other versions of this bogus theory.

In a January 2016 statement released after LaVoy Finicum's death, Cliven Bundy says:

January 26, 2016, this week, LaVoy Finicum was assassinated by wicked and evil men representing our US government. These men in local, state, and US government feared the truths that LaVoy Finicum was standing for and teaching to his fellowmen. The truth about the supreme law of this land was more than these leaching bureaucrats could allow! The teaching of the true principles had to stop. Great fear needs to be put in the minds of We the People, great fear. (The work of the devil!) All is well. All is well in Zion. All is well in your government. There cannot be a cry go out for freedom, or for property rights, state sovereignty, local government closet to the people – government by the people – for the people. No, we cannot allow policing power be in the hands of We the People's elected county Sheriff. We the great bureaucracies rule and have unlimited power over these lands. We feed our family, we buy our houses, our cars, and our offices are air-conditioned. We have guns, cars with lights, sirens, the best communication equipment, good health care and a lush guaranteed retirement plan! We have unlimited power. We can buy up everything and every man's soul with their own money and with their 18 trillion dollar debt. We are prospering. We own the state government and their land. We buy and control their schools and their sheriff. We control the water in the river and under the earth. We control the airways, even the signals that pass around the world. We, the bureaucrat, are the supreme. We control, or at least we are about to control, the environment. We control all the endangered species

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¹² Newsone Staff, "Cliven Bundy Wonders Are 'Negroes Better Off As Slaves, Picking Cotton' [VIDEO]", NewsOne, April 24, 2014

¹³ Epps, Garrett, "Rick Perry Believes in a Liberal Conspiracy Against the Constitution", The Atlantic, September 15, 2011

of the creatures and plants. We control the elements in the earth and all the markets of the commodities of this earth. Yes, all is well in Zion!¹⁴

As seen in the text, Cliven's complaint in regards to "the great bureaucracies" goes beyond controlling the law and the police force. He claims that they "can buy up everything and every man's soul," that they "control, or at least we are about to control the environment," that they "control the elements in the earth and all the markets of the commodities of this earth." Cliven is not simply saying that the government is overreaching. He is saying that they have "unlimited power," doing anything they want. But who are these people with unlimited power? Throughout the passage, Cliven refers to the Book of Mormon by repeating the phrase, "All is well in Zion!" The Second Book of Nephi warns of the kingdom of the devil:

[16] Wo unto them that turn aside the just for a thing of naught and revile against that which is good, and say that it is of no worth! For the day shall come that the Lord God will speedily visit the inhabitants of the earth; and in that day that they are fully ripe in iniquity they shall perish.
[17] But behold, if the inhabitants of the earth shall repent of their wickedness and abominations they shall not be destroyed, saith the Lord of Hosts. [18] But behold, that great and abominable church, the whore of all the earth, must tumble to the earth, and great must be the fall thereof. [19] For the kingdom of the devil must shake, and they which belong to it must needs be stirred up unto repentance, or the devil will grasp them with his everlasting chains, and they be stirred up to anger, and perish; [20] For behold, at that day shall he rage in the hearts of the children of men, and stir them up to anger against that which is good. [21] And others will he pacify, and lull them away into carnal security, that they will say: All is well in Zion; yea, Zion prospereth, all is well—and thus the devil cheateth their souls, and leadeth them away carefully down to hell. 15

Cliven makes the claim that the US federal government, as it exists now, is the kingdom of the devil, which managed to "pacify, and lull them away into carnal security." People are unaware that they are oppressed by the feds, who control everything, argues Cliven, thus saying mockingly, "All is well in Zion!"

It is hard to neglect the anti-Semitic undertones of his conspiracy theory: he could have as well said the Eternal Jew instead of the great bureaucracies. Jews have been

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¹⁴ Bundy, Cliven, "News Release: Liberty Freedom For God We Stand", January 29, 2016

¹⁵ The Book of Mormon, The Second Book of Nephi, Chapter 28

accused throughout the history of controlling everything. The Rothschild family has become the go-to scapegoat for financial market conspiracy theorists. I am unfortunately not aware of any statements made by Cliven Bundy or the Bundy family that would tell us for sure that he harbors anti-Semitic sentiments, but his conspiratorial viewpoint definitely draws from the arsenal of anti-Semitic tropes, ¹⁶ and brings other anti-Semites into the group too. An important figure for the Bunkerville standoff, Ryan Payne, was pretty open about his anti-Semitism when he declared that there is "an effort by some Jews to control the world."

The Bundy ideology fosters a hatred of an interesting kind: hatred against the government agents. It is not based in race, religion, sex, gender, or class, at least not directly, but it still demonizes—literally: the kingdom of the devil—the government and its agents. The feds become a group just like the black people that Cliven Bundy has seen "in front of that government house." Different from the black people, the feds, as Cliven Bundy sees it, threatens the usual life of the ranchers, pushing them into a state of existential anxiety. Their response to this threat is to fight with whatever means necessary, whether that be not paying fines or bringing the militia in. The paranoiac perception of this threat aligns perfectly with the libertarian view that the government is evil and nothing else.

Jury nullification makes a lot more theoretical sense when seen in the light of the Bundy ideology. If the government is unconstitutional, overreaching, and all-controlling,

¹⁶ Additionally, the anti-public lands movement has a historical problem of anti-Semitism: http://theweek.com/articles/651204/racist-history-antipublic-lands-movement

¹⁷ "Montana Wingnut Who Says Slavery Never Happened Part of Armed Takeover of Government Offices in Oregon," Montana Cowgirl Blog, January 3, 2016: http://mtcowgirl.com/2016/01/03/montana-militia-man-who-says-slavery-never-happened-takes-over-government-offices-in-oregon/

¹⁸ Prokop, Andrew, "What did Cliven Bundy say about 'the Negro' in 2014?", Vox, May 14, 2015

you better detach from it in all ways possible. Disregarding the law you do not like is a good start. It is a way to reclaim our power as We the People. What a romantic view indeed! On the other hand, jury nullification does accept at least the legitimacy of the jury. When I say "detach," that should not be understood as complete disregard of any governmental entity. The Bundys do not want anarchy, they want the small government that they have been reading and romanticizing about, and the people's jury is a crucial part of this picture. Correspondingly, it makes sense to use that institution as a Trojan horse to infiltrate the tyrannical government and force it to go back to its supposedly libertarian roots.

The American West, with its gorgeous mountains and its big open skies, but also with its sovereign citizens, and rebel ranchers, deserves more attention than it currently receives. The Network believes that they saw the Trump presidency coming long before anyone did, because they have been observing the conservative (and libertarian) backlash brewing in the state of Montana. Studying the American West will teach a student of American politics more than he can ever imagine. Not only there is a fight out there for the soul of this country, but also the nativist strain in American politics, with its high potential for hatred, calls this landscape one of its homes.