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HUMAN RIGHTS NETWORK

Gary Marbut and His Montana Shooting Sports Association: Echoing the Posse Comitatus, Promoting Anti-Government Ideology

Guns and the Second Amendment are major topics of conversation across the country these days. Following the concert shooting in Las Vegas and exponentially increasing after the school shooting in Parkland, Florida, our country is looking for sensible solutions to America's continued problems related to gun violence. Some of the perspectives in that public debate come from the right wing, which has promoted the notion that more guns make communities safer and that armed paramilitaries guarding public buildings is a possible solution. Within this overall context, Gary Marbut and his Montana Shooting Sports Association (MSSA) continue their tradition of promoting anti-government "patriot" doctrine with the goal of pushing it into public policy. This election cycle, the survey Marbut is circulating to [sheriff candidates](#) leaves no question. It's clear that Marbut wants the county sheriff to operate in the style envisioned by the 1970's Posse Comitatus, a white supremacist and anti-Semitic group, and later adopted by the 1990's militia movement.

Supremacy of the County Sheriff

It's not hard to find right-wing activists promoting county supremacy in communities across Montana and the western United States. Sometimes they stress the supposed ability of the county commission to control all the land within its boundaries and ignore environmental regulation in favor of extractive industry. Other times they focus on claims that the county sheriff is charged with keeping federal agencies from enforcing tax collection, firearms laws, environmental regulations, and other laws. Frequently, activists, especially at the community level, promote both versions of county supremacy at the same time, which helps ignite anti-

ANTI-GOVERNMENT "PATRIOT" MOVEMENT

The anti-government "patriot" movement is based on a hatred and distrust of the federal government, which "patriots" justify through conspiracy theories. These conspiracies, largely based in anti-Semitism, fixate on secret cabals intending to subvert Americans to a shadowy one-world government. In the conspiracy theories, the federal government is often in cahoots with other entities like the United Nations, and many "patriots" believe they will ultimately have to fight off an invasion by these supposed "New World Order" forces. This movement's activists have been known to use threats of violence to bully communities and government officials. In western states, this movement often organizes around natural resource issues. Well-known examples of "patriot" activists include the Militia of Montana, the Montana Freeman, the Bundy Family, and the Oklahoma City bomber.

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government sentiment in local communities.

County supremacy focused on the sheriff traces back through the 1990's militia movement to the Posse Comitatus of the 1970s and 1980s. Latin for "power of the county," the Posse Comitatus combined racism, anti-Semitism, and paramilitary organizing. The Posse believed citizens weren't subject to state or federal authorities, and that the county sheriff was the highest legitimate law officer. The group swore to use force to oppose any perceived encroachment by federal institutions and expected sheriffs to "protect" county residents from agencies seeking to enforce federal law and regulations.¹

Posse ideology combined with two incidents in the early 1990s—Idaho's 1992 Ruby Ridge standoff and the 1993 siege of the Branch Davidians in Waco, Texas—to serve as the catalyst for the 1990's militia movement, which was the start of the modern "patriot" movement. Waco and Ruby Ridge provided anti-government activists with vivid examples for their emerging message. They claimed the federal government's actions at [Ruby Ridge](#) and [Waco](#) manifested its real agenda to forcibly disarm and kill citizens who didn't accept one-world government. As the militia movement evolved, the idea of sheriff supremacy became a main tenet.

As various groups promoted Posse-styled sheriff supremacy over the years, it's become a common belief that surfaces frequently in numerous situations and contexts. One recent example was when anti-government scofflaw Cliven Bundy, whose family has engaged in two major armed standoffs with federal agencies in recent years, spoke in Paradise, Montana, earlier this year. He and his fellow speakers frequently invoked this notion. Bundy claimed the sheriff should protect "patriots" from federal agencies, including during situations like those the Bundy Family has caused and escalated.²

For decades, Marbut has played an integral role in ferrying anti-government doctrine into the political mainstream, especially when it comes to sheriff supremacy. He positions himself as a respected lobbyist and an expert on gun laws in Montana. Capitalizing on the perceived political clout of the gun lobby, he wields influence at the legislature, and many lawmakers believe he and MSSA have the power to ruin their political careers. What these legislators and the public don't recognize is that, while he's pretending to be a policy expert, Marbut has been calling for Montana to secede from the Union, offering organizing tips to the Militia of Montana, and generally promoting extreme right-wing ideology. Because of this, the Network profiled him extensively in its 2003 report [Shooting for Respectability](#) which examined the role the militia movement played in framing the debate over the Second Amendment.

Marbut has routinely distributed questionnaires to sheriff, Congressional, legislative, and county attorney candidates over the years. The Network decided to highlight the sheriff questionnaire this year because of the extremist concepts Marbut has included. The analysis of the questionnaire will note when there is crossover with his legislative and county attorney questionnaires.

Sheriff Questionnaire: Marbut's Anti-Government Checklist

Promoting the Posse's View of the Sheriff

As mentioned above, the notion of sheriff supremacy is a common-held belief by right-wing extremists dating back to the Posse Comitatus of the 1970s. Gary Marbut has consistently promoted sheriff supremacy since the 1990s, and his questionnaire for sheriff candidates in 2018 includes three questions steeped in this tradition.

One of the questions is a standard one, asking if candidates would come to Helena to testify on behalf of a bill Marbut has drafted, which he euphemistically calls his "Sheriffs First" bill. The bill requires federal agents to obtain the written permission of the sheriff before "conducting an arrest, search, or seizure." The 1995 legislative session illustrates the bill's militia roots. As the bill went through its legislative process, it was referred to as the "No More Wacos Bill." In committee testimony, Marbut invoked both Waco and Ruby Ridge as reasons for the bill's necessity. During committee hearings, supporters included activists affiliated with the Militia of Montana and Montana Freeman, along with a notorious anti-Semitic tax protester. While the bill passed both legislative chambers, Republican Governor Marc Racicot vetoed it, saying it was unconstitutional. That hasn't stopped Marbut from introducing it during most subsequent legislative sessions.³

Both the 2018 questionnaires for sheriff and [legislative candidates](#) ask for support of this Posse-inspired bill. Marbut's sheriff questionnaire contains two other questions related to sheriff supremacy. The first question on the survey asks if the candidate generally supports sheriff supremacy by agreeing that "the sheriff has more authority than other state and federal law enforcement officials." Marbut also asks both sheriff and legislative candidates if they will support his effort to insert these Posse-styled views of the sheriff into the Montana Constitution through the referendum process.

Endorsing Anti-Government Extremists – Richard Mack and Oath Keepers

In his sheriff questionnaire, Marbut specifically asks candidates to indicate their knowledge and support of two "patriot" entities. One question concerns [Richard Mack](#) and his Constitutional Sheriffs and Peace Officers Association. Mack, a former county sheriff in Arizona, became a hero to the militia movement during the 1990s when he sued the federal government over the Brady Bill, a gun control measure. He began speaking on the anti-government circuit in the early 1990s and never stopped. Mack has been described as "one of the chief contact points between the NRA and the militias."⁴

In Arizona, Mack was elected Graham County Sheriff in 1992 with 57% of the vote. After filing his lawsuit, it was consolidated with a similar one by a sheriff in Montana, Ravalli County Sheriff Jay Printz. The U.S. Supreme Court ruled 5-4 in favor of the sheriffs who claimed it was unconstitutional for Congress to compel local law enforcement to conduct background checks on potential gun buyers. However, Mack's lawsuit and speaking time on the "patriot" circuit became central issues during his 1996 re-election bid, and he lost in the primary.⁵

Mack became the "patriot" movement's Pied Piper of the Posse's views on the county sheriff, and his statements make that clear. "The federal government doesn't have any jurisdiction to tell me what to do as sheriff," he's said.⁶ In a 2009 interview, Mack stated he "prayed for the day that a sheriff in this country will arrest an IRS agent" for enforcing tax law.⁷ Following the Oklahoma City bombing, which was perpetrated by a militia adherent, Mack complained that "people get all upset when they hear about militias," but there was nothing wrong with these violent anti-government groups. Instead, he said he "wouldn't hesitate for a minute to call out my posse against the federal government if it gets out of hand."⁸

Mack's latest creation, the Constitutional Sheriffs and Peace Officers Association, tries to recruit law officers to the anti-government cause while promoting sheriff supremacy. Marbut and Mack have a history outside the sheriff questionnaire. It includes Marbut getting Ravalli County Sheriff Jay Printz to be the lead sheriff in the lawsuit that eventually combined with Mack's over the Brady Bill.⁹ In 2009, Marbut spoke at events with Mack around Montana.¹⁰

The second "patriot" entity in Marbut's sheriff questionnaire is the [Oath Keepers](#). Marbut asks candidates if they agree with the group's "Orders We Will Not Obey." Like Mack's group, Oath Keepers is an anti-government entity dedicated to recruiting law officers and military personnel into the "patriot" movement.

Based out of Montana since 2010, E. Stewart Rhodes founded Oath Keepers in 2009. Rhodes is an attorney by training and an Army veteran.¹¹ He is a popular speaker on the anti-government circuit, appearing at events in Montana and around the country. He's claimed that states have the right to disregard any federal law, and he has encouraged the formation of militia groups.¹² Rhodes has used violent rhetoric in his political commentary, once saying U.S. Sen. John McCain (R-AZ) should be "hung by the neck until dead."¹³ In 2015, the Montana Supreme Court disbarred him from practicing law in the state for violating the oath he took as an attorney.¹⁴

Following the recent school shooting in Florida, Oath Keepers announced a plan to post its armed members at schools and colleges.¹⁵ When an Indiana Oath Keeper did this at a local high school, the school district responded that having the Oath Keeper, who had a criminal record, and his AR-15 rifle near the school did not add “to the safety of our students.”¹⁶ In response to a 2015 Tennessee shooting that killed military personnel, the Oath Keepers announced their armed members would be guarding recruiting centers.¹⁷ When an armed Oath Keeper showed up at the Armed Forces Career Center in Kalispell, a spokesman for the Army said it opposed having “armed civilians” outside their offices.¹⁸ The Oath Keepers also participated in both of the armed standoffs between federal agencies and members of the Bundy Family in [Nevada](#) and [Oregon](#).

Marbut’s connection to the Oath Keepers didn’t start with the sheriff questionnaire. In late 2010, he presented at the Montana Oath Keepers’ Liberty Leadership Conference, which also featured Rhodes. At the event, attendees discussed forming a militia in every county and supporting Marbut’s sheriff supremacy bill.¹⁹ Marbut helped drive turnout for the event by promoting it on MSSA’s e-mail list.²⁰

The [Oath Keepers’ “Orders”](#) document referenced by Marbut’s questionnaire encapsulates many of the one-world government conspiracy theories undergirding the “patriot” movement. Oath Keepers wants law officers and military personnel standing on the frontlines with “patriots” for this battle. The group’s “Orders We Will Not Obey” includes not following orders that would disarm citizens, place citizens in detention camps, or assist foreign troops on American soil.²¹

Supporting Militias Using Another Name – The Home Guard

In keeping with his anti-government theme, Marbut also includes a question on both the sheriff and legislative questionnaires about the “Home Guard” legislation he has drafted and introduced during previous sessions of the Montana Legislature.²² Marbut frames the issue as creating an alternative to the National Guard that could never be federalized and could only be used in the state. However, versions of his bill have contained provisions that could facilitate creating local militias. Members of the Oath Keepers in Montana have supported the policy, and Marbut spoke about the idea at the Montana Oath Keepers conference mentioned above.²³

Promoting Anti-Government “Patriots,” Undermining Law Officers

In the same questionnaire where Marbut asks sheriff candidates to indicate their support for anti-government groups, he also includes a question asking them to undermine the Montana Sheriffs and Peace Officers Association (MSPOA), the mainstream entity representing law officers around the state. The question says that, due to MSPOA, sheriffs in Montana have gotten an “undeserved reputation” as “the most anti-gun people” in the state. Marbut further says that MSPOA has “testified against almost every pro-gun bill” introduced at the legislature, which he concludes has “squandered the political capital of sheriffs.” The potential answers candidates can select involve three different options to help “fix” MSPOA, one to continue MSPOA’s “anti-gun activism,” and finally an option saying the candidate isn’t interested in this issue.

As it’s easy to tell, MSPOA’s consistent opposition to Marbut’s anti-government policies, especially his sheriff supremacy policy, angers the head of MSSA. The reason for MSPOA’s opposition to Marbut’s agenda is easy to understand – law enforcement rightly views the “patriot” movement as a threat. A 2014 national survey of law enforcement agencies ranked sovereign citizens, part of the “patriot” movement, as the most pressing terrorist threat.²⁴ The militia movement was also ranked high.²⁵ Right-wing extremists have killed more than 30 law officers since 2001, according to the Anti-Defamation League.²⁶ By asking sheriff candidates to pledge allegiance to groups like the Oath Keepers, Marbut is asking them to support a movement that frequently targets law enforcement with threats and, sometimes, violence.

Repeating the Fallacy of “More Guns, Less Crime”

The sheriff survey also contains numerous questions promoting the erroneous belief that more guns in public spaces make communities safer. One question asks candidates to indicate their support for legislation that would allow people with concealed weapon permits to carry in locations currently not allowed in the law, such as bars, banks, and public

buildings. Another question asks if a candidate would support eliminating the requirement to get a permit to carry a concealed weapon anywhere in Montana, while another proposes arming school staff to respond to school shootings.

These proposals fall under a popular right-wing argument based on dubious research that having more guns creates safer communities. This notion has frequently been debunked as studies have shown it to be based on flawed research. For instance, a Harvard researcher used the same methodology as a prominent gun rights researcher and applied it to a survey asking people if they had ever seen, or had contact, with a space alien. Using the gun rights methodology, the researcher found that results would indicate that almost 20 million Americans had seen a spaceship, and more than one million had met space aliens. Legitimate academic studies have shown that lax gun laws, if anything, increase crime and homicide rates.²⁷

Gary Marbut: “Patriot” to the Core

The anti-government content of the sheriff questionnaire isn’t an exception when it comes to Gary Marbut. It’s the rule. While he has long portrayed himself as a legitimate policy expert, Marbut has also trafficked anti-government ideology into mainstream politics for decades. A consistent presence at the Montana Legislature, he generally presents himself as the head of his Montana Shooting Sports Association, a policy expert on gun rights, and/or a backer of interests related to shooting sports. In reality, Marbut’s ideology trends much more to the extreme. The Network detailed this extensively in its 2003 report, [Shooting for Respectability](#), which examined how the militia movement influenced the public debate about the Second Amendment and gun rights policy. A few examples, in addition to the others listed above, of Marbut’s anti-government extremism follow.

- In 1994, Marbut recommended that Montana secede from the Union when Congress passed a gun control measure. 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.”²⁸ When Republicans won control of Congress in November 1994, Marbut withdrew his plan. However, Marbut hasn’t ruled out reintroducing it and proudly told a reporter in 2000 that he still had it on his computer ready to go.²⁹
- Marbut offered organizing tips to the Militia of Montana, which the anti-government group then shared with its followers. He recommended that “patriots” call themselves a “Neighborhood Watch” when organizing a group, as that doesn’t “raise nearly as many red flags.”³⁰ Throughout the 1990s and early 2000s, the Militia of Montana often circulated information about how to become a member of MSSA, notices for its weapons training class, and MSSA’s fundraising appeals.³¹
- Marbut has supported policy urging Montanans to own firearms suitable for use in what was called the “unorganized militia,” which is a “patriot” code word for groups like the Militia of Montana.³² While a legislative committee ended up killing the proposal, Marbut said it was a good idea, because it would help people form militias.³³
- Marbut has consistently peddled the same one-world government conspiracy theories that provide the underlying basis for the “patriot” movement. One example came from a column he wrote that was published in the Militia of Montana’s newsletter. He warned that “global power brokers” wanted to achieve “global government,” and that individual rights were being reduced to “ease our assimilation into the global governance of the New World Order.”³⁴
- The Militia of Montana’s newsletter isn’t the only extremist publication to print Marbut’s musings. In the early 2000s, his writings appeared in: the *Sierra Times*, an online publication run by a militia leader from Ohio; *The*

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Jubilee, a paper catering to followers of a white supremacist and anti-Semitic theology called [Christian Identity](#); *The Spotlight*, an anti-Semitic tabloid published by [Willis Carto's](#) Liberty Lobby; and the right-wing conspiracy peddling [Worldnet Daily](#).³⁵

- Marbut avidly supports the Fully Informed Jury Association (FIJA) and its efforts to promote an idea called “jury nullification.” FIJA claims that a jury has the right to “judge both the law and the evidence in the case before it.”³⁶ This tactic is known as jury nullification. It says juries can render judgment based solely on their conscience. 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.”³⁷ 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 tried to use jury nullification for the benefit of white supremacists, militia activists, and the Bundy Family.³⁸

For years, Marbut’s MSSA website has had a section dedicated to “Fully Informed Juries” with a direct link to FIJA’s site.³⁹ In late March 2018, Marbut wrote a guest opinion that ran in multiple newspapers explaining jury nullification as a way to avoid obeying laws a person doesn’t like.⁴⁰ His 2018 questionnaire for both legislative and [county attorney](#) candidates included questions about jury nullification.

Conclusion

Gary Marbut has been treated as a legitimate source of policy information for too long. He is not primarily a lobbyist for gun interests. Instead, he fits squarely in the anti-government “patriot” camp. He doesn’t offer solutions to make Montana communities safer. Instead, he promotes and elevates doctrine from a movement seeking to turn our communities into armed camps preparing to fight off an impending invasion by one-world government boogeymen.

The national conversation right now is focused on finding sensible solutions to address the country’s gun violence problems. Continuing to treat Marbut as a legitimate source of information does nothing to move our communities towards those goals. Primarily, though, he wants sheriff candidates to indicate their allegiance to anti-government doctrine that frequently targets law enforcement with violence. In his sheriff questionnaire, Marbut is asking law officers to support organizations and principles that fundamentally oppose law and order by promoting entities like the Oath Keepers.

“Don’t legitimize Marbut and his Posse-styled beliefs by answering his questionnaire,” says Travis McAdam of the Montana Human Rights Network. “The answers sheriff candidates are looking for when it comes to making their communities safe will not be found through Gary Marbut and his Montana Shooting Sports Association.”

¹ Montana Human Rights Network and Coalition for Human Dignity, *Racist to the Roots: John Trochmann and the Militia of Montana*, 1995; James Ridgeway, *Blood in the Face*, 1991, pp. 109-141.

² Montana Human Rights Network, Archives, Notes from Freedom and Property Rally, Jan. 20, 2018.

³ Montana Human Rights Network, [Shooting for Respectability](#), 2003, p.15-16.

⁴ David Neiwert, *In God’s Country*, 1999, p. 332

⁵ Daniel Levitas, *The Terrorist Next Door*, 2002, pp. 309-310; Associated Press, May 26, 1999.

⁶ *Bismarck Tribune*, April 23, 1995.

⁷ Oath Keeper Sheriff Richard Mack, YouTube Video, April 19, 2009.

⁸ Jack Anderson, *Inside the NRA*, 1996, p. 84.

⁹ *Missoulian*, Feb. 21, 1994.

¹⁰ Montana Human Rights Network, [Militia “Sheriff” to Appear in Montana Communities](#), July 2, 2009.

¹¹ Anti-Defamation League, *Rage Grows in America: Anti-Government Conspiracies*, November 2009, p. 30.

¹² Southern Poverty Law Center, [Extremist Files – Elmer Stewart Rhodes](#).

¹³ *Arizona Republic*, May 12, 2015.

¹⁴ *Wall Street Journal*, Nov. 2, 2015; Montana Supreme Court, Order, December 8, 2015.

¹⁵ *Washington Post*, Feb. 27, 2018.

¹⁶ WPTA21.com, Feb. 23, 2018.

¹⁷ KPAX, July 30, 2015.

¹⁸ Ibid.

¹⁹ Oath Keepers, Website, Jan. 2, 2011.

²⁰ Montana Shooting Sports Association, E-Mail, Dec. 16, 2010.

²¹ Oath Keepers, Website, “Declaration of Orders We Will Not Obey.”

²² Free State Project, E-mail, Nov. 5, 2000.

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- ²³ Montana Oath Keepers, Website, Feb. 4, 2011; Montana Human Rights Network, Archives, Notes from Oath Keepers Conference, Dec. 18, 2010.
- ²⁴ *The Guardian*, May 15, 2017.
- ²⁵ Ibid.
- ²⁶ Ibid.
- ²⁷ Montana Human Rights Network, [Shooting for Respectability](#), 2003, p. 54-56.
- ²⁸ *Ravalli Republic*, Sept. 6, 1994.
- ²⁹ *Missoula Independent*, June 1, 2000.
- ³⁰ Militia of Montana, E-Mail Alert, Jan. 3, 2000.
- ³¹ A few examples: Militia of Montana, E-mail Alerts, Nov. 23, 1999, March 20, 2002, Nov. 15, 2001, Feb. 21, 2003, and April 9, 2003.
- ³² 1995 Montana Legislature, House Joint Resolution 18.
- ³³ Montana State Law Library, 1995 Montana Legislature, Testimony on House Joint Resolution 18.
- ³⁴ Militia of Montana, *Taking Aim*, April 1998.
- ³⁵ Montana Human Rights Network, [Shooting for Respectability](#), 2003, p.18-19.
- ³⁶ Fully Informed Jury Association, *Juror's handbook*, July 12, 2001.
- ³⁷ Ibid.
- ³⁸ Montana Human Rights Network, [Shooting for Respectability](#), 2003, p. 13-14; *Mother Jones*, Nov.7, 2017.
- ³⁹ Montana Shooting Sports Association, Website, March 28, 2018.
- ⁴⁰ *Missoulian*, March 25, 2018.