

More Angry Men

Militias Are Joining Jury-Power Activists To Fight Government Tax Protesters, Survivalists Benefit From Message: Jurors Can Ignore Law 'Red' Beckman's Revenge

By WADE LAMBERT

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When 11 Branch Davidians went on trial for murder last year, the jurors were mailed pamphlets telling them they needn't convict if they didn't want to — regardless of the law.

This was surprising on two counts: The judge had already informed the jurors that their identities would be kept secret and also that they had an absolute obligation to follow his legal instructions.

But the Fully Informed Jury Association, which mailed the pamphlets, learned the jurors' names after a supporter followed them to a secret parking lot and jotted down their license-plate numbers. And the group invoked history to contradict the judge: For centuries, it wrote, juries have fought bad laws by vetoing wrongful prosecutions.

The group's view that jurors have this power, and should be told about it, has attracted many mainstream supporters in recent years. They say so-called jury nullification reflects the citizen's right to check occasional abuses by the government. So respectable is this idea that lawmakers in 22 states have introduced jury-power legislation proposed by FIJA.

Part of the Arsenal

But FIJA's attempt to influence the Branch Davidian case reveals the group's other, more unsettling side: Many of its officials and followers are active in the militia movement, which considers jury nullification a key part of its antigovernment arsenal. The government can exercise no power over its citizens if jurors refuse to enforce the government's laws, militia leaders say. And it doesn't take a majority to neutralize all tax and gun laws — just a few stubborn jurors.

FIJA officials have distributed jury-nullification materials to potential jurors in cases involving Rudy Stanko, a white supremacist who has called for a "holy war" against Jews and blacks, and Randy Weaver, whose standoff with federal agents became a rallying cry for the militias. (Mr. Stanko was convicted of selling cattle without inspection certificates; Mr. Weaver was convicted on minor charges but acquitted of murder.)

FIJA officers also held one of the first protests of the federal raid on the Branch Davidian camp in Waco, Texas. And when the jury acquitted the defendants of all murder charges in February 1994, the group sent the jurors another mailing, this time thanking them for their verdicts. On April 19, FIJA officials were back at the site of the camp for a two-year-anniversary memorial; there, they learned of the Oklahoma City bombing, which authorities believe was motivated partly by revenge for the Waco raid.

M.J. "Red" Beckman, a leading FIJA theorist and militia activist from Billings, Mont., says he now hopes to see FIJA's principles put to work in the bombing case. "Wouldn't it be interesting," he asks, "if, when they impanel a grand jury to investigate this terrible thing in Oklahoma City, the grand jury came out and said we will not investigate things in Oklahoma City without



M.J. "Red" Beckman

also having an investigation of Waco?" Like many in the militia movement, he says he believes the bombing was "a government operation" because "they needed something desperately to be able to point the finger at the militia."

Such statements have led Christine Kaufmann, executive director of the Montana Human Rights Network, to conclude that "FIJA is an organizing tool for right-wing extremist groups." The network, which monitors hate crimes in the state, has only recently turned its attention to FIJA's connections to extremists.

Don Doig and Larry Dodge, two Montana men who are members of the Libertarian Party and who founded FIJA in 1989, agree that FIJA and the militia movement share many concerns about government power. They say gun shows and survivalist conventions have become among the most popular forums for FIJA. People in the militia movement "are more constitutionally inclined," says Mr. Dodge, who now lives in Dallas. "We get a lot of support from people who are concerned that the Constitution is being trashed, particularly the right to defend yourself with your own guns."

The connection between the two movements is hardly new, adds Mr. Doig, who lives in the trailer that also serves as FIJA headquarters in Helmsville, Mont., population 30. The FIJA "Jury Power" kit that was mailed to the jurors in the Branch Davidian case is based on a Citizens Rule Book that has long circulated in the Patriot movement, of which the militias are a part. "We just took the thing to a whole other level," he says. "FIJA broadened the appeal."

The Citizens Rule Book quotes the Bible
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as often as it cites the Founding Fathers and states that "there is a great deal of suspicion" about whether the 13th Amendment, which ended slavery, is legally in effect. FLJA officials agree that juries should be able to raise questions about the legality of some constitutional amendments, although they don't refer to slavery specifically. "There is some doubt as to whether some others of [the amendments] were legally ratified," says Mr. Doig. "The income-tax amendment is one that has been fairly well documented as fraudulent."

The source for such claims, and the author of some of the most controversial material distributed by FLJA, is Mr. Beckman, an imposing figure at 6 feet 4 inches tall, with a sonorous voice and bushy red sideburns. Messrs. Doig and Dodge warmly call him the "granddaddy" of FLJA.

"We're headed for major adjustments in this country. Major adjustments," says the 66-year-old former hubcap salesman and small-time rancher who is one of the most popular lecturers on the far-right-wing circuit. "They are going to come either from the jury and grand jury, or they will come by violence and bloodshed. . . . We need to have the militia out here in case [FLJA] fails."

Mr. Beckman's self-published books and videotapes are snapped up at militia gatherings. His two-hour "Fully Informed Jury" video is listed in the Militia of Montana's catalog along with a how-to book on breaking out of prison.

In the videotape, Mr. Beckman urges followers to use their votes on grand juries and trial juries to effect political change. "We don't have to have this absolutely impossible majority that it takes to control the Congress to get rid of that bad law," he

says in the video, referring to the fact that a single juror can prevent the unanimous verdict needed to convict. "We don't need a majority to elect a president who will sign a law that eliminates the Internal Revenue Service and the graduated income tax."

Mr. Beckman, who lost his house last year after a 20-year battle with the IRS, contends that 12 unidentified bankers routinely rig the U.S. presidential elections. He also claims that the "law of grammar," something akin to the literal interpretation of the Bible, dictates the real meaning of tax statutes and the Constitution.

His 1984 book "The Church Deceived" describes Jews as followers of Satan who today control "our government, our major media, our banks and legal profession." The book, which is listed for sale in some FLJA brochures, says: "They talk about the terrible holocaust of Hitler's Nazi Germany. Was that not a judgment upon a people who believe Satan is their god?"

Mr. Beckman contends that his views aren't anti-Semitic. "I have a serious problem with any religion that would rule the world," he says. "I have more disagreements with Baptists than I do with the Jews."

'Handwriting on the Wall'

FLJA's ties to the far right are most conspicuous in its home state of Montana. Driving through Billings in his Dodge van, past newly painted swastikas on the walls of the Billings Visitor Center and another building, Mr. Beckman says that abuses of power by the federal government have driven people into the militia movement. "The militias are made up of victims," he says. "They see the handwriting on the wall."

Together, FLJA and militia members are pushing for state legislation requiring

judges to tell juries explicitly that they can decide the law for themselves. So far, FLJA's jury bill has passed the Oklahoma House of Representatives, the Arizona Senate and legislative committees in Utah and Montana.

Mr. Beckman's involvement with the militia movement led the Montana Human Rights Network to fight the FLJA bill this year. After the bill was approved by the state House Judiciary Committee, it was defeated on the House floor. "Our concern about it was pretty much Red Beckman and his ties to all of this," says Ms. Kaufmann, of the state Human Rights Network.

Kamala Webb, a prominent militia organizer in Bozeman, is another force behind the militia/FLJA alliance. FLJA's Montana coordinator until a few weeks ago, Ms. Webb stirred up controversy in March when she distributed white-supremacist tracts to some Montana state legislators. Mr. Doig, FLJA's national coordinator, also highlighted the connection between the movements when he participated in a "No More Wacos" meeting in Billings that featured Bo Gritz, who ran as former Klansman David Duke's vice presidential candidate, and Jack McLamb, whose "Operation Vampire Killer 2000" is the Bible for believers in New World Order conspiracies.

Conspiracy Theories

Brian Schnitzer, a Billings doctor who is Jewish, says the militia movement often touts its programs in ways that appear legitimate, such as discussions of the fully informed jury act. "The programs are often billed as educational programs. People attend them in suits, not fatigues," he says. But the meetings typically veer into the conspiracy theories of the far right; at tables in the back, FLJA brochures share

space with information about neo-Nazis, the Militia of Montana and other extremist organizations, Dr. Schnitzer says. "There's tremendous overlap."

Elsewhere around the country, FLJA's connections to the far right are also strong. Marvin Marvin Surowitz, assistant Michigan state coordinator for FLJA, estimates that perhaps half of FLJA's members nationally are militia supporters. Mr. Surowitz, one of the original members of FLJA in 1989, says he has evolved from an anti-drug-law libertarian into a militia backer. "The Patriot movement wants the federal government to quietly go away," he says.

Yet the company that FLJA keeps on the far right so far hasn't deterred more-mainstream supporters who see jury nullification as a heartfelt attempt to remind jurors that they can vote their conscience. Many supporters say they want jurors to know that they can take into account special circumstances, such as the battered-wife syndrome or use of marijuana for medical purposes, in deciding not to convict people who have clearly violated the law.

Although judges routinely tell juries they must apply the law whether they approve of it or not, the truth is that jurors can't be punished for disregarding those instructions. And because a defendant can't be tried twice for the same charges, an acquittal is essentially an unappealable veto of the government's case. All FLJA really adds is the insistence that jurors be informed of their power by the court.

Mainstream Supporters

FLJA's agenda "is not such a radical departure," says Jack Wells, the Montana representative who introduced the jury-nullification bill in the state House. "It was part of our legal system for a number of years." Mr. Wells says he was offended when an opponent of the bill began reading from the charter of the Aryan Nation, a white-supremacist group, and argued that jury nullification was "in consonance with their philosophy."

In Oklahoma, where FLJA legislation was passed by the state House but hasn't

made it out of a state Senate committee, FLJA coordinator Lorianne Horner says jury nullification is seen by many people as a way to make sure that defendants are treated fairly. She says supporters of FLJA in Oklahoma have fought not to be viewed as part of the "fringe judicial groups, the quasimaniacs."

FLJA's critics—mostly judges, bar associations and prosecutors—say that jury nullification already occurs in cases where jurors are uncomfortable with the government's case. Telling jurors explicitly that they can overrule the law whenever they choose would lead to biased verdicts and anarchy in the court system, they say.

FLJA backers, meanwhile, shrug off their failure so far to win passage of their legislation. "We win, even if we lose, if the publicity comes out. Jurors already have the power—we just have to get the word out," says Godfrey Lehman, a longtime FLJA activist in California. Indeed, FLJA says it has been the subject of some 1,000 articles in newsletters and newspapers, including a front-page piece in this newspaper in 1991.

Deriding Legal Scholars

Mr. Beckman clearly is relishing his prominent place in the FLJA publicity: "They call me the Montana philosopher," he says, "the Thomas Paine, they call me, of the 20th century." Mr. Beckman, a high-school graduate, says his understanding of the Constitution is more accurate than that of scholars, whom he derides in his videotape for "the lies you believe that qualified you for that Ph.D."

He adds that his work with FLJA and his books on the legal system make him a more influential voice than some militia leaders who have appeared on television in fatigues since the Oklahoma City bombing last month.

"I adjusted my priorities a long time ago. FLJA is the most important thing in this country," Mr. Beckman says. "I'm not some wild-eyed radical out here who's been some hell-raiser. . . . I've got a credibility out there in the freedom movement that a lot of them don't have."