

1 **JOEL F. HANSEN, ESQ.**
Nevada Bar No. 1876
2 **HANSEN RASMUSSEN, LLC**
1835 Village Center Circle
3 Las Vegas, Nevada 89134
(702) 385-5533
4 joelh@hrnvlaw.com
Attorney for Defendant

6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,
10 Plaintiff,

CASE NO. 2:16-cr-00046-GMN-PAL

11 vs.

12 CLIVEN D. BUNDY, et al,
13 Defendants

14 **CLIVEN BUNDY’S MEMORANDUM IN OPPOSITION**
15 **TO PROPOSED PROTECTIVE ORDER**

17 Cliven Bundy strenuously objects to the government’s proposed “protective” order. In the
18 words of the Declaration of Independence, “when [after] a long train of abuses and usurpations,
19 pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism” it
20 becomes clear that the BLM, the federal government, and the prosecutors intend to continue the
21 violation of Cliven Bundy’s (and all of the cowboys’) God given Constitutional rights.

23 The BLM has violated Cliven Bundy’s First Amendment rights of conscience, free speech,
24 freedom of the press, right to peaceably assemble, and right to petition the government. Cliven
25 Bundy’s religion and conscience tell him that it is unconstitutional for the federal government to claim
26 it owns 90% of Nevada. The government’s Court papers accused him of “unprincipled views.” Since
27 when does the US government get to tell us that our views are “unprincipled?” Your proposed
28

LAW OFFICES
HANSEN RASMUSSEN, LLC
1835 Village Center Circle
Las Vegas, Nevada 89134
Telephone: (702) 385-5533
Facsimile: (702) 382-8891

LAW OFFICES
HANSEN RASMUSSEN, LLC
1835 Village Center Circle
Las Vegas, Nevada, 89134
Telephone: (702) 365-5533
Facsimile: (702) 362-8891

1 “protective order” is nothing but an attempted cover up--a gross violation of the people’s right to know
2 what is happening in the case by drastically curtailing the freedom of the press. It is apparent that the
3 purpose of the “protective” order is to protect the government from the embarrassment of having its
4 machinations exposed to the light of day. What the prosecution wants to do here is to continue to treat
5 the press and the public like mushrooms—keep them in the dark and feed them bull pucky. This is
6 what the BLM tried to do with the facts about Bundy’s Bulls—the BLM illegally gunned the Bulls
7 down and then tried to cover up their crime (no pun intended) by burying the Bulls in a secret,
8 unmarked grave.
9

10 These “animal loving” vigilantes who were ostensibly there to protect the desert tortoises
11 instead committed domestic terrorists acts against the Bundy’s cattle. In addition to killing the bulls,
12 they also killed cows and calves secretly. They were chased by the helicopters until their feet were
13 worn down and sore. They were put in the holding pens so tightly that they could not lie down, and
14 were kept without food and water. Moms were separated from their babies. They left many cattle prods
15 (electric shockers) lying around the corrals when they left. The cattle were sore, dehydrated, hungry
16 and scared. Some aborted their calves, some were separated so their calves couldn't suck, the Bundys
17 had 21 calves whose mothers were never found. An uncounted number of mommas lost calves. Some
18 were dead at the compound. The cowboys dug up a mass grave that had 6 dead animals and the
19 Bundys we were told there were more but don't know where. The Bundys don't have a total count of
20 deaths because they can't find them all. The severity of abuse caused many of their cows to not
21 reproduce the following year because they had not fully recovered. The BLM left set livestock traps
22 without food or water for the trapped cattle and never notified us. The Bundys were lucky to find them
23 and take them down before they starved more to death. The BLM shot multiple breeding bulls and left
24 them to die, some from the helicopter as they flew over. They shot Bulls in traps that were harming no
25 one and drug them around to make it appear like they had been dangerous. They also pulled out and
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LAW OFFICES
HANSEN RASMUSSEN, LLC
1835 Village Center Circle
Las Vegas, Nevada, 89134
Telephone: (702) 365-5533
Facsimile: (702) 382-8891

1 destroyed our water sources so and cattle left behind were without water. To this date, the Bundys have
2 not been able to replace and repair the water infrastructures back to normal.

3 If the cowboys had committed these kinds of atrocious acts the BLM and Harry Reid would
4 have called them domestic terrorists. But when the government does it, they like to call it law
5 enforcement. What it is is the deprivation of Cliven Bundy's property without due process of law, a
6 right guaranteed by the Fifth Amendment.
7

8 The BLM (fedgov) violated the people's First Amendment right of freedom to peaceably
9 assemble and to petition the government for redress of grievances. No cowboy threatened to shoot a
10 single BLM agent, despite the fact that the BLM had hired a private army in full SWAT gear with
11 orders to attack if necessary and had many sharpshooters on the bluff above the scene training their
12 sites upon these peaceful cowboys and cowgirls. They were peacefully petitioning the government to
13 release Bundy's cows. The Bundys themselves, although the indictment accuses them of being violent,
14 were peaceful and neither threatened nor hurt anyone. In fact, Davey Bundy and others exhorted the
15 crowd to be calm, peaceful, and non-violent. The BLM, on the other hand, threw Cliven's sister
16 Margaret violently to the ground (as if an unarmed, middle aged woman were violent), violently tazed
17 son Ammon twice (being tazed is like suffering a short electric chair shock), and arrested son Davey
18 for taking a video of BLM agents from a County road, confiscated his iPad, threw him violently to the
19 ground, handcuffed him behind his back, and proceeded to stomp on the back of his head. And then
20 falsely imprisoned him, without charges, in the Henderson Jail overnight, much of the time with his
21 hands still handcuffed behind him. Yet the government has the gall to accuse the Bundys of being
22 violent.
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26 Besides all of these First amendment and other Constitutional violations, the government says it
27 was a crime for a few (very few) of the cowboys to carry firearms. Haven't the government lawyers
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HANSEN RASMUSSEN, LLC
1835 Village Center Circle
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Facsimile: (702) 382-8891

1 ever read the 2d Amendment? It says clearly that the people have the right to keep AND BEAR arms.
2 Thomas Jefferson, in a letter to James Madison, asked, "What country can preserve its liberties if their
3 rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take
4 arms." That is all that the cowboys did—they warned the government that the people preserve the
5 spirit of liberty. And very few of the cowboys were even armed. Attorney Hansen looked carefully at
6 the videos and could only pick out four or five armed cowboys, and it appears that only one of them
7 ever pointed a firearm in the direction of the BLM agents and their henchmen. Cliven Bundy doesn't
8 even carry a gun, and never picked one up during the standoff. Yet he stands accused of violence with
9 the use of a firearm.
10

11 The BLM also violated Cliven's 4th Amendment rights through its illegal seizure and
12 destruction of his property, and his 5th Amendment right to be compensated for property taken by the
13 government. Due process of law guarantees the right to a neutral judge and jury. Harry Reid has
14 violated Cliven's 5th Amendment right to due process by stating on the Senate floor that Cliven Bundy
15 and his family are domestic terrorists and that Cliven is an outrageous criminal who should be put in
16 jail. Of course, Judge Navarro was appointed by President Obama upon recommendation by Harry
17 Reid. Harry telegraphed his wishes to Judge Navarro with his false accusations, after which Judge
18 Navarro proceeded to deny Cliven the right to counsel of his choice, a Sixth Amendment violation, by
19 denying, on the flimsiest and most non meritorious grounds, nationally known and highly respected
20 attorney Larry Klayman's application to appear in Nevada on Cliven's behalf. Harry and his boss
21 Obama are also trying to wrongfully poison the jury pool by their false accusations and by President
22 Obama mocking and threatening Cliven at a White House Correspondents' dinner. But the 6th
23 Amendment guarantees the right to an impartial jury.
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1 My understanding of the ethics under which the Justice Department attorneys are to operate is
2 that they are not only prosecutors, but they have a duty to the Defendant to protect his God given
3 Constitutional rights and avoid being heavy handed. The prosecution in this case should have been
4 protecting Cliven Bundy's right to counsel of his choice by informing the Court that the government
5 believes that in all fairness and in respect for Mr. Bundy's sixth amendment right to counsel that the
6 Court should honor his choice of pro hac counsel and grant Mr. Klayman's requests to appear on behalf
7 of Mr. Bundy. Instead all we hear is deafening silence. And indeed, this Court has the responsibility to
8 do the same—to make sure that Mr. Bundy receives a fair trial and that his rights to due process of law,
9 as defined in the Fifth and Sixth Amendments are respected. Instead, he's left in solitary confinement
10 for a year without being convicted of anything, and based upon the biased representations of the
11 prosecution that this peace loving man is somehow a threat to his community, when in fact he is highly
12 respected and well liked, even loved, in Bunkerville and beyond.

13
14
15 Certainly the Justice Department is not always lily white in the way it treats people who the JD
16 believes are disobeying their interpretation of the law. Ruby Ridge is an example of heavy handed
17 tactics which resulted in the killing of an innocent pregnant woman by a government sniper. Randy
18 Weaver's attorney [Gerry Spence](#) made accusations of "criminal wrongdoing" against every agency
19 involved in the incident: the FBI, the USMS, the [Bureau of Alcohol, Tobacco, and Firearms](#) (ATF),
20 and the [United States Attorney's Office](#) (USAO) for Idaho. At the completion of the trial,
21 the [Department of Justice's Office of Professional Responsibility](#) formed a Ruby Ridge Task Force to
22 investigate Spence's charges. The 1994 task force report was released in redacted form by Lexis
23 Counsel Connect, an information service for attorneys. It raised questions about the conduct and policy
24 of all the agencies.

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27 The Ruby Ridge incident and the 1993 [Waco siege](#), involving many of the same agencies and
28 even the same personnel, caused public outcry and fueled the widening of the [militia movement](#). To

LAW OFFICES
HANSEN RASMUSSEN, LLC
1835 Village Center Circle
Las Vegas, Nevada, 89134
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Facsimile: (702) 362-8891

1 answer public questions about Ruby Ridge, the Senate Subcommittee on Terrorism, Technology and
2 Government Information held a total of 14 days of hearings between September 6 and October 19,
3 1995, and subsequently issued a report calling for reforms in federal law enforcement to prevent a
4 repeat of Ruby Ridge and to restore public confidence in federal law enforcement. The WACO siege
5 was another tragic example of heavy handed tactics in which more than 70 men, women, and children
6 were burned to death by flame throwing tanks and because of government militarization, militarization
7 very similar to that seen in Bunkerville, where professional government-hired mercenary soldiers were
8 in evidence everywhere, dressed in full battle gear. This in contrast to a group of cowboys mounted on
9 horses with nothing but their western shirts to protect them. It is truly a wonder that mercenaries and
10 their BLM cohorts did not open fire on these citizen cowboys who were only there to protect the rights
11 of a long time rancher whose family had been on that land for over a hundred years. The cowboys
12 showed great restraint as they sought to protect American values against an out of control federal
13 bureaucracy. They only supported the sheriff by requesting he do his job which is to keep the peace
14 and to protect the citizens of Clark County from all enemies, domestic or foreign.

17 The government is prejudicing Cliven Bundy's 6th Amendment right to a speedy trial by
18 lumping all 19 of the defendant cowboys into one trial, and then claiming that the case is complex and
19 so instead of a trial in 70 days, as required by the speedy trial act, the government wants to let Cliven
20 and all the rest of the cowboys rot in jail for almost a year while the government with its vast resources
21 works day and night to try to put together an air tight case against them--and then try to convict all of
22 them at once with their guilt by association tactics.

25 These are some of the reasons why Cliven Bundy is not stipulating to the government's
26 proposed "protective" order. He and his Counsel want the public to know about all of these ongoing
27 egregious violations of his God given, Constitutional rights by the government, by the prosecution, by
28

1 the President, by Harry Reid, and by the Court. Judging by the past, these violations will indeed be
2 ongoing. We don't want a "Star Chamber" proceeding behind closed doors or behind your protective
3 order. You want to muzzle defense counsel, but we want the press to shine the light of truth on this case
4 so that the government cannot hide its misdeeds by burying those deeds like it did to Bundy's Bulls. In
5 short, we want the government to obey the law and follow the Constitution, the highest law of the land.
6 That's all the Cliven Bundy has ever wanted, and because of that, the government has placed him in
7 solitary confinement, which due to Judge Navarro's order setting the trial for next February, will result
8 in Mr. Bundy, who is supposed to be presumed innocent until proven guilty, rotting in solitary
9 confinement for nearly a full year. Is this America, or is it Nazi Germany?
10

11 **CONCLUSION**

12 For the above reasons, this Court should deny the government's Motion for Protective Order.
13 Cliven Bundy has already suffered a long series of abuses of his God given Constitutional Rights. His
14 right to have a free press report the details of his public trial, a right also guaranteed by the Sixth
15 Amendment, should and must be protected by this Court. Star Chamber proceedings behind closed
16 doors are specifically prohibited by the Sixth Amendment.
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19 DATED this 29th day of April, 2016.

20
21 Respectfully submitted,

22 BY: /s/ Joel F. Hansen
23 JOEL F. HANSEN, ESQ.
24 Nevada Bar # 1876
25 1835 Village Center Circle
26 Las Vegas, NV 89134
27 *Attorney for Cliven Bundy*
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CERTIFICATE OF SERVICE

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Pursuant to NRCP 5 (b), I hereby certify that on this 29th day of April, 2016, I served a copy of the foregoing CLIVEN BUNDY’S MEMORANDUM IN OPPOSITION TO PROPOSED PROTECTIVE ORDER as follows:

- X Electronic Service - via the Court’s electronic service system; and/or
- U.S. Mail – By depositing a true copy thereof in the U.S. mail, first class postage prepaid and addressed as listed below; and/or
- Facsimile – By facsimile transmission pursuant to EDCR 7.26 to the facsimile number(s) shown below and in the confirmation sheet filed herewith. Consent to service under NRCP 5(b)(2)(D) shall be assumed unless an objection to service by facsimile transmission is made in writing and sent to the sender via facsimile within 24 hours of receipt of this Certificate of Service; and/or
- Hand Delivery – By hand - delivery to the address listed below.

Erin M. Creegan, Esq.
 Nadia Janjua Ahmed, Esq.
 Nicholas D. Dickinson, Esq.
 Daniel Bogden, Esq.
 U.S. Attorney’s Office
 333 Las Vegas Blvd. South, Ste. 5000
 Las Vegas, NV 89101
Attorneys for Plaintiff

/s/ Lisa McMillan
 An Employee of HANSEN ◊ RASMUSSEN

LAW OFFICES
HANSEN RASMUSSEN, LLC
 1835 Village Center Circle
 Las Vegas, Nevada, 89134
 Telephone: (702) 365-5533
 Facsimile: (702) 382-8891