

A RESOLUTION SUPPORTING JUSTICE FOR WESTERN RANCHERS

WHEREAS, The truth about what the federal government has done to western ranchers and the people who have risked their lives to support them must be told, and justice must be done;

WHEREAS, An uprising occurred in eastern Oregon after federal agencies sentenced father and son ranchers, Dwight and Steven Hammond of Burns, Oregon, to 5 years in prison for the “crime” of utilizing common range management fires that spread slightly off of their own land and onto a small portion of adjacent public land;

WHEREAS, The federal charges brought against the Hammonds were extraordinarily severe, especially in light of the fact that federal land managers have, on numerous occasions, accidentally -- and at times, purposely -- burned thousands of acres of public *and* private property (including people’s homes, barns, and fences), without consequence to the agency or its employees, and without compensation to the land owners whose property they destroyed;

WHEREAS, The federal government’s own witness testified that the autumn 2001 management fire Dwight and Steven were convicted of igniting on their own land, actually “improved range conditions,” (Criminal Trial Transcript, at 377), and that Bureau of Land management (BLM) committed “no suppression resources” to extinguish the fire, (Criminal Trial Exhibit A-37);

WHEREAS, Curiously, the incredibly harsh charges against Dwight and Steven Hammond were preceded by a period of time in which the Hammonds had been publicly critical of federal land managers’ actions;

WHEREAS, The record shows that, for decades, the BLM and USFWS deployed federal administrative powers to punitively regulate and prosecute the Hammond family in what now appear to be thinly veiled efforts to take and convert the Hammond ranch to federal control;

WHEREAS, For example, the Hammonds spent decades warding off federal land managers’ attempts to block them from trailing their cattle to their lawfully held grazing lands via historic stock driveways that are verified in historical records;

WHEREAS, In 1994, the BLM and USFWS arrested Dwight Hammond for protecting access to his legally owned water rights, and the federal agencies still continue to fence out the Hammonds’ access to their water despite the fact that their vested water rights have been upheld in State court;

WHEREAS, Between 1994 and 2006, even though the Hammonds held federal grazing permits attached to their statutorily protected grazing preference and vested stockwater rights, federal land managers stripped them of three BLM grazing permits and one Malheur National Wildlife Refuge grazing permit, thereby systematically gutting the size and economic viability of the Hammond ranch;

WHEREAS, In the fall of 2001, after receiving BLM permission, Dwight and Steven Hammond started a prescribed range management burn on their private land that spread to 137 acres of adjoining public land upon which the Hammonds owned grazing rights; however Steven reported it, the fire improved the range, and the BLM did not cite them for the fire – that is, until 9 years later;

WHEREAS, In 2006, during a violent thunderstorm, lightning ignited a wildfire that seriously threatened to wipe out the Hammond’s winter feeding grounds, and possibly even their barns and home;

WHEREAS, in a widely accepted firefighting practice, Steven Hammond started a strategic emergency backfire on his family’s private land which successfully saved their winter grazing areas, protected their

home and barns, and potentially saved thousands of acres of public land from being engulfed in the 2006 wildfire;

WHEREAS, Steven's 2006 emergency backfire burned as little as 1 acre of adjoining public land, for which the BLM pursued criminal charges in state court; but District Attorney Tim Colahan reviewed the facts and declined to press charges against the Hammonds;

WHEREAS, In 2010, before the statute of limitations ran out on the 2001 fire, the BLM brought the Hammonds into federal court, indicting them on numerous charges relating to *both* fires;

WHEREAS, The BLM avoided bringing charges under their own statutes, including the one which specifically provides an exception for crimes related to fires started by ranchers who own grazing allotments in certain circumstances, i.e. "*This section shall not apply in the case of a fire set by an allottee in the reasonable exercise of his property rights in the allotment,*" 18 U.S.C. § 1855;

WHEREAS, Rather than citing Dwight and Steven for a "trespass burn", which is the standard citation under BLM land-use statutes, federal prosecutors instead charged them as arsonists under the *Antiterrorism and Effective Death Penalty Act of 1996* -- the law enacted by Congress in response to Timothy McVeigh's horrendous bombing of a public building in Oklahoma City;

WHEREAS, Eventually the federal government's claim that the Hammonds lit fires on public lands, endangered federal employees, and attempted to destroy government vehicles were unfounded; In fact, 10 of the 13 charges against the Hammonds were either dismissed or resulted in NOT GUILTY verdicts;

WHEREAS, The one count Dwight was convicted of related solely to the 2001 prescribed burn which improved the range, and was ignited on his private land *after* his son Steven had called the BLM Dispatcher and received the OK to burn (Criminal Trial Transcript, at 377; Exhibit A-37; Jury Verdict - Document 194);

WHEREAS, The two counts Steven was convicted of related solely to the 2001 range improvement fire and the 2006 emergency back burn – both of which the jury concluded had caused less than \$1,000 in damage;

WHEREAS, the Hammonds were only "convicted" of practices they never denied – that is lighting two range management fires on their own land in accordance with standard techniques, that caused essentially no harm, and are common among ranchers, farmers, and public land managers in the area;

WHEREAS, Federal District Court Judge Michael Hogan declared, "It would be cruel and unusual punishment for this crime to give them the mandatory minimum of five years" such as required under the *Antiterrorism and Effective Death Penalty Act of 1996*;

WHEREAS, The Federal District Court Judge issued a sentence of 1 year for Steven, and 90 days for Dwight, and he even allowed the men to serve staggered terms so they could keep the family ranch afloat;

WHEREAS, After finally succeeding in obtaining a conviction against the Hammonds, albeit miniscule, the U.S. government filed an outrageous \$1.3 million claim for damages in a civil suit and offered, in what amounts to extortion, to drop all charges *on the condition* that the Hammonds sign over two-thirds of their ranch to the federal government;

WHEREAS, Facing substantial threats from the U.S government (perhaps the largest law firm in the world), the Hammonds agreed to a plea that would lower the fine from \$1.3 million to \$400,000 and give the federal government first right-of-refusal should the Hammonds ever be forced to sell their ranch;

WHEREAS, The Hammonds paid the fine and served out their sentences, but *still* the federal government pressed forward to the Ninth Circuit Court of Appeals, demanding *resentencing* under the full force of the *Antiterrorism and Effective Death Penalty Act* to lock Dwight and Steven up for 5 years -- the very sentence Judge Hogan declined to apply, saying such a harsh punishment under the circumstances “would shock the conscience”;

WHEREAS, In what many in the West, and across the nation, view as a manifest miscarriage of justice akin to double jeopardy, Dwight and Steven Hammond were resentenced to five years in federal prison, both at the same time, making it impossible for them to help keep the family ranch going;

WHEREAS, Just before Dwight and Steven Hammond were to report back to prison for the 5 year terms, a large, but entirely peaceful, public march took place in their home town of Burns, Oregon; however the Hammonds, under threat from federal agencies, did not participate in it;

WHEREAS, At the conclusion of the peaceful march, numerous Americans risked their lives in a symbolic occupation of the desolate Malheur Wildlife Refuge, about 30 miles away, to draw a national spotlight to the plight of the Hammonds, and to request a redress of this and many other grievances concerning the federal government's crushing control of half of all land in western America;

WHEREAS, The Malheur protesters never pointed a firearm at anyone, and were not convicted of firearms violations, but Federal agents and Oregon State Police shot at several of them with deadly force as some of the protesters peaceably traveled to a public meeting, thereby wounding Ryan Bundy in the shoulder while he sat, unarmed, in the vehicle, and killing Lavoy Finnicum after he exited the vehicle with hands up;

WHEREAS, In the State of Nevada, a preceding case of conflict between the BLM and Nevada rancher Cliven Bundy had culminated in a tense standoff between BLM law enforcement agents and hundreds of conscientious Americans who had come to Bundy's aid after government snipers were positioned around his home, other agents began brutally executing his cattle, and bystanders were roughed up for attempting to film it;

WHEREAS, The federal government pressed charges against Bundy, his sons, and others for their respective roles in the Nevada standoff as well as the Malheur protest, and held them in prison (without a conviction) for nearly 2 years; however the Bundys and most of the protesters were eventually found NOT GUILTY, or otherwise exonerated, on ALL counts;

WHEREAS, A seventeen page whistleblowing letter, released by the federal government's lead investigator (Special Agent Larry Wooten) in the Nevada standoff case, cited multiple cover ups within the federal agencies and a “widespread pattern of bad judgment, lack of discipline, incredible bias, unprofessionalism and misconduct, as well as likely policy, ethical and legal violations among senior and supervisory staff”;

WHEREAS, Agent Wooten's whistleblower letter disclosed that a senior BLM law enforcement supervisor had bragged of a “Kill List” and that the BLM law enforcement operations center had photographs of Bundy and a supporter displayed on the command center bulletin board with prominent “x” marks drawn through the head and body of Cliven Bundy and the supporter;

WHEREAS, On December 20th, 2017, U.S. District Judge Gloria Navarro declared a mistrial in the Nevada standoff case, citing “a universal sense of injustice” and “flagrant prosecutorial misconduct” after discovering that the BLM and Department of Justice (DOJ) had withheld massive amounts of evidence that contradicted the federal government's version of events and could have exonerated all of the accused;

WHEREAS, Among key evidence hidden by the BLM and DOJ was an FBI assessment concluding that the Bundy's were not violent, that the BLM was trying to provoke conflict, and other government records proving that *before* Cliven Bundy summoned neighbors, friends, the county sheriff, the governor, legislators, and citizen militia to come to his defense, the BLM had indeed placed deadly sniper teams around his home while other agents began covertly and brutally executing his cattle;

WHEREAS, On January 10, 2018, the Chairman of the U.S House of Representatives Committee on Natural Resources and the Chairman of the Congressional Oversight & Investigations Subcommittee issued a letter concerning numerous and serious reports of misconduct and possible criminal activity within the Bureau of Land Management related to the Bundy case and likely others;

WHEREAS, The aforementioned Congressional Chairmen's letter states, "The failures in the Bundy case and previous cases display serious misconduct by BLM law enforcement officials, and strongly suggest that there are systemic issues within BLM's law enforcement operations."

WHEREAS, We have yet to know the full degree to which federal administrative, prosecutorial, and enforcement powers have been weaponized in a concerted effort by federal land management and environmental agencies, aided by federal courts and the Department of Justice, to extort exorbitant fines from law abiding people, deprive them of their property, denigrate their character, block lawful and beneficial uses of public lands, and destroy the lives and livelihoods of countless hard working Americans;

WHEREAS, For justice and the rule of law to mean anything in this country it must be applied equally to everyone -- not selectively against private citizens while in favor of federal employees; and certainly not for ulterior motives such as those exposed in the prosecutions of the Hammonds, the Bundys, and others;

WHEREAS, In 2016, the American people elected Donald J. Trump, a bold, dedicated and decisive President of the United States, who proclaimed that he would transfer power from Washington DC to the people and "Drain the Swamp" of corrupt, self-serving, and unjust elements within the federal government;

THEREFORE BE IT RESOLVED, We, the People, respectfully request that the President and the Congress of the United States of America do all in their respective constitutional powers to immediately effect the following:

- 1) *grant a full pardon to ranchers Dwight and Steven Hammond;*
- 2) *extinguish the federal government's first right of refusal on the Hammond ranch;*
- 3) *amend the Anti-Terrorism and Effective Death Penalty Act of 1996 to never again be improperly applied to people who use backfire to protect their property;*
- 4) *recognize and honor the Hammond and Bundy Ranch grazing and water rights;*
- 5) *withdraw all charges and/or grant a full pardon to all of the Malheur and Bunkerville protesters; and return all of their lawfully owned property to them;*
- 6) *ensure that all government conduct related to the Hammonds, Bundys, Malheur, and Bunkerville protesters, including conduct of the federal courts, be fully investigated so that malicious misconduct, deliberate bias, and criminal acts committed by government employees against the people are exposed, halted, and prosecuted;*

BE IT FURTHER RESOLVED, That we, the People, commend President Donald J. Trump and stand with him in all constitutional exertions to drain the proverbial swamp of self-serving power and corruption, restore the proper boundaries of federalism, return power to the States, and free our lands from onerous federal bureaucracy so that the public and private lands within each State can finally be managed with local care, knowledge, accountability, and justice.

Adopted By: _____
Name of Adopting Body or Organization

Date Adopted: _____

Attested By: _____
Signature of Authorized Representative of Adopting Organization

Print Name and Title of Authorized Representative of Adopting Organization

INSTRUCTIONS: This resolution may be adopted by any organization or body. Upon adoption, fill in the blanks above and provide a copy of adopted resolution to:

Justice for Western Ranchers - P.O. Box 100794, Alton Utah, 84710