

Land Rights Network
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Hammonds turn themselves in to serve 5 year terms. Abuse of power.

They turned themselves in to the prison authorities in California on Monday, January 4th.

See Washington Post article below after Hammond E-mail.

A group of armed out of state militia members have taking over the Malheur Wildlife Refuge building. We agreed with the peaceful protest on Saturday, January 2nd but this latest move threatening violence is a bad idea.

You need to help the Hammonds. Armed resistance is not the way to do it. Peaceful protest is always the way to go.

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Hah

On October 7th the Judge in Eugene re-sentenced Dwight and Steve Hammond to more time over what they have already served. That adds over 4 plus years for 74 year old Dwight Hammond. It means an additional 4 years for Steve. They have already served the shorter sentences imposed by the original judge who heard the case.

The original judge felt the 5 year minimum in the anti-terrorism law used against them was not justified by the facts of the case.

Hammond Vendetta: Landowners and ranchers must stand up to BLM and Fish and Wildlife Service bullies.

It is important when you call your Congressman and Senators and everyone else you know to make it clear that this issue will not be allowed to die while Dwight and Steve are in prison. Ranchers and

landowners everywhere should shun the BLM and Fish and Wildlife Service staff for putting two good people in jail. The Hammonds have done a lot for their community in Oregon. They have been wonderful citizens. Sending them to additional time in jail is a great injustice. This kind of abuse is why the prisons are overcrowded.

Dwight and Steve Hammond are facing a five year prison sentence for minor fire that cost less than \$100. It burned 127 acres. You can help stop BLM and the Fish and Wildlife Service, these renegade agencies.

Please forward this message to at least 10 people. Your whole list if possible.

Everyone must stand together against BLM and the Fish and Wildlife Service and their bullying tactics. Don't let them divide and conquer you. They must stop criminalizing every offence no matter how small. **Everyone in Western communities must join together in shunning BLM officials. Their families too. They must know that bullying will not be tolerated.** They must be made to feel like there are the enemies in their communities. They are.

It may seem harsh to paint all BLM employees and their families with a broad brush. It is. But so is using an anti-terrorism law to destroy a family of ranchers and take control of their ranch.

You can help by contacting American Land Rights at (360) 687-3087 or ccushman@landrights.org

When the Mandatory Minimum sentence law goes wrong.

US Attorney Frank Papagni, ESQ used a terrorism statute with minimum 5 year sentences on the Hammonds. This law was passed after the Terror Bombing of the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995. Timothy McVeigh and Terry Nichols were convicted in the case.

It was meant for terrorism. Papagni used it for the Hammonds in a case involving small fires with less than \$100 in damage. These charges should never have been brought. He had choices and took the wrong one. It is vindictive and way over what is justified by the facts of the case. The original judge who heard the case thought that and we do also.

>>>The BLM could use this law against any rancher, farmer or landowner near Federal land. In this case the BLM is using this

law in an unjust way to gain control and ownership of the Hammond Ranch is Southeast Oregon.

How long are you going to allow BLM to use criminal statutes to go after relatively minor offences and leave good people with a criminal record and jail time? This abuse of the justice system has got to stop. No wonder our jails are full. The BLM and other agencies as well as the US Attorney are requesting jail time for the smallest offence.

Action Items:

-----1. Forward this e-mail to at least 10 other people. Your whole list if possible.

-----2. Call, fax and e-mail Congressman Greg Walden's staff:

You can call any Congressman at (202) 225-3121.

Fax: (202) 225-5774. Urge Representative Walden to introduce and get passed a bill taking out the five year minimum sentence from this anti-terrorism law when it is applied to non-terrorism cases. There is no way the Hammonds were involved in terrorism. Walden knows the Hammonds personally and knows they are not terrorists.

-----3. At the very least ask Congressman Walden to pass a bill that would Pardon or provide clemency for Dwight and Steve Hammond. He can do that and he should. It could be attached as a rider to lots of other bills. **So far Congressman Walden has done nothing to help the Hammonds.**

E-mail: riley.bushue@mail.house.gov –Phone: (541) 776-4646

Fax: (541) 779-0204

E-mail: nick.strader@mail.house.gov – Phone: (541) 389-4408

Fax: (541) 389-4452

E-mail: ray.baum@mail.house.gov – Phone: (202) 225-6730

Fax: (202) 225-6730

E-mail: katie.troller@mail.house.gov Phone: (202) 225-6730

Fax: (202) -225-6730

(Note for Senate e-mails) There is an underscore between the first and last name. Use Wesley cook as an example. The House uses a dot between the first and last name.

-----4. Call, fax and e-mail Senator Ron Wyden:

You can call any Senator at (202) 224-3121. Fax: (202) 228-2717

E-mail: Wesley_cook@wyden.senate.gov –Fax: (202) 224-5244

Samantha_offerdahl@wyden.senate.gov – Fax: (202) 224-5244
Wayne_kinney@wyden.senate.gov – Fax: (541) 330-9142
Extension 11 Fax: (541) 431-0229

-----5. Call, fax and e-mail Senator Jeff Merkley:

You can call any Senator at (202) 224-3121. Fax: (202) 224-3753
E-mail: Adrian_snead@merkley.senate.gov – Fax: (202) 224-3755
E-mail: phil_chang@merkley.senate.gov – Fax: (541) 318- 1298
Dan_whelan@merkeley.senate.gov – Fax: (541) 465-6750

Neither Senator Wyden or Senator Merkley has done anything to involve themselves in this abuse of justice. They need to step forward to help get a pardon or clemency for the Hammonds.

-----6. Call and e-mail UNITED STATES ATTORNEY

Frank Papagni, ESQ
5 405 East Eighth Avenue
Eugene, Oregon 97401
6 (541)465-6771
frank.papagni@usdoj.gov

Don't just e-mail and call these people once. You must keep the pressure on.

U.S. Attorney Wayne Evans
Wayne.Evans@usdoj.gov

-----7. Call, fax and e-mail these BLM and FWS officials as well as the US Attorneys. Do not harass these BLM and FWS officials or the US Attorney. This must be a peaceful, non-violent, non-threatening effort.

But it will be good if you “Shun” the BLM and FWS officials. Tell the BLM and FWS officials as well as the US Attorneys when you call or see them that they are “not being good neighbors.”

*****In fact, you should say that to every BLM and Fish and Wildlife employee you see anywhere nationwide. Their families also. They need to know that they share the ecosystem and community with rural Americans and they cannot go around bullying them.

This may seem harsh but it is the only way to get the BLM and FWS employees to respect local communities and stop the bullying.

This tactic is important. It worked well in the 90's with the Fish and Wildlife Service and it will work again if you will do your part.

Anyone in a BLM uniform or who you know works for the BLM must be greeted with **“You and your fellow BLM employees are not being good neighbors.”** The Fish and Wildlife Service (FWS) is involved in this issue too.

BLM - Andrew Resource/ Steens Area Field Manager
Rhonda Karges
28910 Hwy 20 West
Burns Oregon 97738
541-573-4433
rkarges@blm.gov

Malheur National Wildlife Refuge Manager
Chad Karges
63879 Hwy 205
Burns Oregon 97720
541-493-2766
ckarges@fws.gov

Note that a married couple controls all the grazing decisions for a huge part of rural Oregon. Both BLM and FWS. Possible conflict? We think so.

-----8. **Go to the American Civil Liberties Union website for Oregon to submit a request for help for the Hammonds in this obvious case of a vendetta by Federal bureaucrats.** Go to ACLU.org.

-----9. E-mail, and call your local newspapers. For those in Oregon go to:

Portland Oregonian - Therese Bottomly – (503) 221-8327 – newsroom@oregonian.com

Burns Times Herald- (541) 573-2011. editor@burnstimesherald.info

Bend Bulletin – cell: (406) 589-4347 tanderson@bendbulletin.com

-----10. Send American Land Rights any information you have of and FWS intimidating landowners. Just give us names and phone numbers. We'll do the rest. It is time the BLM was called to account for their intimidation of good law abiding citizens.

(When you read this message, think about the logic and public expense of locking up quality citizens in jail for five years each who made a small mistake. It is no wonder the US leads the world in the percentage of our citizens locked up in jail. People with significant drug offenses and even manslaughter go to jail for less time.). BLM employees light fires that get away and get no punishment at all.

How many people are they locking up at public expense on often minor technicalities?

When the Federal Court Judge Michael Hogan gave the Hammonds lesser sentences, US Attorney Frank Papagni appealed the case to the Ninth Circuit Court of Appeals and won. **That court said the Hammonds had to serve their minimum sentence as prescribed by the anti-terrorism law. Dwight and Steve Hammond will likely go to jail in early January unless this travesty of justice is stopped.**

All landowners, ranchers, farmers, miners, forestry advocates and recreation advocates must join together to send the BLM the message that you are mad as hell and are not going to take this abuse of power any more. **Look at the action items to see what you can do.**

Background:

Federal district judge Michael Hogan refused to apply arson mandatory minimum (on constitutional grounds and because he felt the offenses did not warrant the extreme penalties.) (October 31, 2012).

A local article from Oregon reports on what appears to be a significant sentencing decision by federal district judge Michael Hogan concerning the application of a mandatory minimum provision. Here are the details:

Rejecting mandatory minimum five-year sentences as “grossly disproportionate” to the crimes, Federal judge Michael Hogan in Eugene in 2012 sentenced an Eastern Oregon rancher to three months in prison and his adult son to one year and a day for deliberately setting fires on federal land. (They have already served these sentences.)

(From the INTRODUCTION & STATEMENT OF THE CASE from the US Attorney Frank Papagni, ESQ):

Dwight and Steven Hammond are cattle ranchers in Eastern Oregon who “maliciously” set fire to public land. In the process of committing the acts that formed the basis for their convictions, they endangered Dwight’s grandson, and the lives of the firefighters who were attempting to put out other naturally caused fires in the area. (The judge disputed some of these allegations).

The counts of conviction under 18 U.S.C. § 844(f)(1) carried five-year mandatory minimum sentences under the anti-terrorism statute used. After accelerating the sentencing date, and proceeding without the benefit of a presentence report, the district court declined to follow the statute.

Stating that defendants’ acts of arson were not the type of conduct Congress intended to address, the court (Judge Michael Hogan) concluded that the mandatory **statutory minimum five-year terms were grossly disproportionate** in violation of the Eighth Amendment, and he imposed sentences of three months (Dwight Hammond) and 12 months and 1-day (Steven Hammond) which they served in 2013.

A federal jury in June 2012 convicted the Harney County pair after a two-week trial in Pendleton, Ore. Jurors convicted Dwight Hammond Jr., (74) on a single count of arson for “intentionally and maliciously” setting the 2001 Hardie-Hammond Fire in the Steens Mountain federal management and protection area.

They convicted Steven Dwight Hammond, 43, of the same crime and of a second arson count for similarly setting the 2006 Krumbo Butte Fire. It burned in the same area and in the Malheur National Wildlife Refuge. The jury acquitted both men on arson charges in two 2006 fires.

U.S. Judge Michael Hogan agreed with the Hammonds’ defense lawyers that setting fire to juniper trees and sagebrush in the wilderness **was not the type of crime that Congress had in mind when it set mandatory sentences of five to 20 years** for anyone who “maliciously damages or destroys, or attempts to damage or destroy by means of fire” any federal property.

The mandate was part of the Antiterrorism and Effective Death Penalty Act of 1996. Prosecutors alleged that the father-son owners of Hammond Ranches Inc. set a series of fires on U.S. Bureau of Land Management land where the Hammonds had grazing rights.

Prosecutors said the fires were set to reduce the growth of juniper trees and sagebrush, and to accelerate the growth of rangeland grasses for the Hammonds' cattle.... **(A normal grazing land management practice carried out by ranchers, the Indians for hundreds of years and even the BLM).**

In a sentencing memo, the defense lawyers noted that both men have served on the French Glen School Board, Community Club and Site Council, and were "instrumental" in founding and financing the French Glen Education Foundation, which funds extracurricular activities for area students.

The Hammonds also regularly host an annual science and careers fair for seven rural schools, contribute money and food to the Harney County 4-H and FFA clubs, and donate meat to the Harney County Senior Center, the memo said.

Assistant U.S. Attorney Frank Papagni acknowledged that the Hammonds, "both of them, have done many wonderful things for the community." But he urged Hogan to follow the law, noting that Steven Hammond's nephew — Dwight Hammond's grandson — testified that he "thought he was going to get burned up" when flames moved toward him as the then-13-year-old followed his uncle's orders to light brush with matches. **(The judge discounted this allegation).**

The arsons also endangered the lives of BLM firefighters and hunters camping near one of the blazes, the government alleged. "Congress decided that this particular offense should carry a mandatory, statutory minimum term of five years," Papagni wrote in the government's sentencing memo. **(Judge Hogan disagreed).**

Papagni said, "The evidence of defendants' guilt was substantial. The jury's verdict of guilt for this particular offense mandates imposition of the required statutory minimum term, as the statute constrains this court's discretion."

Judge Hogan disagreed, imposing the lesser terms. He also sentenced both Hammonds to three years of postprison supervision and required them to surrender their firearms.

The judge also allowed the men to stagger their sentences in order to keep operating their ranch. He ordered Dwight Hammond to report to prison in January 2013, with Steven Hammond to begin his sentence upon his father's release.

As the title of this post indicates, it seems from the first sentence of this report that Judge Hogan concluded it would be unconstitutional based on the Eighth Amendment to apply a five-year mandatory minimum under the circumstances.

BLM and Fish and Wildlife Service and the US Attorney appealed judge Hogan's ruling. They won on appeal and are now going back for a second bite at the apple. They want to inflict as much pain on the Hammonds as they can.

Dwight Hammond is 74 years old. If he and his son go to prison for a second time on the same case the family will likely lose the ranch. The Hammonds are suffering financially already because of the costs of litigation fighting this case and have already settled a civil action by the government costing even more money.

Using the vendetta, the BLM and FWS want to gain ownership of the Hammond ranch which is intermingled with Federal ground in the Malheur Wildlife Refuge. This has been their goal all along.

This whole second sentencing looks like an attempt to force the Hammonds to sell to the FWS and BLM so they can gain control of the Hammond ranch and expand the Malheur Wildlife Refuge and BLM lands at Congressional Designated Steens Mountain Special Management Area.

This case is obviously pay-back for the Hammonds winning in court against the FWS on their water rights case in the 90's.. The BLM and Fish and Wildlife Service want to **inflict as much pain as possible on the Hammonds to reduce the chances other ranchers will stand up for their rights.** This case is more about who controls the land and the people who live there than small fires that caused little damage.

(If the BLM and FWS as well as the US Attorney think these messages are going to stop if the Hammonds go to jail, they are grossly mistaken. This is just the beginning of American Land Rights effort to save the Hammond Family and the Hammond Ranch.)

Google Alert:

You can find additional information about national issues and battles American Land Rights has been involved in by going to Google and typing in the following search terms one at a time: Chuck Cushman, Charles Cushman, Charles S. Cushman, American Land Rights

Association, National Inholders Association and League of Private Property Voters.

Thank you,

Chuck Cushman
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Washington Post Article Tuesday, January 5, 2016.

National – Washington Post—Go to website for pictures.
Washington Post.com or just type Washington Post into Google.

In Oregon, frustration over federal land rights has been building for years

What it looks like at the armed occupation at a wildlife refuge in Oregon

View Photos Activists protesting federal land use in the West and the arson convictions of two local ranchers are occupying part of a national refuge in southeastern Oregon.

By Carissa Wolf, Mark Berman and Kevin Sullivan January 4 at 8:29 PM

BURNS, Ore. — B.J. Soper has seen the frustration building for years in this rural corner of Oregon.

The federal government owns more than half the land in the state, as it does across much of the West. It used to be routine for ranchers to get permits to graze cattle or cut timber or work mines — a way to make a living from the land.

Then came increasing environmental regulations, and the federal land became more for owls and sage grouse than for local people trying to feed their families, said Soper, 39, who lives 100 miles up the road in Bend.

“What people in Western states are dealing with is the destruction of their way of life,” said Soper, a father of four who was once a

professional rodeo rider. “When frustration builds up, people lash out.”

Anger at the federal government boiled over this past weekend, when a small group of people took over a remote federal wildlife refuge east of here. Their specific aim was to support two local ranchers sentenced to prison over arson charges. But the larger issue is a decades-long struggle over federal land rights in the West that often flies under the radar in much of the country.

What we know about the occupied federal building in rural Oregon
VIEW GRAPHIC

“These are tough issues to resolve, because they are about people’s values,” said John Freemuth, a professor of public policy at Boise State University in Idaho, about 220 miles east of Burns.

Freemuth said that in recent decades, the federal government has placed increasing emphasis on the environment, which has led to more restrictions on ranching, grazing, mining and other traditional uses of the land. That has led to frustration among many rural Westerners, who feel a sharp disconnect with a federal government run by people in urban centers.

“They have a concern that they are being left behind, that their values and their concerns are really irrelevant to the urban folks around the country,” Freemuth said.

The extent of federal land ownership in the West is often not well understood by people from other parts of the country, he said. According to a 2014 report by the Congressional Research Service, the federal government owns 27.4 percent of all U.S. land.

But the vast majority of that territory is concentrated in a handful of Western states. According to the report, the federal government controls 84.9 percent of Nevada, 64.9 percent of Utah, 61.9 percent of Idaho, 61.2 percent of Alaska, 52.9 percent of Oregon and 48.1 percent of Wyoming.

Late Sunday, the FBI took charge of the law enforcement response to the armed occupation of the Malheur National Wildlife Refuge, saying that it will work with local and state authorities to seek “a peaceful resolution to the situation.”

“Due to safety considerations for both those inside the refuge as well as the law enforcement officers involved, we will not be releasing any

specifics with regards to the law enforcement response,” the FBI said in a statement.

Who are the Bundys?

Go to Washington Post article to see Vide.

Ammon Bundy and a group of armed supporters, including his brother Ryan, took over the an Ore. wildlife refuge over the weekend. Here's a look at the Bundy family's history of anti-government actions. (Jenny Starrs/The Washington Post)

The armed activists, led by rancher Ammon Bundy, announced plans to stay indefinitely. Bundy's father, Cliven, is a Nevada rancher who has sparred with the government for years and who in 2014 had an armed standoff with federal agents trying to prevent him from illegally grazing his cattle on federal land. After the federal authorities backed down, experts said the showdown “invigorated” anti-government groups in the United States.

On Monday, Ammon Bundy said his group of occupiers had taken on a name: Citizens for Constitutional Freedom. He also said the group wanted to help people in the county “in claiming their rights, using their rights as a free people.” He did not offer any further specifics on how long they intended to stay.

Freemuth said that while most people in the rural West feel “tension” with the federal government, specifically the Bureau of Land Management (BLM), few agree with an armed takeover of federal property.

“Most of the folks there understand the tensions and the grievances, but Bundy is way out of the loop on that stuff,” he said. “They are kind of appalled at what he’s doing. Violence and seizing the land is not the answer.”

Len Vohs, who was mayor of Burns from 2008 to 2010, said he, like many locals, shares the frustration with the federal government that drove Bundy and others to occupy the wildlife refuge. But he said few support their tactics, and most wish they would just go home.

“It’s anarchy,” Vohs said. “What we have here is old-style thinking, that might is right.”

Local people held a peaceful march and rally Saturday to support two ranchers — Dwight Hammond and his son, Steven — who were

convicted of arson on public land. The Hammonds had already served time for the arson conviction, but then a federal judge ruled that they had not served enough.

On Monday, they surrendered without incident to federal custody in California, according to Harney County Sheriff David Ward. Afterward, Ward used an afternoon news conference to address the occupiers directly.

“To the people at the wildlife refuge: You said you were here to help the citizens of Harney County. That help ended when a peaceful protest became an armed occupation,” he said. “The Hammonds have turned themselves in. It’s time for you to leave our community, go home to your families and end this peacefully.”

The armed occupiers at the wildlife refuge attended the rally for the Hammonds, and they said their situation illustrates the larger issue of excessive federal government control over citizens’ lives.

Even those disturbed by the way federal authorities dealt with the Hammonds criticized the refuge occupation.

“The federal government has done a gross injustice to the Hammonds, which has severely damaged the long-term trust and cooperation that ranchers and foresters and recreationists have had with BLM,” the Oregon Farm Bureau, a nonprofit representing the state’s farmers and ranchers, said in a statement. “However, the illegal activity of so-called militia groups only harms the Hammonds and the rest of the community because it diverts public attention and scrutiny away from the injustice that the federal government perpetrated on this Oregon family.”

Vohs also said the occupiers, few if any of whom are from Burns, do not speak for the town.

“The majority of us support the Hammonds, but we don’t need outsiders telling us what to do,” Vohs said.

Vohs said that during his mayoral term, he was proud of the consensus he built among local residents, commercial interests and government agencies to try to resurrect the community’s failing economy. Now, he said, he hears frustration that such cooperation has all but vanished.

Glen Williams, known as “The Boss” to many locals, sees government increasingly as standing in his way of putting more food in people’s mouths. He owns Central Pastime, the only bar in town, and, as he views it, federal mandates have chipped away at the ability of locals to do business, work the land and manufacture.

“The town sticks together,” he said. “We take care of each other. But there’s getting to be less and less of us to take care of.”

Williams has lived in Burns on and off since 1974 and remembers when six or seven bars served patrons. His bar weathered a mill shutdown, the demise of a motor home manufacturing plant and the struggles of ranchers trying to scratch out a living.

Williams blames the sagging economy, in part, on ever-increasing federal mandates and environmental regulations that have restricted timber harvests, limited grazing and toughened emissions standards. That made it hard for the mobile home manufacturing plant to compete.

“If everyone was happy with the government, you wouldn’t have seen the rally,” he said.

Soper also said he disagreed with an armed takeover of federal property, but he said the government had invited it with excessive regulations that are hurting people economically.

“The frustration of the people built up to cause this,” Soper said. “It’s really no different than the Occupy Movement or a sit-in at a college.”

He said rural Oregonians view the government’s policies as blocking working people from earning a living.

“True wealth comes from the land. If they can’t feed their cows, there’s not going to be beef in the supermarket,” he said. “People are no longer [able] to make a living.”

Federal agencies, he said, “are taking food out of people’s mouths.”

Berman and Sullivan reported from Washington. Mark Berman is a reporter on the National staff. He runs Post Nation, a destination for breaking news and stories from around the country.

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