

Sheriff David M. Ward
485 N. Court Avenue #6
Burns, Oregon 97720

Cent. Mail #
7014 2120 0004 6670 5593

January 10, 2016

Dear Sheriff Ward,

I am writing regarding the Hammond situation, and am extremely disappointed that you have failed to uphold your Oath of Office and the Constitution, and are party to illegal and unconstitutional government activities involving the People's property and lands in the state of Oregon.

Ignorance of the law is no excuse, and certainly ignorance of your own authority to stop the federal government on this issue in its tracks is unacceptable to Americans who still stand for liberty and law.

The federal government has zero jurisdiction over those lands as you will see in the attached FOIA to the BLM sent over two years ago, (with no response to it), and the enclosed documents and links to documents. Please review this lawful and constitutional evidence for yourself, and stop being a pawn of the federal government and uphold your oath and defend your people in your county.

That is what you were hired to do. Anything otherwise is treason against the American people.

"No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." U.S. Supreme Court *Cooper v. Aaron*, (1958).

The Federal government has illegally and unconstitutionally stolen the so-called "federal" lands, which is, in truth, the People's lands/public lands. It belongs to the People of the Republic of Oregon, and THEY have the authority over those lands.

YOU are the authority to assure the State of Oregon, with respect to your county, stops federal encroachment into your affairs. Other Sheriff's in other states are standing up against such encroachment, and so should you.

If you truly don't know your own authority, or the truth about jurisdiction and authority of the federal government, this material will open your eyes. You are creating a record, Sheriff Ward, by your actions, which will be evidence used against you in the future if you fail to respond lawfully now that you have been NOTICED herein of this criminal activity by the federal government.

Your authority to stop them, arrest them, remove them from your county is clear. You have millions of people behind you if you do such a thing. Demand that the Hammonds be released based on this evidence. Bake the federal government PROVE its jurisdiction, and to COUNTER/REBUT this evidence to the satisfaction of the evidence. The very same "crime" alleged against the Hammonds' has been done by the feds themselves, as you should well know.

This is unconscionable action and you are supporting it, and actually helping the feds steal Oregon's lands. Our laws support the fact that any crime you have been made aware of is to be reported or acted upon by officials, or you have committed a crime yourself...

18 U.S. Code § 4 - Misprision of felony

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

18 U.S. Code § 2382 - Misprision of treason

Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, (the 50 states) conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both. (Emphasis added).

YOU NOW KNOW the facts and have the evidence, and you will have backing if you simply ask for it. You can contact Sheriff Richard Mack at CSPOA.org, and Steward Rhodes with Oath Keepers at <https://www.oathkeepers.org/> for all the support you could want. Hundreds of constitutional Sheriff's are part of these organizations and many thousands of X-military, police, Sheriffs and government officials, and they are growing.

The People will elect those who truly represent THEM, and not kowtow to criminals who are destroying our liberties and rights. Treason is a serious crime, Sheriff Ward, and the People will NOT sit by and allow this usurpation and corruption to continue. More info on this jurisdiction issue can be found here...

<http://foundationfortruthinlaw.org/Files/Becraft-Federal-Jurisdiction-In-the-United->

States.pdf (Attorney Brief),
and here...

<http://foundationfortruthinlaw.org/Files/Citizenship-and-Jurisdiction-of-the-Federal-Government-1.pdf>

and here...

<http://foundationfortruthinlaw.org/Files/Citizenship-and-Jurisdiction-of-the-Federal-Government-2.pdf>.

Consider the attached map of federal claimed lands... and ask yourself, how did the feds "acquire" this much land in the West, and yet don't claim anything close to this in the Eastern States? It was never ceded by law to them, so something is amok, and YOU need to know what it is.

Please consider these things NOW and do what is right... MAKE things right... and stand with others who are following their Oath of Office. Our future is at a crossroads, Sheriff Ward, and we MUST have our public servants following the laws and Constitution, and NOT cave to criminal enterprises and activities that are acting under color of law.

As the top law enforcement authority in your county, (even above any judge) by defending your county and people, you are defending ALL Americans against this slow and subtle slavery and tyranny we are now experiencing. I pray you wake up to this awakening across America and don't continue to provide evidence that can, and will be, used against you in a court of law.

Sincerely,



Jeffrey T. Maehr
924 E. Stollsteimer Rd.,
Pagosa Springs, Colorado Republic [81147]

CC: Sheriff Richard Mack
Stewart Rhodes

COPY

February 11, 2013

BLM
Salvatore R. Lauro
Director, Office of Law Enforcement and Security
1849 C Street, NW, Rm. 5637
Washington, D.C. 20240

Freedom of Information Act Request

Dear Mr. Lauro,

I have been following the Grand Junction, Colorado BLM land control issues, among others. I am writing for information regarding federal jurisdiction of this and other areas claimed by the federal government. This has been a long standing question in many American's minds, and is ripe for disclosure, or possible adjudication, even to the Supreme Court if necessary.

According to the following law and U.S. Supreme Court and other cases, the federal government does NOT have jurisdiction over most of the People's and State's lands because they have never been ceded to the federal government, so I am requesting information under the Freedom of Information Act (FOIA) as to what laws and authority the BLM/federal government is using to control these vast areas of the People's and State's lands in our Republic, to include all 50 States where the BLM or other agency of the federal government may claim to hold and exercise jurisdiction, including constitutional and statutory authority, and cession evidence of said lands, also including, but not limited to, all "National Park" lands, and any other lands.

Per the following law and precedent, it is clear where federal jurisdiction extends:

Title 4 U.S.C. §72 Public offices; at seat of Government: "All offices attached to the seat of government shall be exercised in the District of Columbia and not elsewhere, except as otherwise expressly provided by law."

Article 1, Section 8, Clause 17: "To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of Particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;"

CAHA v. U.S., 152 U.S. 211 (1894) "The laws of congress in respect to those matters do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government."

The jurisdiction of the federal government is limited to very specific areas, primarily in the D.C. and other "territories" over which the federal government has any jurisdiction. The States (and the People specifically) retain ALL other jurisdiction and control over territory within its borders.

The following excerpts are from attorney Lowell H. Becraft, Jr., and his treatise on Federal Jurisdiction at <http://www.constitution.org/juris/fedjur1.htm>;

United States v. Bevans, 16 U.S. (3 Wheat.) 336 (1818):

"The exclusive jurisdiction which the United States have in forts and dock-yards ceded to them, is derived from the express assent of the states by whom the cessions are made. It could be derived in no other manner; because without it, the authority of the state would be supreme and exclusive therein," 3 *Wheat.*, *Supra*, at 350, 351.

"What, then, is the extent of jurisdiction which a state possesses? "We answer, without hesitation, the jurisdiction of a state is co-extensive with its territory; co-extensive with its legislative power," 3 *Wheat.*, at 386, 387.

"The article which describes the judicial power of the United States is not intended for the cession of territory or of general jurisdiction. ... Congress has power to exercise exclusive jurisdiction over this district, and over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

"It is observable that the power of exclusive legislation (which is jurisdiction) is united with cession of territory, which is to be the free act of the states. It is difficult to compare the two sections together, without feeling a conviction, not to be strengthened by any commentary on them, that, in describing the judicial power, the framers of our constitution had not in view any cession of territory; or, which is essentially the same, of general jurisdiction," 3 *Wheat.*, at 388.

Commonwealth v. Young, *Brightly*, N.P. 302, 309 (Pa. 1818) (Pennsylvania Supreme Court);

"The legislation and authority of congress is confined to cessions by particular states for the seat of government, and purchases made by consent of the legislature of the state, for the purpose of erecting forts. The legislative power and exclusive jurisdiction remained in the several states, of all territory within their limits, not ceded to, or purchased by, congress, with the assent of the state legislature, to

prevent the collision of legislation and authority between the United States and the several states."

People v. Godfrey, 17 Johns. 225, 233 (N.Y. 1819); (New York Supreme Court);
"To oust this state of its jurisdiction to support and maintain its laws, and to punish crimes, it must be shown that an offense committed within the acknowledged limits of the state, is clearly and exclusively cognizable by the laws and courts of the United States. In the case already cited, Chief Justice Marshall observed, that to bring the offense within the jurisdiction of the courts of the union, it must have been committed out of the jurisdiction of any state; it is not (he says,) the offence committed, but the place in which it is committed, which must be out of the jurisdiction of the state."

United States v. Cornell, 25 Fed.Cas. 646, 648 No. 14,867 (C.C.D.R.I. 1819); (U.S. Supreme Court);

"But although the United States may well purchase and hold lands for public purposes, within the territorial limits of a state, this does not of itself oust the jurisdiction or sovereignty of such State over the lands so purchased. It remains until the State has relinquished its authority over the land either expressly or by necessary implication.

"When therefore a purchase of land for any of these purposes is made by the national government, and the State Legislature has given its consent to the purchase, the land so purchased by the very terms of the constitution ipso facto falls within the exclusive legislation of Congress, and the State jurisdiction is completely ousted."

New Orleans v. United States, 35 U.S. (10 Pet.) 662, 737 (1836); (U.S. Supreme Court);

"Special provision is made in the Constitution for the cession of jurisdiction from the States over places where the federal government shall establish forts or other military works. And it is only in these places, or in the territories of the United States, where it can exercise a general jurisdiction."

New York v. Miln, 36 U.S. (11 Pet.) 102 (1837); (U.S. Supreme Court);

"They are these: that a State has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits, as any foreign nation, where that jurisdiction is not surrendered or restrained by the Constitution of the United States. That, by virtue of this, it is not only the right, but the bounden and solemn duty of a State, to advance the safety, happiness and prosperity of its people, and to provide for its general welfare, by any and every act of legislation which it may deem to be conducive to these ends; where the power over the particular subject, or the manner of its exercise is not surrendered or restrained, in the manner just

stated. That all those powers which relate to merely municipal legislation, or what may, perhaps, more properly be called internal police, are not thus surrendered or restrained; and that, consequently, in relation to these, the authority of a State is complete, unqualified and exclusive," *36 U.S., at 139.*

Pollard v. Hagan, 44 U.S. (3 How.) 212 (1845) (U.S. Supreme Court);
"We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory, of which Alabama or any of the new States were formed," *44 U.S., Supra, at 221.*

"[B]ecause, the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted," *44 U.S., Supra, at 223.*

"Alabama is therefore entitled to the sovereignty and jurisdiction over all the territory within her limits, subject to the common law," *44 U.S., Supra, at 228, 229.*

Quote from Becraft:

"Thus, the cases decided within the 19th century clearly disclosed the extent and scope of both State and federal jurisdiction. In essence, these cases, among many others, hold that the jurisdiction of any particular State is co-extensive with its borders or territory, and all persons and property located or found therein are subject to such jurisdiction; this jurisdiction is superior. Federal jurisdiction results only from a conveyance of state jurisdiction to the federal government for lands owned or otherwise possessed by the federal government, and thus federal jurisdiction is extremely limited in nature. And there is no federal jurisdiction if there be no grant or cession of jurisdiction by the State to the federal government. Therefore, federal territorial jurisdiction exists only in Washington, D.C., the federal enclaves within the States, and the territories and possessions of the United States."

"The above principles of jurisdiction established in the last century continue their vitality today with only one minor exception. In the last century, the cessions of jurisdiction by States to the federal government were by legislative acts which typically ceded full jurisdiction to the federal government, thus placing into the hands of the federal government the troublesome problem of dealing with and governing scattered, localized federal enclaves which had been totally surrendered by the States. With the advent in this century of large federal works projects and national parks, the problems regarding management of these areas by the federal government were magnified. During the last century, it was thought that if a State

ceded jurisdiction to the federal government, the cession granted full and complete jurisdiction. But, with the ever increasing number of separate tracts of land falling within the jurisdiction of the federal government in this century, it was obviously determined by both federal and state public officers that the States should retain greater control over these ceded lands, and the courts have acknowledged the constitutionality of varying degrees of state jurisdiction and control over lands so ceded."

Surplus Trading Co. v. Cook, 281 U.S. 647, 50 S.Ct. 455 (1930); (U.S. Supreme Court);

"[T]he state undoubtedly may cede her jurisdiction to the United States and may make the cession either absolute or qualified as to her may appear desirable, provided the qualification is consistent with the purposes for which the reservation is maintained and is accepted by the United States. And, where such a cession is made and accepted, it will be determinative of the jurisdiction of both the United States and the state within the reservation," *281 U.S., at 651, 652.*

"Jurisdiction Over Federal Areas Within The States: Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, Part II:"

"The Constitution gives express recognition to but one means of Federal acquisition of legislative jurisdiction -- by State consent under Article I, section 8, clause 17 Justice McLean suggested that the Constitution provided the sole mode for transfer of jurisdiction, and that if this mode is not pursued, no transfer of jurisdiction can take place," *Id., at 41.*

"It scarcely needs to be said that unless there has been a transfer of jurisdiction (1) pursuant to clause 17 by a Federal acquisition of land with State consent, or (2) by cession from the State to the Federal Government, or unless the Federal Government has reserved jurisdiction upon the admission of the State, the Federal Government possesses no legislative jurisdiction over any area within a State, such jurisdiction being for exercise by the State, subject to non-interference by the State with Federal functions," *Id., at 45.*

"The Federal Government cannot, by unilateral action on its part, acquire legislative jurisdiction over any area within the exterior boundaries of a State," *Id., at 46.*

"On the other hand, while the Federal Government has power under various provisions of the Constitution to define, and prohibit as criminal, certain acts or omissions occurring anywhere in the United States, it has no power to punish for various other crimes, jurisdiction over which is retained by the States under our

Federal-State system of government, unless such crime occurs on areas as to which legislative jurisdiction has been vested in the Federal Government," *Id.*, at 107.

Becraft quote:

"Thus, from an abundance of case law, buttressed by this lengthy and definitive government treatise on this issue, the 'jurisdiction of the United States' is carefully circumscribed and defined as a very precise portion of America. The United States is one of the 51 jurisdictions existing on this continent, excluding Canada and its provinces."

End of Becraft material.

I am, again, repeating the above information request, and more, under the Freedom of Information Act (FOIA) as to:

1. What laws and authority the BLM/federal government is using to control these vast areas of the People's and State's lands in our Republic, to include all 50 States where the BLM or other agency of the federal government may claim to hold and exercise jurisdiction, including constitutional and statutory authority, and cession evidence of said lands, also including, but not limited to, all "National Park" lands, and any other lands allegedly "owned" by the federal government.

2. The statutory and constitutional authority to lease land to private corporate interests for exploitation for profit, or sell or otherwise dispose of, assets within State territories, including, but not limited to:

- Oil extraction
- Natural Gas extraction
- Mineral deposit use
- Lumber use
- Water rights
- Geothermal source use
- Biomass and Bio-energy land and resource use
- Wind energy land use
- Solar energy land use
- Transmission Corridor land use

...and where these received funds may be allocated apart from the respective States and the People within these respective States.

3. The statutory and constitutional authority to control hunting, fishing, water navigation, and other issues regarding land use within any State territory and apart from State control.

4. The statutory and constitutional authority for environmental jurisdiction over said State land jurisdiction under any federal government agency.
5. The statutory and constitutional authority to be closing or changing established State roads or lawfully defined "highways" within said lands.
6. The statutory and constitutional authority to arrest citizens on said lands, or in use of said lands within State territories.
7. The statutory and constitutional authority to close off said lands to any of the several State's Citizens apart from State jurisdiction and authority.

There may be more FOIA requests stemming from this request as more constitutional and statutory law evidence is uncovered and made public.

Thank you for your attention to this matter!

Jeffrey T. Maehr
924 E. Stollsteimer Rd.,
Pagosa Springs, CO 81147

CC: (sources for all states - <http://www.blm.gov/wo/st/en/info/directory.html>)

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NRAILA.org
Via website

Who Really Owns America's Land?

Under English common law, a most unique significance was attached to the unalienable right of possessing, developing, and disposing of property. Land and the products of the earth, in their natural state, were considered a gift of God to man, but then man was commanded individually to cultivate, beautify, and subdue it and bring it under his dominion.

This is the root of private property ownership, for without a certain exclusiveness, one cannot fulfill the command to "subdue" and gain "dominion" over property.

America's Founders took this Biblical injunction literally and believed that no government official has a right to interfere with this God-given, unalienable right and mandate. Their belief that the land belonged to the people, not the king, was the impetus for including the grievances in the Declaration of Independence that, 1) "He has endeavored to prevent the population of these States;... and rais[ed] the conditions of new Appropriations of Land, and, 2) the "He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance." King George also attempted to prevent the colonists from possessing the new lands west of the Appalachian Mountains.

The Land belongs to the people, not the Government or the King

This, like many other ideas of the Founders, led them to reject the old established way of centralized control of land and to institute orderly control at a much more local level which would be administered close to the people for their benefit. State, counties, and local governments became the support for organized, private ownership of land, with only a little bit dedicated to the common usage of the people.

To ensure that this arrangement would

forever be maintained, the Founders gave very specific restrictions to the federal government concerning the ownership and control of land. While the federal government would maintain control of territories such as the District of Columbia, Article I, Section 8, clause 17 of the U. S. Constitution clearly states that land within the boundaries of a state may only be acquired by the national government if, first, it has the consent of the state legislature, and, second, it must only be for one of four purposes: military forts, arsenals, dock-yards, and other needful buildings.

It is interesting to note that no state legislature exists before a state exists, so all the land within a state comes within state jurisdiction when a state is created. Thereafter, the federal government may ask the state legislature for specific parcels of land for the above-stated purposes. It was this procedure that was to guarantee that the age-old tendency of power-hungry national or kingly governments to grab up and deprive the people of their God-given land would forever be avoided in the United States.

New States would come into Union on an Equal Footing with the Original Thirteen States

The Founders made sure that the original thirteen states had both dominion and sovereignty with respect to land within the states' borders and that the national government's land holdings were very little and in accordance to the purposes outlined in the Constitution. But what about new states that were surely to come into the Union at a later date?

The Founders declared in several documents that all future states were to be accepted into the Union on an "Equal Footing" in all aspects with all the original states. Language such as, "...on an Equal Footing

with the original states, in all respects whatsoever..." and "...and shall have the same rights of sovereignty, freedom and independence, as the other states;" is found in documents such as The Northwest Ordinance of 1787 and others which outline the specific procedures for accepting new states into the Union.

It is interesting to note that when land came into possession of the United States in the Founders' Era, such as the huge Louisiana Territory, efforts were made to organize it so that, when sufficient population was present, it could be converted into sovereign states. Much of the land was sold directly to the people and the proceeds used to pay off the national debt. The year 1835 was the only time in our history the national debt was completely paid off. The Founders were loyal to the Constitutional requirements in two ways: 1) The disposition of land to the people, and 2) The paying off of the national debt.

Enabling Acts of the Western States

The original thirteen states and the later Midwestern and Southern states currently have very little federal lands (as low as 1%) within their boundaries as required by the Constitution. But when the western states applied for statehood, a whole new philosophy was in vogue in Washington, D. C. It is as though the age-old kingly philosophy that the Founders fought so hard to eliminate had returned and the central powers saw opportunities to control the people by retaining control of their lands, even after statehood was granted.

Statehood Enabling Acts are passed by Congress to facilitate the creation of each state. They provide, among other things, for the state to enjoy equal footing with the other states and that the federal government will be unhindered in its disposal of previously held lands. The California Enabling Act is reasonably typical of all other western states, with some modifications. It says:

"...That the State of California shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an Equal Footing with the original States in all

respects whatever." And
 "...That the said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned;..."

The passage of the Forest Reserve Act of 1891

It was not long after some western states came into the Union (e.g. California in 1850, Nevada in 1864) that the tendency grew for the federal government to not dispose of land within the respective states as agreed in the Enabling Acts but to "set aside" lands for other purposes. Yosemite and Yellowstone were among these. Congress finally passed the Forest Reserve Act of 1891 which included authority for the president to do just that, even though it was outside the boundary and authority of the Constitution. This act included a short rider to Section 24 which reads:

"That the president of the United States may, from time to time, set apart and reserve, in any state or territory having public land bearing forest, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the president shall, by public proclamation, declare the establishment of such reservation and limits thereof."

As a result the federal government today claims to own or control the following percentages of the western states: Nevada – 86%, Arizona – 75%, Utah – 75%, Oregon – 75%, Idaho – 75%, Alaska – 71%, Wyoming – 65%, New Mexico – 60%, California – 55%, Colorado – 50%, Montana – 45%, Washington – 40%.

How the West was Lost

In his book, *How the West Was Lost: The theft and usurpation of state's property rights*, author William C. Hayward documents

the gradual and powerful takeover of one of America's most precious resources – its land. It is interesting that the loss of America's property ownership nearly parallels the ongoing loss of individual rights in so many other areas. It is a new philosophy that is engulfing this majestic land and a philosophy that will destroy America if we do not awaken to our awful situation. The following are excerpts from Mr. Hayward's book.

"This 1891 Act was used by Presidents Harrison, Cleveland and Teddy Roosevelt. This one-sentence rider of this act gave to the president a new, far reaching authority [although unconstitutionally] to unilaterally, by decree, establish reserve land – land to be known later as forest reserves. They withdrew millions and millions of acres of the West's hills and mountain ranges from public settlement. This was done in the name of conservation. Thus the National Forests began, as did the precedent of set-aside land. As we know it today, these millions and millions of acres of set aside public lands that found their beginning in 1891 are under the administrative control of the BLM, the National Park Service, the Forest Service, the Fish & Wildlife Service, the Bureau of Indian Affairs and the Department of Defense. In more recent years parts of these public lands were further designated as 'wilderness' by the Wilderness Act. Thirty-eight million acres have been set aside as wilderness. Eighty-five percent of this land is in the state of Alaska. While it is well known that no motorized vehicles are permitted within wilderness areas, little known is the fact that any and all natural resources of all kinds are likewise set aside: mining, timber harvesting, etc. are precluded from exploitation or use.... In the name of conservation, Yellowstone national park, set aside in 1872, became the first of what are today 364 National parks, monuments, or reserves – far more than most people realize.

"Presidents since Teddy Roosevelt have set aside public land by their personal edict and without further authority from Congress [or the Constitution]. President Carter did so as well in the only place Public Domain remained of any consequence – Alaska. Today, Alaskans are still bitter over this huge reserve

established by a single decree of President Jimmy Carter. Alaskans were upset. They still are! Among other things, their bitterness is over the proposal by the federal government that any new oil royalties will be shared on a 50 percent-50 percent basis rather than the present 90 percent-to percent basis. The oil is under Forest Reserve land. Not surprising; the composition of Alaska land is as follows: 59 percent federal, 28 percent state (which came from the federal lands as a trust for education), 12 percent Alaskan native, leaving 1 percent in private ownership.... Today these reserves, along with the other set-aside land, constitute a third of the nation.

"One could surely ask how an act such as the Forest Reserve Act of 1891, whose constitutionality must surely have crossed more than one congressman's or senator's mind, could have been passed. If the issue of constitutionality was brought up, little has been said about it. The paramount issue, therefore, must have been the simple need, in their minds, for preservative legislation. From a historical point of view, the Forest Reserve Act of 1891 was the culmination of a mounting concern for the preservation and wise *use* of the nation's natural resources as well as the *preservation in perpetuity* of natural, scenic wonders such as Yosemite and Yellowstone. This concern was voiced and debated across the nation. The media for this debate were a number of magazines, such as *Atlantic Monthly*, *North American Review*, *Review of Reviews*, *Yale Review* and a number of others. The West was captivating to the Easterner; he could enjoy its adventure and grandeur vicariously. The mystique of the West was captivating. Artists such as Remington and Russell gave spice and verve to this presentation of the West with their illustrations and art. Conservationists such as John Muir presented their verbal picture as well; all appeared in these and other early magazines, tabloids and journals.

"Another factor was quietly increasing in importance: the expansion to the West itself. And the census reports every ten years reflected this movement – ever westward. In each census report the Western frontier was traced as though it were a waterline of a rising tide. Its line moved inexorably westward, leaving the reader 'with the impression or certain knowledge that land was running out.

“Such misstatements were compounded by claims that loggers ‘simply burned over twenty-five million acres of forest each year and managed to cut four-fifths of it in less than a century.’ The message was plain: Waste!”

The Westerner didn't have a chance

“This was the stage-setting for the pivotal Forest Reserve Act of 1891. Something had to be done about waste and abuse and Congress was ready to do just that [even without any Constitutional authority]. The Westerner didn't have a chance, for the East was the center of communications, commerce and commitment. Further, the population centers were concentrated in the northeastern states, giving numerical superiority in the House of Representatives to those manufacturing-oriented states. For most representatives, their understanding and judgments were based upon what they read or heard[much had never even been out west]. And it was romanticized or negatively exaggerated! But part of it was real. By 1891 the mind-set was reasonably firm: Waste and abuse had to be stopped. Commitment to this end was a reasonably foregone conclusion. The nearly sole voice of John Wesley Powell was not enough to sway the East and Congress; supposed

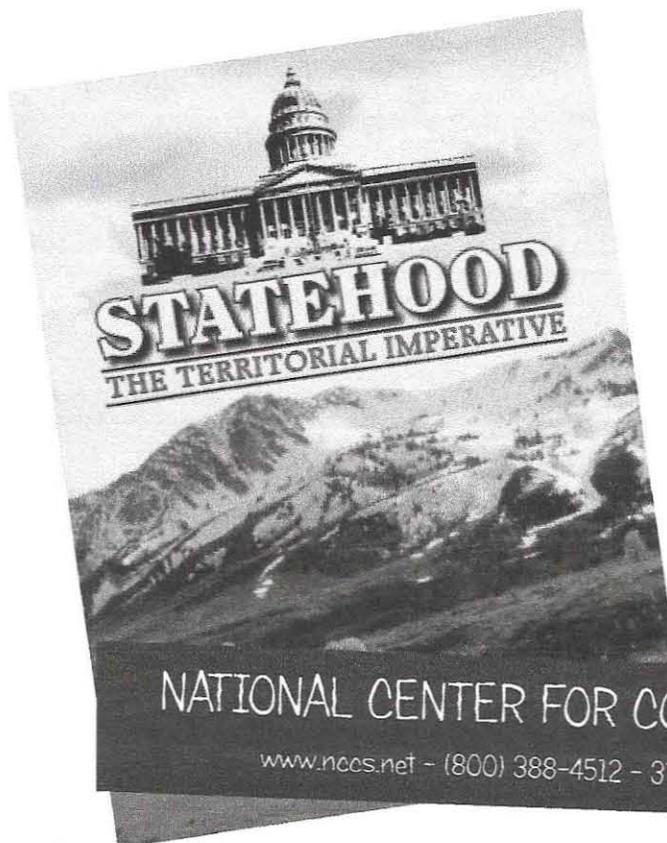
waste must be stopped; natural resources must be preserved and husbanded; land must be retained. After all, they were told, there was very little left!” (Excerpts from Hayward, pp. 22-24)

What is to be done?

After all is said, what are constitutionally-minded Americans to do? First, we must recognize that the entrenchment in the Washington D. C. bureaus and agencies is so deep that they will not willingly relinquish claim on western lands. They really believe they own it. Second, governments which have become too top-heavy eventually collapse of their own weight. In the meantime, we must, knowing time is always on the side of truth, continue to teach correct principles of land ownership and try to elect people who understand it, so that when the time comes we will be ready with an answer – the Founders' answer for Constitutional ownership of America's land.

Sincerely,

Earl Taylor, Jr.



Statehood: The Territorial Imperative

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WHU OWNS THE WEST?

Federal Land as a Percentage of Total State Land Area

