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Denial of Due Process to citizens of Nevada

Federal resource agencies when operating in Nevada assume the roles of judge, jury and executioner. If the BLM or the USFS decides within its bureaucracy that a livestock producer is grazing too many animals on a range, it will on its own authority seize the animals and sell them and then bill the producer for the gather costs. When the BLM has been questioned on this, Bob Abbey invariable says "we must follow our regulations." In fact, if such regulations exist, they are in violation of relevant Federal statutes. They are also in violation of the Fourth Amendment to the United States Constitution, which makes no exceptions for "agency regulations."

This short presentation will cover the Federal Land Policy and Management Act, (FLPMA) which governs agency operations as well as the recently decided case of *Hage v. The United States*. Included in the back of this book is a copy of *Pollard v. Hagan*, 44 U.S. 212 (1845) In which the U.S. Supreme Court clearly states the United States have no municipal authority within the borders of admitted states.

First a short litany of recent victims of agency tyranny.

Wayne Hage, cattle stolen, June 1990
Ben Colvin, cattle stolen, August 26, 2001
Jack Vogt, cattle stolen, August 27, 2001
Cliff Gardner, imprisoned for 30 days for "illegally grazing," Sept. 2001
Raymond Yowell, cattle stolen, May 23, 2001
Myron Tybo, cattle stolen, May 23, 2002
Mary and Carrie Dann, cattle stolen, September, 2002

One of the saddest aspects of these cases is that State of Nevada officials have not only turned a blind eye to Federal agency outlawry, they have in several cases collaborated with Federal lawbreakers. People who could have taken a few minutes to research the law have simply not cared enough to do so. Sheriffs have been successfully intimidated by Interior Dept. solicitors because the Attorney General's office in the past has offered no support. The State Brand inspector has signed brand inspection certificates as agent for the victim despite the fact that the victims gave him no such agency. A person buying the cattle in due course could reasonably assume that the cattle had been sold by the original owner. Last but not least, in 1947 the Legislature of the State of Nevada delegated its rights under Art. I, Sect. 8, Clause 17 of the U.S. Constitution to the Nevada Tax Commission and in 1975 Nevada Attorney General Robert List issued an opinion that the United States could acquire real property in Nevada without the consent of the legislature unless it desires to acquire exclusive jurisdiction over the property acquired.