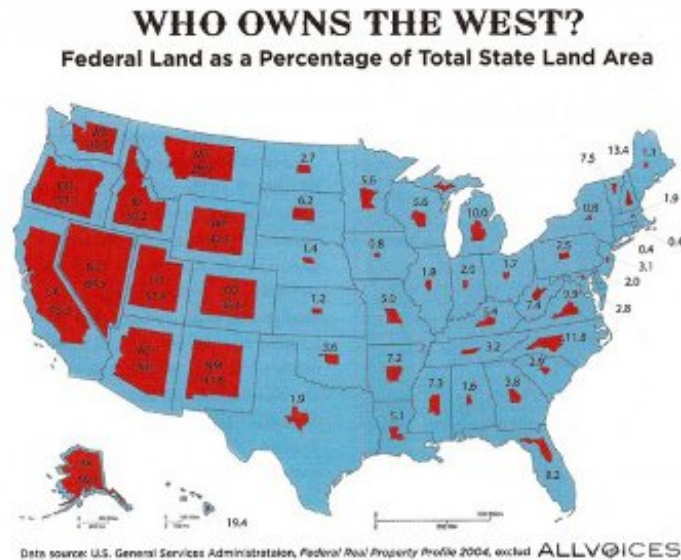


## Oregon Standoff: Federal Land Grab vs. the Sagebrush Rebellion

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By Joel Skousen

The occupation of the headquarters of the Malheur National Wildlife Refuge in Harney County, Oregon by a small group of armed protesters represents a new and confrontational tactic in the Sagebrush Rebellion—the decades old struggle of Western ranchers against federal control of state lands. While the majority of rancher disputes are against the Bureau of Land Management (BLM) the US Fish and Wildlife Service has been just as ruthless—in this case expanding the wildlife refuge at the expense of neighboring ranchers. This week I'll detail the struggle of the Hammond family, and of Ammon Bundy the protest leader. When you read the litany of federal abuse of ranching families, you will better understand why some ranchers are staging an armed resistance. I also give some suggestions on how this can be resolved peacefully.

The root of the controversy is a constitutional dispute that has never been properly adjudicated. Under Article IV, Section 3:2 (The Property Clause), it says,

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States....

However, once a territory becomes a state, the federal government can only possess land, within that state for limited purposes: a national capitol, federal military facilities, and certain docking and warehouse facilities related to the collection of tariffs. This is governed by Article I, Section 8:17 which states:

To exercise exclusive Legislation in all Cases whatsoever, over such District [Washington DC] (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 [such as post offices].

Notice, those lands have to be specifically ceded by the states through consent of the state legislatures; they cannot be taken arbitrarily by government. The federal government got around this by making federal ownership of large parts of Western territories a condition of statehood. This had never been done to any state until the territories west of the Dakotas, down through Texas became states. Nevada was literally robbed of 84.5% of its land. In most western states the federal government owns more than half of the land mass. This is outrageous. Here is a link to [a map](#) showing the sad facts.

From the beginning there were private lands interspersed among lands claimed by the federal government, and the forest service, in particular, has engaged in a long series of abuses making it difficult, if not impossible, for “inholders” to gain access to their land or use it.

The BLM has likewise engaged in a myriad of tactics to harass ranchers, including the denial of long-held grazing and water rights, access to their land and even starting controlled burns which threatened private land and forced ranchers into a costly battle to protect buildings and livestock—all of this without legal consequences for the government. Here’s [video proof](#).

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