



*The Hammond family, from left: Earlyna, Steven, Susan, Dwight, Claire, Corbin and Emery. OPPOSITE: Looking east across the Blitzen River, through remote miles of Hammond grazing allotments and private property, to the top of Steens Mountain.*

# Government Tyranny

*Oregon's Hammond saga continues.*

*By Hank Vogler*

**W**hen I think of the Hammond family that I have known for years, “Leave it to Beaver” with June and Ward Cleaver comes to mind, not anarchy. If anything, I was the Eddie Haskell of the neighborhood. When my grandfather’s ranch and neighboring ranches in Harney County, Ore., were under siege by the U.S. Fish & Wildlife Service, the ranchers who had used the Malheur Refuge were under the same siege. The eco-terrorists of the day were trying to prove that if man and his evil domestic livestock did it, it was wrong. *Au naturel* was in vogue. The P Valley was irrigated and hayed. Sixty-two different family ranches used the refuge part of the year for grazing and haying. Dwight and Susie Hammond’s family was among this group.

The refuge not using its adjudicated water rights on the Donner and Blitzen River upstream in P Valley was flooding my grandparents’ ranch. Malheur Lake was in the Great Basin and therefore the water never ran to the ocean. When the management style of the refuge changed after years of symbiotic use with wildlife and domestic

livestock, the water from the Steens Mountain filled this inland lake system up, drowning out 32 more ranches.

Dwight and Susie Hammond’s family and my family were thrown together at many a meeting to try and find a solution to the destruction of nearly 100 family ranches in the name of the “environment.” Dwight and I visited with a water engineer who said that being as the waters of this system didn’t run interstate, the feds had no more right to the water than any rancher with adjudicated water rights. The only problem was that there was no precedent of law that forced anyone to use his or her water but there was plenty of law on abandonment of water rights.

Near the Hammond ranch was a spring that ran onto the refuge. Refuge employees had let a reservoir wash out years ago and never fixed it, which meant a large part of the refuge was never irrigated again. The Hammonds appropriated the water and put it to beneficial use. The feds sued and lost. The nightmare began when the 9th District Federal Court ruled in favor of the Hammonds

on the water.

When the refuge was fenced in the ’30s by the Civilian Conservation Corps, the manager of the refuge, John Scharff, had a water gaps fenced out all around the refuge so cattle could drink. Until Scharff retired in the early ’70s, these water gaps were continually used. All of a sudden, the water hole that the Hammond family used on their private land had to be fenced. I am sure it was needed to stop global warming and not to punish this good family. The Hammonds tried to stop this abuse and were arrested for obstructing the government from fencing the water hole. The Hammond family won again. Unfortunately, a government employee scorned almost guarantees retribution.

In 2006, my family spent the night at the Hammond ranch. We were to return home the next day and my son and granddaughter mutinied as they wanted to go swimming in the reservoir that irrigated the land called the dust bowl. That afternoon, lightning started striking near the reservoir. Susie Hammond said, “Kids, three strikes and you’re out.” She barely got it out of her mouth and it was everybody out of the water.

The next morning, we left for Nevada. There was fire in Bridge Creek behind the Bureau of Land Management (BLM) fire-base at Frenchglen. The chain was still across the driveway of the firebase—I guess so no one could come or go in the night. The fire was burning slow in the morning’s heavy air. If anyone had jumped on it, they would have had a good chance to contain it. As all of us know who live at the end of the road, big fires mean big dollars. Thus the term Holstein Fire was coined. I called the Hammonds and told them what I saw. It is my understanding that they opened gates to save their cattle and set a backfire to keep the fire from burning their winter feed. This backfire put the fire out.

Within a few days, the folks from the government came up with 18 different charges against Dwight and his son Steven, including “domestic terrorism.” A few years later, I went to Pendleton, Ore., to testify to what happened on the day that I was there. Some of the charges had been brought up as far back as the early ’80s. Basically, the gov-



ernment said that every fire in the vicinity was the fault of Dwight and Steven Hammond, even though Steven would have been a small boy in the early '80s.

As I sat in the hall, I noticed one fellow who was the star witness for the government. He was billed as a voice for truth and justice with an impeccable reputation. I guess it was in a prior life that he stole cattle from my family and the only reason he didn't go to his own jail cell is that my family didn't press charges. He also was in charge of a fire in Catlow Valley and set a backfire that burned buildings, corrals, fences and cattle. Was that okay because he is from the government and was there to help?

Of the 18 counts, the jury said the feds had no case on 16 of the charges, and on the other two charges they wanted more information. It is 11:30 at night and the lawyer meter for the Hammonds is in overdrive. The two charges still pending were for nearly nothing. The Hammonds plea bargained on the lesser charges and Dwight was sentenced to 90 days in federal prison and Steven got a year and a day. Both did their time without incidence. The judge even said that the mandatory domestic terrorism didn't apply when a few trees burned. It was customary to call BLM dispatch when available and notify them of controlled burning.

The feds with the money machine and all the time in the world appealed to the 9th U.S. Circuit Court of Appeals in San Francisco. They demanded that the domestic terrorism charge be upheld. The 9th Circuit

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remanded it back to federal district court in Oregon.

The original judge has retired. The outcome is still uncertain and the lawyer Beemer payments will continue to grow. No one mentions that the government is trying to revoke the Hammonds' permits on the BLM. This will prevent them from using their deeded land that is within these allotments. This could cost them their ranch. No one mentions that long ago the Hammonds were told by the "federalies" that if they gave them their land on the Steens Mountain that the original charges would be dropped. This land is in a special management zone that is to protect the "environment" and the custom

and culture in the area. I guess the only custom and culture to be protected is the feds while private rights are damned.

Every day you compromise. In the case of the Hammond family, compromise doesn't cover core beliefs in property rights and protecting one's life and limb. History records the rare individuals who stand up for core beliefs. History does not record those who kissed ass to slide by. The signers of our Constitution were in the minority. Thank God they continued to fight an uncaring government far away from the problem. They knew that the rule of law and the individual rights of a free society were paramount to the success of their fledgling country.

Thomas Jefferson said, "A government in fear of the people is freedom, a people in fear of their government is tyranny." He also was credited with saying that a government closest to the people is the best government. Local control. Look around. Small towns in the West are overwhelmed with government jobs. All the renewable-resource jobs in agriculture, forestry, and mining—the real producers—are nearly all gone. ■

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