

Unchallenged & Unchecked

Power-grabbing feds are waging an unrestrained war that is destroying American ranching. Unless their regulatory overreach is reined in, there will be a catastrophic national food security crisis. By Stephen M. Studdert

My uncle Dave raised cattle and sheep, and grew alfalfa, oats, and barley. Agriculture was his life. My family operated a slaughterhouse. As a boy, I cleaned ditch, irrigated, bucked hay, herded sheep, fed cattle, and fixed fence. That was agriculture. Mostly hard, sometimes sweet, but unrestrained by government.

Years later I served as a White House advisor to three U.S. presidents, yet I'm almost embarrassed to admit that I once

Abraham Lincoln later characterized as a government "of the people, by the people, for the people," a government that serves its citizens rather than itself. Never did they envision a day when the biggest threat to the American ranch family and our western way of life might well be their own government and its relentless rules, mandates, taxes, permits, fees, and fines.

A North Dakota Badlands cattle rancher named Theodore Roosevelt became America's 26th president. He owned the Elkhorn Ranch on the Little Missouri River, herded cattle in bitter blizzards, and became, in his own words, "at heart as much a Westerner as an Easterner." He understood the real spirit of America when he said, "The government is us; we are the government, you and I."

If Roosevelt visited the western states today, he would be horrified at the enormity and reach of the government. He would barely recognize it. Today the federal government "owns" and rigidly controls just under half of all land in the 11 western states, and federal spending astoundingly accounts for 22 percent of the American economy.

I never knew Roosevelt, but I would have liked to. I did know Ronald Reagan, our 40th president. Whether riding his horse or clearing brush on his beloved Rancho del Cielo, Reagan embodied the life and ideals of America's West, and he understood the role of government fashioned by the Founders who did not envision pervasive government. He said, "The nine most terrifying words in the English language are, 'I'm from the government and I'm here to help.'"

Our 42nd president, Bill Clinton, declared in 1996, "The era of big government is over!" Oh, that such were true! Ever since,

that very government Teddy Roosevelt said was ours has been a runaway, swelling government—expanding rules within rules and codes within codes, agencies operating unto themselves with bureaucrats yielding too much power, often working unchecked—now, quite possibly, the gravest danger ever to the American ranch way of life.

NO PARTY FOR THIS BIRTHDAY

The U.S. Department of Agriculture was signed into existence by President Lincoln in 1862, and I'm not celebrating. "This country, with its institutions, belongs to the people who inhabit it," he said. Surely Lincoln never intended the morass of bureaucracy to which American agriculture would become dependent, beholden, and restrained by price supports, commodity subsidies, incessant permit requirements, grazing limitations, and inexplicably convoluted regulatory control of its every element.

The USDA, which Lincoln called "the people's department," the departments of Interior, Labor, Commerce, and Energy, the Environmental Protection Agency, the Army Corps of Engineers, National Labor Relations Board, and a host of other power-grabbing agencies are waging an unrestrained regulatory war that is day by day destroying American ranching and leaving farm and ranch families in a constant state of anxiety, desperation, even fear.

With regulations giving federal management control of everything from dust, manure and methane to waste and watersheds, the faceless federal bureaucracy is accelerating its unrelenting march to control every facet of American agriculture. It troubles me that those empowered to be advocates for agriculture have become its enemies. On the day the National Cattlemen's Beef Association began its summer convention in Denver, in an extraordinary display of its overwhelming disconnect with American ranching, the USDA announced its support for "Meatless Mondays," to reduce meat consumption as it yielded to anti-beef extremists.

Never did I expect to see the day when the western ranch family needs rescue from

WHITE HOUSE OFFICIAL PHOTO



The nine most terrifying words in the English language are "I'm from the government and I'm here to help."—RONALD REAGAN

worked for the same government that today seems hell-bent on destroying the very liberties our ancestors fought to establish.

From the time the Colonial settlers landed, they built homes and communities, farms and ranches, without a federal government for nearly 200 years. Even after the Constitution was adopted, no Department of Agriculture or Department of Interior existed for a century, and two centuries passed before the Environmental Protection Agency was created.

Distrustful of a powerful central control, they founded a system of law that President



President Bill Clinton (shown here with VP Al Gore), declared in 1996, “The era of big government is over!” But without consulting governors or the ranching community, and invoking a century-old forgotten law, he created the 1.9-million-acre Grand Staircase-Escalante National Monument in Utah.

its own government. The 165,000 pages of the Code of Federal Regulations contain tens of thousands of rules, more than 1,000 new mandates each year—and currently there are more than 4,000 new regulations in the pipeline. According to the Small Business Administration, these regulations cost the economy about \$1.75 trillion, nearly double the total of income-tax receipts. The U.S. House Oversight and Government Reform Committee reports that the Obama administration has issued more costly regulations than any presidency in history, adopting 106 major regulations in its first three years, at a cost to Americans of \$46 billion, and hitting the average farm or ranch family at least twice, as both producers and consumers.

GOVERNMENT INSANITY

Examples of regulatory intrusion are stunning. Consider just one agency, an out-of-control EPA, which is using aircraft to identify ranching dust polluters and miniature remote-control drones to photograph private property, stealthily obtaining photos that remain in government files for use at will. But the EPA is not alone in its airborne surveillance of your property. Ignoring the Fourth Amendment, which protects the right of individuals to be free from unreasonable searches, the Federal Aviation Administration authorized over 100 government entities to fly “unmanned aircraft systems,” some as small as baseballs, within U.S. airspace. When you feed your cows tomorrow, look up in the sky and tip your hat.

The EPA and the Army Corps of Engi-

neers, not the elected Congress, are proposing to expand the definition of “navigable waters” to include farm ponds and irrigation ditches, allowing federal bureaucrats menacingly expanded regulatory authority over agricultural life blood—water (see page 89). Western states need working local alliances to regulate water, not bureaucrats from east of the Potomac River. The Klamath River and California River Delta water disputes are just two confounding examples of intrusive bureaucratic ineptitude. And starting in 2013, the EPA will continue issuing rules that place potentially crippling permit requirements on ranchers and farmers. For the first time in history, the EPA has also issued recommendations to modify dust standards applicable to cattle drives and feedlots. What’s next—the 4-H and FFA show rings at county fairs?

Unemployment on the Navajo and Hopi reservations in Arizona, New Mexico, and Utah exceeds 37 percent, yet the EPA is considering requiring their Navajo Generating Station (NGS) to install emission-control technologies costing as much as \$1.1 billion. Once again, the EPA crushes western agriculture: 95 percent of the power for the pumps of the Central Arizona Project is produced by NGS, and the Interior Department estimates that EPA’s mandate could increase the cost of water to agriculture by as much as 32 percent.

Determining ground inspectors to be inadequate, the EPA now flies over agricul-

tural lands to search out potential land, air, and water pollution, especially manure runoff in possible violation of federal clean-water regulations. Only after congressional pressure did it admit to flying camera-armed inspectors over cattle operations in Iowa and Nebraska and farms in West Virginia, searching for evidence of cattle waste runoff into rivers and streams—though no evidence of violation existed—and even over farms not required to have discharge permits, resulting in dozens of enforcement actions against producers.

If you want to renovate your built-before-1978 ranch house, the EPA now requires the work be supervised by an EPA-certified renovator and performed by an EPA-certified company. Just another cost to tack onto next year’s operating loan statement for your partner, the bank.

And the government insanity goes on. Legislation recently introduced by two westerners—Sen. Dianne Feinstein of California and Rep. Kurt Schrader of Oregon—grants the federal government power to dictate how eggs are produced. The Egg Products Inspec-

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tion Act Amendments of 2012 make law an agreement between the United Egg Producers and the Humane Society of the United States mandating federal production practices in the poultry business. How did chickens ever lay eggs without this law?

Ignoring protection of grazing rights, without consulting governors or the ranching community, and invoking a century-old forgotten law, President Clinton created the 1.9-million-acre Grand Staircase-Escalante National Monument in Utah. Now Western Watersheds Project and other watchdog groups are demanding its management by National Park Service rangers instead of the BLM, which is admittedly far more experienced in grazing-permit management. Ranchers have grazed these grasslands for 150 years and the BLM continues to permit 11,000 cow-calf pairs, yet federal managers plan a new environmental study of the monument’s 88 grazing allotments, focused on Indian ricegrass and cryptobiotic crusts. Bureaucrats have already declared 21 of the allotments out of compliance.

Consider Lehi Roller Mill, operated by the same family for 106 years, which mills grain from Idaho, Nevada, Utah and Colorado growers. Like most ag businesses, Lehi had an operating loan with a local bank when a federal agency closed the bank and seized control. Lehi's operating line was abruptly cancelled. Without essential cash flow, Lehi was late making employee payroll. Another federal agency has now taken Lehi to federal court for violation of federal payroll laws.

A South Dakota dairy family brought in foreign employees under the agricultural guest-worker program to meet its labor

It is beyond my ability to comprehend how gigantically inconsistent bureaucracy has become. While federal bureaucrats target cattle, sheep, dairy, and pig operations, the Department of Transportation now allows airline passengers aboard commercial flights with potbellied pigs, which can weigh up to 300 pounds, if the porker is there to lend "emotional support." Next time you fly, don't take any liquids, but do take your pig along.

Even school boards are attacking American agriculture. A Pennsylvania school board removed the award-winning children's book, "The Dirty Cowboy," from elementary school libraries, because one parent was

bothered by a cowboy's partial nudity. The book is about a cowboy who takes a bath in a river, after which his dog doesn't recognize him and won't let him have his clothes back. Nowadays the American cowboy is taking a bath in more ways than one.

WHERE WILL IT END?

As I have assisted western ranchers who battle the federal government, one thing has become frighteningly clear: most ranchers have no idea what government attack is headed their way. Few have a working knowledge of convoluted and confus-

insanity tops this list. However, you *can* fight city hall. You hold the highest office in the land, that of U.S. citizen.

The trampling underfoot of fundamental protections is, without question, an ominous crisis of western society. As Ronald Reagan prepared to visit the Berlin Wall, he inserted a line in his speech: "Mr. Gorbachev, tear down this wall." In every draft of the speech he included the line, while spineless Washington wonks repeatedly removed it. Too confrontational, they counseled. But, gratefully, Reagan was unwavering in his belief in freedom, steadfast in his moral courage, and resolute in his convictions. At the wall he stood tall, proud, and American, and spoke that now infamous sentence. What would he have to say of the bureaucratic despotism of today's government? And who will tear it down? American ranchers must be wary, watchful, and unflinchingly willing to question dubious or unreasonable government actions, and rightfully resist when big brother tries yet again to beat the crap out of little brother.

Unless ever-expanding regulatory overreach is reined in and the stream of infringements is dammed up, there will be a catastrophic national food security crisis. There will also be a financial and human tragedy for ranch families, for the cattle, sheep, pork, and dairy industries, and for the world that America feeds. Already America's cattle inventory is the smallest since the USDA began counting in 1973: the United States now has the same number of cattle it had nearly 40 years ago but the population has grown by 100 million.

My favorite movie line of all time comes from the 1976 Academy Award-winning movie, "Network": "I'm mad as hell and I'm not going to take it anymore." That seems especially appropriate now as the future of the American West and ranch life today hangs in the balance. Time to cowboy up. ■

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Teddy Roosevelt started his efforts to preserve Yellowstone National Park as early as 1894. His efforts resulted in legislation to provide new levels of protection from commercial development and "ecological destruction."

demands. The only problem is the program is for seasonal workers, and dairy cows need to be milked every day of the year. Badge-carrying federal agents spent two days at the dairy investigating its records.

Family-owned Liberty Farms in rural Virginia had secured a required special permit to operate a "retail farm shop" when officials threatened the family with nearly \$5,000 in fines. They were selling handspun yarn and crafts like birdhouses, and hosting unlicensed events, including a birthday party for a friend's child, and the shocking offense of unlicensed pumpkin carving.

ing federal processes or the time and resources to defend themselves against enforcement actions. So from the comfortable office you paid for, where most work not one minute more than eight to five to receive their hefty paychecks, lavish benefits, training at plush resorts, no water turns on weekends and holidays, or winter feeding in subzero blizzards, our own employees, Congress, and federal bureaucrats run roughshod and remain unchallenged and uncontested.

Ranchers have always battled rustlers, insects, disease, feed supply, weather, drought, fire and markets. Now government