

# LIVING COWBOY ETHICS

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The Journal of the PARAGON Foundation, Inc.

The Nature Conservancy:  
Rules of Engagement

Alive And Thriving in Wyoming:  
The Red Fork Ranch

Heather Hafleigh Portfolio:  
Spring Branding Memories

The Living Words of the Constitution  
Part 3



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SUMMER 2008







## O U R M I S S I O N

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The PARAGON Foundation provides for education, research and the exchange of ideas in an effort to promote and support Constitutional principles, individual freedoms, private property rights and the continuation of rural customs and culture – all with the intent of celebrating and continuing our Founding Fathers vision for America.

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# LIVING COWBOY ETHICS

SUMMER 2008

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photo courtesy Young America's Foundation

President Ronald Reagan at the Western White House,  
Rancho Del Cielo

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*photo by Heather Huffeigh*

Leslie Dorrance readies her loop, 1996





GB OLIVER

## Doing your Homework

As more and more complicated laws are enacted in this country, one has to dig deep to find not only the meaning of some of them but, even more importantly sometimes, how they can affect citizens down the road due to their interpretation. Interpretation, even by very high-up government officials, do not necessarily make those interpretations correct – or in some cases – Constitutional. So one must do one’s homework and not take things at face value – no matter what agency or official “assures” you of their soundness. A good example of this occurred in a local murder case in Houston, Texas in the 1990s. It was a case that ultimately had affects internationally due to some interesting circumstances.

On June 24, 1993, 14-year-old Jennifer Ertman and 16-year-old Elizabeth Pena were walking home from a friend’s house in Houston, Texas when they encountered Jose Ernesto Medellin and several fellow gang members. Medellin tried to engage Elizabeth in conversation. Frightened, the two girls attempted to run to safety but Medellin grabbed Elizabeth Pena and wrestled her to the ground. Jennifer Ertman, hearing her friend’s cries for help, returned and was grabbed by the other gang members. The gang members then raped and sodomized both girls for over an hour. Then, to prevent their victims from identifying them, Medellin and his fellow gang members murdered the girls and discarded their bodies. Medellin not only confessed to kidnapping, beating and raping the two girls, but proudly confessed to strangling one of the girls with her own shoelaces.

In 1994, the State of Texas convicted and sentenced Medellin to be put to death. End of story, right? Not quite. Medellin is a citizen of Mexico and illegally in the United States. Mexico, his mother country, protested his sentence citing international law and the Vienna Convention treaty. Language in this treaty requires participating Nations to let the International Court of Justice make final decisions in disputes when their citizens are arrested abroad. Mexico not only protested the Medellin sentence, but 50 other Mexican Nationals who are on death row for committing rape and murder in the United States. Mexico claimed that under the Vienna Convention, Texas authorities were to notify “without delay” the foreign national of his right to request assistance from the Mexican Consulate before trial. Having not informed Medellin of this right, Texas had in some way violated his Constitutional right to due process

under the law. Hard to believe that Mexico knew anything about due process under the law, but so strong was their commitment to Medellin’s Constitutional rights that they pled their case to the International Court of Justice. The International Court of Justice, also known as the World Court, in turn issued a ruling against the United States, demanding that Medellin, along with 50 of his countrymen now awaiting execution in the United States, receive new trials.

President George W. Bush then issued a Memorandum to the United States Attorney General, providing: “I have determined, pursuant to the authority vested in me as President by the Constitution and the laws of the United States of America, that the United States will discharge its international obligations under the decision of the International Court of Justice in the Case Concerning Avena and Other Mexican Nationals (*Mexico v. United States of America*) (Avena), 2004 ICJ 128 (Mar. 31), by having State courts give effect to the decision in accordance with general principles of comity in cases filed by the 51 Mexican nationals addressed in that decision.”

The President of the United States ordered, by Memorandum, that all courts, State and Federal, should execute “their international obligations” under a ruling from an international court. But Texas found the President’s actions to be intrusive on the sovereignty of the State. Greg Abbott, Attorney General of Texas, argued that Texas cannot be forced to reopen the Medellin case because “the presidential memorandum transgresses the authority of Congress, the Judiciary, and the States.”

On October 10, 2007, the United States Supreme

*continued on page 7*





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*continued from page 5*

Court heard case 06-984, *Medellin v. Texas*. The case presented the court two questions:

1. Did the President of the United States act within his constitutional and statutory foreign affairs authority when he determined that the states must comply with the United States treaty obligation to give effect to the Avena judgment in the case of the 51 Mexican nationals named in the International Courts judgment?
2. Are state courts bound by the Constitution to honor the undisputed international obligation of the United States, under treaties duly ratified by the President with the advice and consent of the Senate?

On March 25, 2008, the United States Supreme Court returned a 6-3 decision in favor of Texas. The execution of Jose Ernesto Medellin could proceed. With Chief Justice John Roberts writing the majority opinion, the court held that neither the treaty nor the President's memorandum constitutes directly enforceable federal law that pre-empts a states authority, or creates an obligation that is directly enforceable as domestic law in state courts. The United States argued that by virtue of the Supremacy Clause, the treaty was already the law of the land by which all state and federal courts in this country are bound. That argument held no weight with the court. The Supremacy Clause states: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

For the most part, the Justice Department ignores the last line of the Supremacy Clause, but the Constitution makes clear that a treaty is the law of the land, provided that it in no way violates the Constitution, or any State laws. *Medellin vs. Texas* makes clear that the highest court in the land believes that the President acted outside his

delegated authority and the United States Constitution. In fact, Chief Justice Roberts refers back to the United States Constitution 15 times in the decision.

"An agreement to abide by the result of an international adjudication can be a treaty obligation like any other, so long as the agreement is consistent with the Constitution."

"The President's authority to act, as with the exercise of any governmental power, must stem either from an act of Congress or from the Constitution itself."

The President may "comply with the treaty's obligations by some other means, so long as they are consistent with the Constitution."

Chief Justice Roberts wrote, "The president's statutory authorization to represent the United States before the U.N., the International Court of Justice, and the U.N. Security Council speaks to his international responsibilities, not to any unilateral authority to create domestic law."

The United States has the authority to enter into treaties; however, those treaties are only enforceable within the territories of the United States and not within the boundaries of a sovereign State. The United States Constitution makes clear the fact that the United States are made up of 50 independent countries, bound together by the eight enumerated powers listed in Article 1, Section 8 of that document. All other powers are left to the States and to the people.

As one reads about this case, and those arguments made by the Federal Government, urging the Supreme Court to make the citizens of each state subservient to an International Court, your heart will beat faster. Had two of those six Supreme Court Justices seen fit to rule with the federal government and the President of the United States, we would now be under the jurisdiction of the World Court, a court that sees Jose Ernesto Medellin as the victim. Instead, wisdom prevailed because homework was done.



*A. B. Olm III*





Bill Dorrance 6 a.m., 1995



WILLIAM C. REYNOLDS

## Hunting Shade

Summer is a reflective time, especially after a long spring branding season. Brandings are generally a family task that can bring helpers young and old from far and wide. And, when the last calf is sent back to its mother, a sense of being a part something timeless can overcome you. The big seasonal circle continues. Now, it's summer and summer gives us time to hunt up some shade and think over the events of spring and consider the coming changes of fall – all while enjoying the warmth of the time at hand.

The response to our first two issues of *Living Cowboy Ethics* has been very gratifying as many new readers are choosing to join and help PARAGON and its work. With more and more new members, we are always being asked to explain the ongoing mission of the Foundation and frankly the answer is sometimes difficult to put into sound-bite simplicity. But since it is summer and we're in a reflective mood, here you go. PARAGON believes that the strength and goodness of this country lies in its people. Each citizen of the United States has a stake in helping the rest by standing with the vision of the Founders that they crafted in the Constitution - something that belongs to every American. It is PARAGON's mission to help educate and empower every U.S. Citizen to utilize the Constitution to its fullest – especially when it comes to issues of property. But, sometimes we may need help in understanding all the pieces before the whole puzzle becomes clear. That is what PARAGON is all about – to help citizens understand and utilize their rights.

Now that may be more than I can fit on a matchbook cover, but sometimes more words are necessary to get the point across. That's why *Living Cowboy Ethics* is here. *LCE* is designed to provide you with food for thought regarding your rights – while celebrating the diverse and interesting stories of fellow westerners. So to that end, you will find some additional help understanding the relationship between States and the Federal Government in this issue's "Your Rights" section. We have excerpted a very interesting piece from the very informative book, *Cooperative Federalism* written by Gerald Brown regarding states rights and sovereignty. PARAGON has published this, the fourth edition of Mr. Brown's book, and in the section excerpted we learn the true meaning of "States" and "Nation" – some of it may surprise you.



photo by Kristin Reynolds

Also, in this issue is a look at the ways and workings of The Nature Conservancy. Probably no other non-profit agency has as large a reach – and effect – in the ranching and Ag business as TNC. Contributor Dusti Scovel takes a look at how The Nature Conservancy works and what homework should be done if you or your family is considering working with them.

Thea Marx gives us a look at The Red Fork Ranch outside Kaycee, Wyoming. This is a true family outfit that we discover is doing just fine as we take a look at the history and future of a western success story. Writer Mark Bedor takes us visiting with a western legend, Harry Carey Jr., or "Dobe," as his father nicknamed him. Dobe worked with John Ford and John Wayne and we learn what it was like working with two legends of American Western film.

Writer Marilyn Fisher takes us on a private visit to Rancho Del Cielo, President and Nancy Reagan's California ranch that served as the Western Whitehouse during his two terms.

We visit with former Graham County, Arizona Sheriff Richard Mack as this issue's *LCE* Interview. Mack gives us a unique perspective of the proper role of law enforcement under the Constitution. It is an enlightening discussion and one we think you will find utterly fascinating.

Summer is the time for vacations so we asked Mark Bedor to take one for the team and head out on a pack trip through Saguaro National Park. Marilyn Fisher returns to give us an in depth look at the controversial California Coastal Commission – the controlling state agency along California's 1100-mile coastline – and everything six miles inland.

With spring brandings only a memory, we asked photographer Heather Hafleigh to give us a look at the essence of great family brandings as our featured photographer for this issue.

As always we thank you, the reader, for your continued support of PARAGON and its mission. Without you and your passionate interest in the workings of this nation, the Constitution would only be a piece of paper. Because of you, it is much more than that.

Enjoy your summer and this issue of *Living Cowboy Ethics*.



# of NOTE

## Made here.

There seems to be an idea floating around that we, as a nation, do not manufacture anymore. That we have sent everything intrinsic to our culture to India or China or some such place to be made at one zillionth of the cost of making things here. That we, as a country, don't care about the quality of our goods and that worse, we cannot compete. Well, my friends, nothing could be farther from the truth. On the following pages are some wonderful examples of true American entrepreneurial spirit and successes. Things that we make. Things that are made here.



### The Southern 358

At one time or another we have all stopped, looked and lusted over a rebuilt classic 1950's five window pickup. The Southern Motors Company, America's newest

domestic automotive manufacturer, has built what could be arguably the dream pick-up – classic late-40's and early-50's styling with 2008 technology - all right in Liberty, South Carolina.

They chose to build a truck that was perceived to have



the best style and happened to look like a five-window Chevy. Although the five-window Dodge would have also been a good choice, those were less known and more rare. Admittedly, most trucks of the era looked similar - but they all had style. To eliminate that older look, Southern Motors designers changed virtually every part of the truck. The cab was stretched six inches, the top dropped one inch, the windshield tilted back (less road noise and a more aerodynamic look), the bed raised two inches, the hood dropped and narrowed and the entire grill was scrapped and given a new face. The interior was re-done but the classic instrument gauges and simple looking dash were only modestly changed. And of course, the entire frame had to be changed. It now has the front end of a sports car, a stiff tubular steel frame with trailing arms and struts to replace old leaf springs. It might look like a truck but it will handle like a sports car. At first glance, it looks very similar to an old Chevy, but get them side-by-side and they are worlds apart.

The problem with the old trucks was that the cabs were tiny; the steering wheel was right in your chest and there was hardly any room to move. Good luck fitting into one if you are over six feet tall and weigh close to 200 pounds. The truck beds were also much lower than today's. Together, their proportions were much different from modern trucks, they just looked "old" - not "vintage" old.

You know, memories kind of erase the bad stuff, and although the cars of old, especially the pick-up trucks, were brawny and beautiful, they were uncomfortable and didn't ride all too well. So, the folks at Southern Motors decided there was a clear need for beautiful classic vehicles. As good as we remembered, only better. They wanted a vehicle that has that unique, classic styling plus modern features and a ride drivers are accustomed to today, with all of the safety components - yet produced in such limited quantities so that there isn't one in every town. Vehicles that are all assembled completely by hand, like the finest luxury vehicles - yet easily serviceable so you don't have to drive 100 miles to get it fixed, setting you back a few grand.

The Southern 358 stands out from a world of backyard kit cars and mass-produced plastic - and it's all made here.

ALL BODY PANELS ON THE  
SOUTHERN 358 ARE STAMPED STEEL,  
AND ALMOST EVERY COMPONENT  
IS MADE IN THE U.S.A.

A premium American street rod shouldn't have a plastic body or parts made by the lowest-cost supplier. All body panels on the Southern 358 are stamped steel, and almost every component is made in the U.S.A. A big savings could have been realized by making the stamping dies in China, but Southern wanted to use the best toolmakers and stampers available, and they happen to be located here in the U.S. of A.

More examples? They could have purchased a cheaper radiator from Taiwan and saved \$125, but the all-aluminum radiator in the Southern 358 is a higher-quality component made in the U.S.A. They could also have sourced their wheels from the Far East and realized a significant cost savings, but that's not the Southern Motor Company way. Instead, they chose classic Cragar S/S wheels as their standard.

Check out the interior of the Southern 358. You won't find all the superfluous accessories that clutter up most mass-produced vehicles - there's no heated steering wheel, memory seats, power mirrors, navigation system or digital clock (is there something wrong with a real clock?). If you want to adjust the outside mirror, you can move it by hand. Control the high beams? The button is on the floor, where it should be. Of course they provide all the essentials: Power windows and seats, air conditioning, and an AM/FM/CD player - and even cup holders. More than anything, the Southern 358 is designed to maximize your involvement with driving - and enjoying...your vehicle. And, oh yes, you can get it in any color you want.

The Manufacturer's Suggested Retail Price for the Southern 358 is \$63,000. Manufactured in South Carolina, it's fully backed by a three-year, 36,000-mile new-vehicle limited warranty. The first year's production will be very limited and is scheduled to begin with the 2009 model year in late 2008. They plan on ramping up to approximately 250 vehicles in 2009. Each vehicle will get the TLC it deserves before it leaves the South Carolina production facilities. For more information about acquiring this American dream, call Southern Motors at (864) 843-0988 or visit [www.southernmotors.com](http://www.southernmotors.com).



## Dave Stamey's Homemade Music

Dave Stamey is the Charlie Russell of western music. He has the ability to take a listener right into the story or place he is singing about. His song pictures are graphic and memorable and his CD's should be in everyone's pick-up. Dave and his wife Melissa produce and distribute his music – and manage his career - from the little town of Nipomo, California. He travels quite a bit throughout the West, yet not so much that he cannot get away for pack trips in the Sierras with Melissa or to help out with a neighbor's gathering and branding.

His biography says Dave has “been bucked off and stomped by many horses, stepped on by mules and dragged around branding pens by angry cattle of various sizes. He's ridden in the rain, in the snow, in the rain some more, in pretty nasty heat, and in feedlot pens where the air was thick and decidedly fragrant. He's even wrangled dudes. He's an entertainer now. He finds he prefers this.”

Stamey has won all kinds of awards in the world of western music but the best reward is the one you give yourself by checking out his music. Dave is one of the good ones and loves to visit with the folks who come to see his shows. As he said of his recent tour, “We saw a large swath of this nation in 2007, including Arizona, New Mexico, Kansas, Texas, a couple of trips to Missouri, back



and forth to Colorado and Utah several times—and the most rewarding part of it all was that the incredible beauty of this country is matched only by the friendliness and the smiles of its people. In every state we visited, in every town, there were open hands and open hearts. We don't know what nasty little rugs the media looks under to find their constant gloom and doom, but don't believe it for a second. America and the American Family are still alive and well, even if CNN or the major metropolitan newspapers won't admit it.” You can visit his website at [www.davestamey.com](http://www.davestamey.com).



## Lucchese – 125 Years Old and Going Strong

There is nothing more American than cowboy boots and Lucchese boots have been made in Texas, U.S.A. for the past 125 years – a legacy that is tough to equal. It was 1880 when Sam Lucchese Sr. and his brothers came to America. Although he was just 17 years old, the young Lucchese had a vision for a career in footwear, and just

three years later, the Lucchese Boot Company was born in San Antonio, Texas. The family's dedication to its craft and to its customers kept the business alive. In the early 1960s, the founder's grandson, Sam Lucchese Jr., started retooling the way the company did business. A fine craftsman, Sam Jr. was extremely knowledgeable about his craft and had a



comprehensive understanding of the human foot. He resolved to create a boot design that fit like no other, meaning he would re-think the boot forms or “lasts.” Although Lucchese’s one-of-a-kind boot last design required more skill and time, the result was a boot that quickly gained national recognition for its extraordinary comfort, quality and fit.

Quality and fit are commitments that cannot take short cuts, so the making of a Lucchese boot takes time. From the careful selection and cutting of the leathers to the hand-driven lemon wood pegs and meticulous finishing - each step is essential and critical to the finished product.

Sam Lucchese’s integrity and commitment to quality has created a legacy and culture that lies in every single pair of boots Lucchese Boot Company builds. This year Lucchese is proud to celebrate its momentous anniversary by offering a Limited Edition 125<sup>th</sup> Anniversary Boot. The boot will be made with only

ALL LUCCHESE CLASSICS, LUCCHESE 2000 AND LUCCHESE 1883 BOOTS ARE 100% MADE IN THE USA. OUR FACTORY IS IN EL PASO, TEXAS.

the finest American Belly Alligator available and with Lucchese’s “matador construction” with covered side seams with fully hand-tooled and hand-painted quarters. Hand-tooled scrolls, Lucchese logos and stars will adorn the tops of each boot. The scallops will be hand-laced, the torero pull straps will be overlaid in Alligator and premier Grimini linings will be used on the inside of each pair.

Only 125 pairs will be made and each boot will be hand signed and numbered and come in a matching, numbered, 125<sup>th</sup> Anniversary Edition hand-tooled boot case along with a numbered Certificate of Authenticity. Here is a chance to own a piece of history you can walk around in – if you dare. At \$12,500 per pair, these boots may not be made for walking. Rather, you might want to display them with your Charlie Russell or Maynard Dixon paintings. To learn more about these Limited Luccheses, or to order a pair, visit [www.lucchese.com](http://www.lucchese.com)



Hand tooled to compliment the 125th Anniversary boots of the same number, this prestigious carrying case is meticulously crafted with the finest tooling leather and adorned with hand engraved locking mechanisms and numbered plaque. The carrying case is lined with ultra suede and comes with matching 125<sup>TH</sup> Anniversary woven boot socks to protect the boots during storage.



For 125 years Lucchese has crafted fine boots in the great state of Texas. Time has no substitute.

“IF YOU CUT LEATHER FOR YOUR BOOTS IN THE SAME WAY YOU WOULD CARVE UP A MEAT CARCASS FOR YOUR DINNER TABLE, YOU WILL BE IN GOOD SHAPE.”

— SAM LUCCHESE JR.



## A Few Words from a Cowboy

Several weeks ago, we received a letter at the PARAGON office from friend, artist and horseman, Jack Swanson. Jack and his wife Sally live in Carmel Valley, California and there is probably no better artist around who depicts the way of the old California *vaquero* as accurately or with as much passion as he does. As he says in his letter, as a "past 80" western artist - *Living Cowboy Ethics* caught his attention. We felt both his letter and the accompanying description of an American cowboy were uniquely appropriate to share with you here, in their entirety.



J.N. Swanson, circa 1985 at the Whiffle Tree Ranch in Carmel Valley, CA

Bob Jones - pres-  
Paragon Foundation  
209 Michigan Ave  
Alamogordo, N.M.

March 30, '88

Dear Mr. Jones -

I am a "past 80" western artist, horseman, and a founder with Wayne Hoge of *Storwards of the Range* - and a firm believer in the foundation of our great country. So the magazine you are producing certainly grabbed my attention.

As you mentioned, the words of a great man - a past acquaintance of mine, Ronald Reagan, "there is a truth being only one generation away" - the further from the land our country departs, common sense departs with it -

It's a shame that the aroma of a sweetly hick of a horse or the good smell of cows around a desert waterhole can't be tolerated by this new breed - they miss alot.

I thought you might enjoy my description of a cowboy - I think it fits in well with your thoughts - Use it if you wish -

Sincerely -  
J.N. Swanson

P.S. No - I don't type -



*Vaquero Sport, 1830, Rio Carmelo*  
oil, 30" x 60"  
Collection of St. Clair Club, San Jose, CA



*Vaqueros, Moving Camp*  
oil, 36" x 48" Collection of the artist  
President Ronald Reagan borrowed the painting for the White House

## Cowboy

It seems nowadays in political circles that anyone who's called "cowboy" is considered a person with fewer brains and no intellect, someone who can't see the problems that exist in this country as well as the politicians can — in other words, someone pretty low on the IQ scale.

To me, "cowboy" means the exact opposite. A cowboy is that rare American breed, raised pretty tough, loyal to his employer, works year-round - often in the worst of conditions - without complaint, raises good kids with high work ethics, who knows how to handle himself in a demanding job that is often dangerous. He faces reality head-on, with courage. He doesn't need a union to guarantee his job, but would like some Sunday off so his family can go to church, if possible.

This "unintellectual, ignorant cuss" knows that his steak and quart of milk weren't produced by Safeway, and his boots and clothes came from cows and sheep — something his super intellectual critic hasn't quite figured out, so they want to remove all livestock from the range because these cows might step on a red-legged frog that has been living in harmony with cows for 150 years.

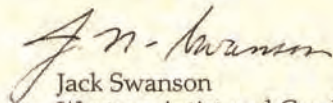
Most of the meadows were developed by these ignorant cowboys, putting desert water to its most beneficial use and clearing sagebrush to allow good grass to grow. The cowboy sees wildlife grazing with his cows and welcomes them. Water holes are developed so remote ranges can be grazed where there was no water before; good for cows, good for wildlife.

Large wildlife refuges have eliminated cows and kicked hard-working ranchers off with no interest in their welfare, as if these "cowboys" are worthless Americans. Then they wonder why there is no wildlife left on these refuges. The wildlife went where the cows were, where the grass was sweeter, where cowboys watched over them and protected them from predators.

Yep, those cowboys are a dumb bunch. They get up at 4:30 a.m. to help their Dad. They sure were abused kids. Funny how few of them are on drugs and filling our juvenile courts.

I think you get what I mean — these American "cowboys" are the best and smartest people in our nation, if you consider common sense a virtue to be admired.

So if a politician is called a cowboy, there couldn't be a better term to designate one who can handle the job without whimpering or crying when things get tough. Anyone should consider it a real honor to be called a "cowboy."



Jack Swanson  
Western Artist and Cowboy!



## Just What Works

The world of horse training and horsemanship has experienced a renaissance in recent years and Emily Kitching has taken her passion for horses and her love of communicating into creating *Eclectic Horseman*, a multi-platform, Colorado-based company that is all about offering the most reliable source of high-quality horsemanship information available to the horse community. Using a three-armed network of a print magazine, informational Web site and online catalog, Eclectic Horseman Communications reaches out to top horsemen and gathers their knowledge and insight to pass along to EHC readers, users and customers. While other publications “fill in” the space around advertisements with editorial content, *Eclectic Horseman* focuses on developing exceptional articles and adds only a select number of sponsorship advertising offering a variety of community-building services including questions and answers, opinion polls, clinic reports and a calendar of upcoming events. Community members are able to place a variety of advertisements for businesses, services and classifieds. *Eclectic Horseman*, the magazine, is a bi-monthly publication filled with solid information for horse owners of every skill level.

Eclectic-Horseman.com focuses on interaction between community members and the company. Unlike

other horse-related sites, users can choose from a wide variety of types of information to appeal to different learning styles. Interactive forums, or bulletin boards, allow users to post questions and share experiences to the community at large.

Eclectic Horseman Mercantile supplies visitors with the texts and tools they will need for their horsemanship education, similar to the partnership of a university and the university bookstore. When a horseman recommends a certain book or DVD to further a student’s education, the student is able to find and purchase it online from EHC, a company they have come to know and trust.

Kitching began her journalism career writing freelance articles for the newsletter, *The Trail Less Traveled*, soon after the first issue shipped late in 1994. While finishing her degree at the University of Colorado, she was hired as Editor in the summer of 1997. In 2001, she started Eclectic Horseman Comm. Inc. with her then husband-to-be Steve Bell. Over the last six years, she has

enjoyed the struggles and rewards of managing a small equine-based company. It’s a passion that was sparked when, at 14, while working at a local barn where she cleaned stalls, the trainer asked if she wanted to start one of her colts in a Buck Brannaman horsemanship clinic. Emily said yes, not knowing what a clinic was, or what starting a colt involved, and the rest as they say is history.

A real made-in-the-West success story, Emily Kitching has created a community business with a customer base riders and readers whose interest is working with horses following more non-intrusive methods of training. To use, as she puts it, just what works. To learn more about Eclectic Horseman, visit, [www.eclectic-horseman.com](http://www.eclectic-horseman.com)



Emily Kitching

“OUR MISSION IS TO BRING ‘JUST WHAT WORKS’ INFORMATION TO A KNOWLEDGE-HUNGRY PUBLIC. WE WILL CREATE AND PRESENT ONLY IDEAS AND TECHNIQUES THAT WORK WITH AND EDUCATE HUMANS ABOUT THE NATURE OF THE HORSE.”

— EMILY KITCHING

## Tested By Time

These two western silversmithing companies have been around a long time – and doing just fine, thank you.

### Comstock Heritage

When J.C. Irvine and his partner Albert Wirth began a business as an engraver in 1886, they set up shop at Kearny and Market Streets in the growing town of San Francisco – little did he know his little business would become part of a family legacy. Today, some one hundred and twenty years

later, Irvine & Wirth's business is now

Comstock Heritage.

Located in Carson

City, Nevada, it's

owned by Irvine's

grandson, James

Stegman and his

wife Donna, who

continue the family

tradition of crafting

western silver. The

badge part of the business,

spun off in 1970 with

other family members, is

still manufacturing in the

Bay Area in California.



Special, Limited Edition 120<sup>TH</sup> Anniversary Buckle in Sterling Silver and 14k gold.

While many things have changed over the years, Comstock Heritage's manufacturing process tips its hat to the old ways – including the forming process where Stegman utilizes original die sets to form many of the unique parts and shapes to be crafted into finished heirlooms. The process includes some interesting and "historic" shop tools – including a drop hammer fashioned from a 1939 Chrysler differential. Everything is made by hand - and hand engraved. Engraving today has been mechanized of sorts by the advent of motorized engraving machines that speed up the work. The late J.C. Irvine – as an engraver – would be pleased if he visited the shop today as he would be greeted by silence – Comstock doesn't use motorized engravers, instead staying true to the time tested methods of hand engraving. Each piece is personally worked on by James Stegman, a stickler for quality – and why not? His family has been at this for over one hundred and twenty years. "We're a manufacturer, yes," James says from his bench without looking up, "but we make everything one at a time. Everything has to be right as I know where each piece is going."

While Comstock Heritage is constantly innovating with new designs and collections, the company continues to make things from the dies, patterns and designs of the company's storied past – especially for collectors. In addition, they wholesale to many of the West's finest stores – with James making each and every piece. As Donna Stegman explains, "Our ability to have lasted this long in this business depends a lot on the care and quality we put into each piece. Whether we are making a single item for a customer or a multi-piece order for a store account – we look at it the same. Our name is on it and standing behind that, is our family's legacy." To learn more about Comstock Heritage, visit [www.comstockheritage.com](http://www.comstockheritage.com)

### The Bohlin Company

Since 1920, the Bohlin Company has been synonymous with the silver style of Hollywood's heroes from the Golden Age of western film. Known as the "Saddlemaker to the Stars," Emil Helge Bohlin's story started in 1912, arriving in the U.S. after a 28-day ocean journey from Norway. Wanting to be a cowboy after seeing Buffalo Bill's Wild West Show, he ultimately ended up in Cody, Wyoming, opening his first shop near the Irma Hotel where he began repairing and making gear. Very aware of the value of promotion, Ed Bohlin, as his friends now called him, did all he could to promote himself and his business – even posing for early cigarette advertising dressed in his cowboy attire – an early version of the "Marlboro Man." Later, he met Tom Mix who liked the young maker's work – and the rest is history. During his lifetime, Bohlin created many unique styles and pieces.

He made over 12,000 saddles in his

lifetime but only a small

percentage were of the silver

mounted variety that he

made for many of his

Hollywood customers

which included Gene

Autry, Roy Rogers,

Buck Jones, Hopalong

Cassidy and The Lone

Ranger, to name a few.

The 1930's was his most

creative time when he also

produced a number of catalogs

that to this day still reflect the

ultimate in Hollywood western

style. The catalogs themselves

have become collectible due to the imagery of this classic time in the western genre. The Bohlin Company remained in Ed



Hand-crafted Longhorn Oval Trophy Buckle in Sterling Silver and 14k yellow gold.



Bohlin's hands until he passed away in May of 1980. Since then, many owners have continued the legacy of Bohlin's motto, "It's the High class merchandise that really counts." Today, the company is in the capable hands of Texan David Marold who has taken the company to new design and product horizons while maintaining and producing many of the core, classic products that made Bohlin such a legendary brand. "We craft

many designs in the spirit of Ed Bohlin but we are working on products today that even he could not have imagined – including a luxurious new watch line." Indeed, as the Bohlin Company evolves, one can purchase many gorgeous, new state-of-the-art items including limited edition, hand-chased pieces that rival many of the classically crafted works touched by Bohlin's own hand. To see more, visit [www.bohlinmade.com](http://www.bohlinmade.com)

## Great horses and great boots are always on the mind of Jim Hill: J.B. Hill Boot Company

Dr. Jim Hill knows a lot about horses. He ought to; he's veterinarian and a fine one at that. He also knows something about picking the right horse. Early in his career, he started buying yearlings and breaking them, then giving them to a trainer to get them started. Then he and his partners would sell them once they were ready to race. In 1975, the partnership bought 13 yearlings, and one of them turned out to be Seattle Slew. "From a physical point of view, I thought he stood out as a yearling. That's why we bought him, I told my partners, 'if this isn't a racehorse, my name isn't Jim Hill.' From the time he started going, I was crazy about him. He had kind of a clunky, powerful way of galloping. He'd hit the ground really hard but the first time we asked him to breeze, it was like turning on a switch. Instead of being this big, ole powerful horse, he just skipped over the ground. I thought we'd bought a super horse and it turned out that he was - of course, I didn't realize what he would become at the time."

Today, Jim Hill continues to ride almost every day – starting young horses for himself. When he was a youngster, he grew up wearing cowboy boots. His heroes, as the song says, had always been cowboys – Roy Rogers, Gene Autry, Tom Mix and Hopalong Cassidy. But when Hill formed the J.B. Hill Boot

Company in December of 1996 - naming the company after his two children, son James and daughter Brandon - it had been many years since he had even worn a pair of cowboy boots. He found that people today didn't grow up with the help of cowboy heroes so he had to focus on the customer that still really appreciated things western. "We found there's a group who love quality western design," he says, "and within that demographic there's a specific niche of people who can afford it. Our customer is the professional, the businessman who appreciates a bit of western influence in his dress. He may wear Gucci loafers or Allen Edmonds shoes most of the days when he goes to work, but he's not ashamed to show up to a board meeting in a pair of JB Hill cordovan boots."

"Our boots are hand-made, and I oversee the making of every pair," Hill says. This includes the design and the choosing of the leathers. He has brought a sensitive eye to the art of boot making as he did in picking horses. "A great boot must have a physical and visual balance. It has to have a pleasing look, the proportions of the boot and the design, whether it be the stitching or the inlays or a particular toe or a particular heel. In order to make a really graceful boot, there has to be that balance." To find out more, visit [www.jbhilltexas.com](http://www.jbhilltexas.com)



# THE FUTURE OF YOUR INDUSTRY MATTERS – Will you lead or will you follow?

**C**attle producers now face one of the greatest decisions of their lives — *what path do I want my industry to take?* You can choose to follow the herd leading you down the path of vertical integration and lost competition. Or you can blaze your own trail, seeking a fair and competitive market-place for your livestock. R-CALF United Stockgrowers of America is the tool for you to reclaim your industry.

One of the most difficult challenges facing the cattle industry today is the National Animal Identification System (NAIS). R-CALF USA members recently passed a resolution via their mail-in ballots calling on R-CALF USA to:

- Oppose a federally-mandated national animal identification program, and
- Oppose a totally privatized, centralized database and/or federally centralized database.

Instead:

- R-CALF USA only supports a voluntary animal-health, trace-back system that ensures the protection of individual state, and a system that is compatible with the National Identification System (NAIS). R-CALF USA is working with the federal government, state governments and tribal governments as well as the industry, to determine the feasibility, functionality, and benefit to the U.S. Cattle industry of an animal-health, trace-back system.

R-CALF USA believes that existing systems, such as brand programs and the Intertribal Cattle Connect program, can best meet the needs of producers.

With an ever-growing membership of over 18,000 independent cattle producers, R-CALF USA represents the U.S. cattle industry in trade and marketing issues to ensure the continued profitability and viability of our industry. ***Join R-CALF USA today. Every cattle-owning member has the right to vote on policy that will decide the future of your industry.***

*Join today!*

Visit [www.r-calfusa.com](http://www.r-calfusa.com)  
or call 406/252-2516 to  
become a member or find  
a producer meeting near you.







## TNC: TRUTH OR CONSEQUENCES

*A look at The Nature Conservancy –  
Its approach, its “smart-green”  
branding and its seemingly unending  
supply of money and influence to  
acquire more and more land.*

BY DUSTI SCOVEL

It sounded simple enough. My editor wanted an article that explained to our readers, in down-to-earth language, how The Nature Conservancy *really* works - how it works with landowners, the public in general and more specifically, with the government. Plus, we were both curious about how that government relationship shoulders with conservation easements.

What I learned after scouring scores of documents and even more websites is that this unassuming yet always there non-profit environmental conservancy has grown into the richest, most powerful non-government agency in the world and is steadily taking control of our prime real estate through whatever means necessary. And, like any entrepreneurial investor, TNC is always looking for a way to make a good deal - and another buck. So far, it appears, they're doing a fine job of both.

One thing is for certain. The Nature Conservancy (or TNC as they refer to themselves) is incredibly smart. They're also outrageously wealthy and pay an astronomical amount of money to media firms to keep their image sparkling and their reputation impeccably clean. It's been money well spent.

The current popularity of “going green” has found its way into every marketplace with the fear of global warming

now being preached at even the pre-school level. Over the last decade, it has become increasingly fashionable for philanthropists, Hollywood royalty and corporate executives to speak out about environmental issues; even better to serve on an environmental organization's Board of Directors.

Consequently, TNC has some of the most powerful and influential corporate leaders on their Board of Directors. Current star power includes Paul Newman, Michael Douglas and Sigourney Weaver as spokespersons for their TV ads. According to a 2003 Wall Street Journal article, past board members include the Chairman of General Motors, the Chairmen of American Electric Power Company and the chairman of Georgia-Pacific Corporation, a huge paper products manufacturer. Each of these companies, with obvious environmental issues themselves, was a large contributor to TNC. Exxon Mobil and BP Oil companies have also held seats on the Conservancy's leadership council. Among its politico representatives are Rob Portman, former Ohio House Representative and Director of the Office of Management and Budget in the Executive Office of the President of the United States; Frank Loy, former Undersecretary of State for Global Affairs; and Carol Dinkins, former U.S. Deputy

Attorney General. Being named to TNC's Board of Directors would be considered by some to be the Oscar of non-profit board sitting, bringing little chance for conflict and a positive nod from the general public.

TNC explicitly says they are not a government agency and in the literal sense – that's true. They are a 58-year-old non-profit conservancy that has silently grown into the most powerful environmental organization in the world – not just North America. And while they are not officially a government entity, they are most definitely holding hands with several of them.

In fact, at the time of this writing, TNC has an ad on their website to fill a vacancy in their Austin, Texas office for a Director of Government Relations I. The job description is listed as follows: "plans, implements and coordinates a comprehensive program for The Nature Conservancy in Texas to affect government policy and legislation at all levels to further the Conservancy's mission of preserving biological diversity, ensuring that the program complies with federal lobbying laws and regulations. Duties include daily contact with local, state and federal officials on matters pertaining to administrative and legislative actions relation to the mission of The Nature Conservancy, and fund raising activity to increase the level of financial support for TNC projects and priorities. The Director of Government

Relations I represents The Nature Conservancy before state and local agencies and special interest groups, and assists with building grassroots support for statewide policy objectives that support TNC's mission."

So while TNC is not a government agency, it does have a very active Government Relations Department. TNC has long tentacles into various federal agencies including the Fish and Wildlife Service, Bureau of Land Management and the Department of Interior. They regularly receive government grants and are in constant contact with these agencies regarding potential land deals.

In the last two decades, TNC has profited handsomely from several "private sector" purchases. TNC purchased land through conservation easements from private landowners, then turned around and resold the property to government agencies at an inflated price. In 1991, TNC's William Weeks was quoted by syndicated columnist Warren T. Brookes as saying, "We do work closely with USFWS (U.S. Fish and Wildlife Service). We buy these properties when they need to be bought, so that at some point we can become the willing seller (to government). This helps the government get around the problem of local opposition." That same year, the Missouri state auditor said "the state paid \$500,000 more than necessary on six land purchases from the Conservancy," according to a Newhouse News Service







report. The Missouri incident is an example of one of TNC's profitable real estate deals.

It's sometimes difficult for the average person to fully grasp how powerful and connected the Conservancy has become. In years past, TNC has "negotiated" with many landowners creating deals that ultimately caused those landowners to give up their property rights. This appears to occur because many of the "deals" are so complicated – the landowner is unaware of the wording and its meaning in the presented deal. Every state has a chapter and Chairman and each has significant presence in all the right circles. Every move TNC makes on any level is fully calculated not to shed negative light on the Conservancy while still achieving the ultimate goal – get the land. Yet their approach isn't *always* about making a land deal. It can simply come down to controlling what's on the land – like water rights. In the early 90's, TNC implemented a three year strategy to defeat a farmland irrigation proposal on the Niobrara River in Nebraska. John Flicker, then vice president, describes TNC's strategy in their internal Bioreserve Handbook. Using a predetermined formula based on past voting history, TNC was able to target about 130 swing voters (those who typically had not decided which way to vote). TNC recruited several players from local groups including the Nebraska Tax Limit Coalition, the state Water Conservation Council and the Save the Niobrara River Association and developed a personal relationship with one member of each organization. They also made monetary donations to each group. TNC stayed in the background, letting their new found surrogates push TNC's agenda for them. The project was defeated and TNC's credibility in Nebraska went unharmed as they stayed, in essence, under the radar.

This magazine told you the story about how Don McIvor was wooed into selling his land into a conservation

easement without fully understanding what he was giving up. (See *LCE*, Winter 2007.) His daughter-in-law, Julie McIvor, continues to speak out about the hidden agenda of the Conservancy.

Then there's the story of Dr. Frederick Gibbs (*Gibbs v. The Nature Conservancy, Case H92-0371*), an internationally known neurologist from Indiana. Dr. Gibbs and his wife, Erna, received the Lasker Award in Medicine in 1951 for their pioneering work in electroencephalography (EEG). After Erna died in

1987, Dr. Gibbs' health went steadily downhill. In his last years, he became "legally blind, physically frail and increasingly confused" according to his two sons, both medical researchers.

TNC had their eye on Dr. Gibbs' 135 acre farm to increase their Moraine Nature Preserve and wanted to increase their income through Dr. Gibbs' entire estate. Though frail, the only place Dr. Gibbs seemed reasonably comfortable was on the family farm so a barrage of family and friends working in rotating shifts provided 24 hour care to allow Dr. Gibbs to stay safely in the comfort of his home. All was going well until Conservancy supporters and representatives started showing up claiming to be "dear friends" and offering to take Dr. Gibbs on extended outings. Insisting on taking on part of his care, these "dear friends" rifled through his paperwork, took him for meetings with their lawyers and eventually turned him against his family.

Over a short course of time, TNC apparently managed to convince Dr. Gibbs to will his entire estate, including his farm, to TNC. When his family discovered what was going on, they met with TNC lawyers to explain that Dr. Gibbs had not been competent in years and that in reality he was not a wealthy man having donated large sums of money to medical research when he was still mentally vigorous. Further, Dr. Gibbs had only a partial interest in the family farm. Even armed with multiple medical and legal documentation, the family's plea fell on deaf ears at TNC, who accused them of trying to defraud their father and consequently, trying to defraud TNC out of their rightful inheritance of Fred's estate.

TNC continued wooing Dr. Gibbs, at one point sneaking him out of a nursing home so he could meet with their lawyers. In his final years, Dr. Gibbs had lucid moments when he realized he had made a terrible mistake.

During one such moment, he wept and asked his family to forgive him. After Dr. Gibbs' death in 1992, his family sued TNC in federal court. According to family members, the first few law firms they hired bailed out under pressure from TNC. Finally, they found a firm not afraid to take on the task. Through a stroke of luck, a secretary for one of the TNC's attorneys turned over her boss' phone log. The messages told the story clearly. One message stated that Dr. Gibbs could not be convinced to sign TNC documents and asking what approach to take next. Another one was to let the TNC attorney know that Dr. Gibbs' Alaska State Bonds were coming due and asking if the caller should get a safety deposit box for them.

In October, 1993, the jury found that TNC had used undue influence over Dr. Gibbs and ordered them to pay court costs and relinquish claim to Dr. Gibbs estate. TNC immediately fought the ruling, asking for a retrial and filing an appeal. Both were denied. However, the family had already suffered huge losses due to the length of the trial and over a half a million dollars in attorney's fees and in the end, had to sell the family farm in order to recover some of the expenses.

Don McIvor and Dr. Fred Gibbs are just two of the stories you won't read about on TNC's colorful website or in any of their glossy advertisements. Theirs was a classic example of believing the headline and the marketing material. One must, **MUST** do one's homework in the complicated world of easements and assignments. Visit TNC on their website and you will find many "success" stories, along with a list of their Board members, a copy of

their financial statements and all kinds of positive testimonials. They pay real money to have their best foot forward at all times and equally real money to keep the doors shut on not-so-successful stories.

So here it is . . . in plain down to earth language. If you are considering dealing with TNC, remember – TNC is all about TNC. In the past, it appears for many, to have been an uneducated deal. To be fair, there are probably success

stories where private land owners and the Conservancy have partnered deals that were a win-win situation. Many of those are on TNC website. So, if you're on the selling end of such a deal, some advice:

- Know what you want – have an end game discussed and figured out.
- Be careful to look beyond the "green branding" efforts. Lift some rocks. Talk to those in the success stories.
- Don't be fooled by the glitz and glamour of celebrity endorsers. They have their own agenda.
- Don't be fooled by any kind-hearted, "let-us-help" attitude. It's not about you. It's about your land.
- Do the research. This is not a game for amateurs.
- Above all, be sure. Be sure you know who it is you're holding hands with. Take the time it takes for you to be comfortable with the deal. If you're not, don't do it. Walk. Be sure the deal is what you want and that you understand all its aspects and ramifications. TNC knows their game, make sure you know the rules.



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*Editor's note: Should you be considering approaching The Nature Conservancy regarding your or your family's land – or have been approached by them, remember, the PARAGON Foundation strongly advises anyone in this position to always get all the information in writing. No verbal deals or agreements.*

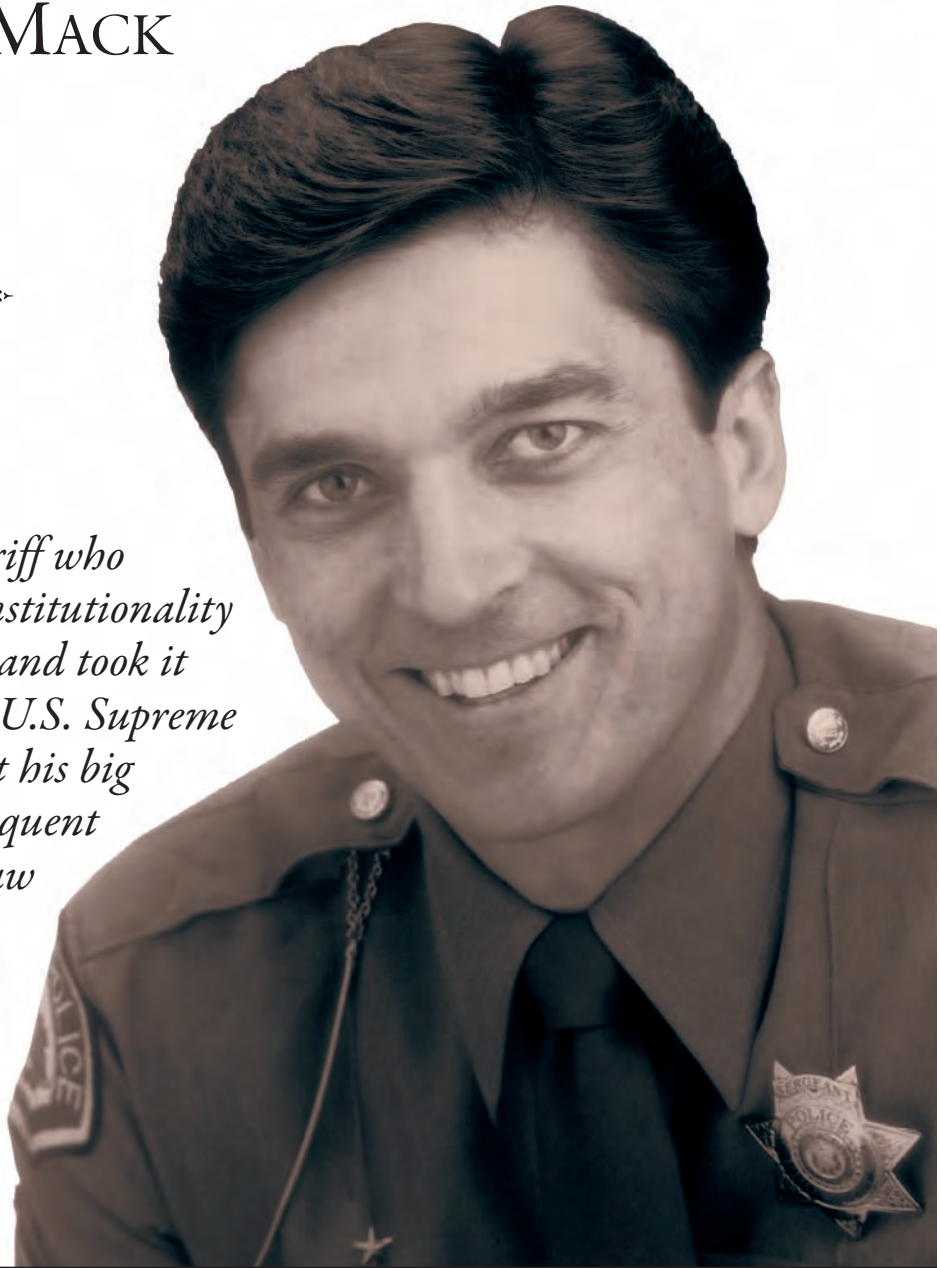




## RICHARD MACK



*The Arizona Sheriff who questioned the constitutionality of the Brady Bill, and took it all the way to the U.S. Supreme Court, talks about his big win and the subsequent loss of his job in law enforcement.*



Richard Mack sells cars and he is very good at it. “I love it,” he says, “I’m a people person.” He has a sense of self-possession that makes one think he should be somewhere else, doing more. The irony here is he has. In legal circles he has almost a celebrity status. Not a celebrity of lights and paparazzi, but of someone who believed and went the distance. You see, Richard Mack wasn’t always a car salesman. He was a sheriff – a sheriff who swore to uphold

the Constitution and the rights of the citizenry. He felt he knew the role of law enforcement. He also felt that law-abiding citizens should have the right to protect themselves under the Second Amendment. What he found was a system that actually ignored the Constitution and the intent of the Founders. This realization led him to file the landmark case - *Mack vs. The United States*, stating that certain provisions of the Brady Handgun Violence Protection Act (commonly



called The Brady Bill) were unconstitutional. On June 27, 1997, the U.S. Supreme Court ruled in his favor.

In his majority opinion, Justice Scalia stated that, “Because there is no constitutional text speaking to this precise question, the answer to the CLEOs’ challenge must be sought in historical understanding and practice, in the structure of the Constitution, and in the jurisprudence of this Court.”

During the years it took for the lawsuit to go through the courts, Richard Mack lost his job as sheriff and was not

re-elected. Even with all his efforts to effectively help and inform the American citizens, he was unable to stay in law enforcement. But it didn’t drag him down. He had to feed his family and so took a job – selling cars. Here is the story of a man who believes in his country. We caught up with him at the car dealership. The interview that follows is his story. The story of a steadfast American who believes, even after all he has been through, in the system, the Constitution and the duty of law enforcement. And don’t count him out – he is considering running for office again.

*It’s ironic to talk to someone so dedicated to law enforcement and talk to them at a car dealership. Tell me the story about what got you into law enforcement and how this all has evolved.*

It is a good question. My father was a retired FBI agent and I went to school specifically to get a degree so I could get into the FBI – I really wanted to follow in my father’s footsteps. But, it didn’t pan out. I attempted to get in the FBI three times, and for one reason or another, it just didn’t work out. And so while I was doing that, I hired on with the Provo Police Department in Utah. Figured I’d wait until I heard from the FBI while I was working as a cop. Thought that would enhance my resume for them. And so I decided to stay there. Stayed for 11 years and then I moved home in 1987 to run for sheriff.

*And home is?*

Home is Stafford, Arizona. It’s in Graham County –where I ran for county sheriff. It’s a county of about 30,000 people.

*Graham County?*

Like graham cracker. I’d never been a cop in Arizona. I’d never been a cop in my hometown, and I just kind of moved home and a lot of people thought it was kind of arrogant, especially local law enforcement.

*Really?*

You know, apparently you owe major “local” dues. I said, “Look, I paid my dues; I just didn’t pay them here. Okay. You know, there’s a big, wide, wonderful world of law enforcement and work out there, and I got my experience somewhere else, but there’s nothing unique about law enforcement here that I haven’t already learned somewhere else.”



Richard Mack working in the schools with the D.A.R.E drug prevention program, 1988

*Was this a “good ole boy” sort of setup?*

Oh, definitely. Totally. And I barely won the primary and then I beat the incumbent by quite a bit.

*How’d that go over with the fellows downtown?*

They finally warmed up to me. But there was still the “good-old-boy system” and it was still very much against me - and that’s what got rid of me eight years later. So I stayed in as sheriff for eight years, and then when I filed the lawsuit on the Brady Bill, that

caused a huge controversy here. And ironically most people here are pro-gun. But that wasn’t what they used against me. It was, “He’s always on TV, he’s always traveling, he doesn’t want to be here, he doesn’t want to take care of local concerns, he just wants to be a freedom fighter.” Most of my interviews were done right here locally or in Tucson or Phoenix, where it didn’t matter and I did all of the other stuff on my own time. I was never gone when they said I was. But, in many circles, politics isn’t necessarily about truth - and their campaign wasn’t. So I guess I lost because of my fight for folks rights.

*Sounds almost like it was a witch hunt.*

Oh, it was. It had been since I’d been here. The first reelection I had smooth sailing because there really wasn’t any controversy during the first four years. I was just doing the job, and we were fighting.

*How many folks in your department there?*

We had about 30 full-time employees – 13 were deputies - and then another 50 volunteers for their search and rescue squads.

*So you had 13 sets of boots on the ground covering a county of how many square miles?*

4,500.

*It's a pretty big area.*

Yeah, it is.

*Is it mostly rural, mostly ranching out there?*

Yeah. Ranching and farming and copper mining.

*What were the principle crimes that you were dispatched to?*

*What would be typical?*

Oh, well, same as anyplace else. Family fights, drug problems, juvenile delinquency.

*Gang issues there?*

A little bit, yeah. Yeah, we're really close to the border. We're about two hours from Nogales. And there was some association there.

*Did you find that there was, as someone who is sworn to uphold both the state and the U.S. Constitution, pushback from your associates or from law enforcement in general regarding how that was interpreted?*

No, I have found most law enforcement doesn't care how that's (the Constitution) interpreted. They're only doing their job as pragmatically applied over decades. And that's been one of the things I've written about. That the evolution of law enforcement has gotten so far out of hand and so far off track that now our servants have become the masters. Law enforcement officers in general believe that they are the taskmasters. They're in charge, they're badge-heavy. They get to go out and their job, they believe – and they'll tell you this: Our job is to write tickets, kick in doors, arrest druggies and that's it. I mean, that's basically it, but more important, most chiefs I've known here and nationwide say, "Our job is to regulate traffic, write tickets" and you never hear anything mentioned hardly at all about keeping the peace.

But the main objection I have with people in law enforcement is that every one of them takes an oath to first, and you mentioned it, first is to the United States Constitution. Second is to the Constitution of the state in which they work. And they promise to protect and defend those two Constitutions. And now my question to law enforcement across the country is, how do you do that?

How to you keep your oath? And most officers don't have an answer for that. But the ones that do answer, usually say,

"I do exactly what my sergeant and chief tell me to do." That's what they

think is keeping their oath of office.

So in other words, they've abdicated keeping their oath to their sergeant or to the chief or to their lieutenant.

*So if the boots on the ground are saying to you, "Well, I just do what the desk sergeant tells me," those Constitutions can potentially get wadded up and thrown in the corner.*

They are. There's no question. That is exactly what has happened. I asked my deputies when I was sheriff; show me the constitutional justification for writing a speeding ticket. And I actually made a little pocket Constitution for each one of them to carry in their pocket.

And I said, "I want you to refer to these things. I'm not saying there's not a constitutional justification for a speeding ticket, I just want you to show it to me." And finally I think I had one of them show me something out of the Preamble, if I remember right.

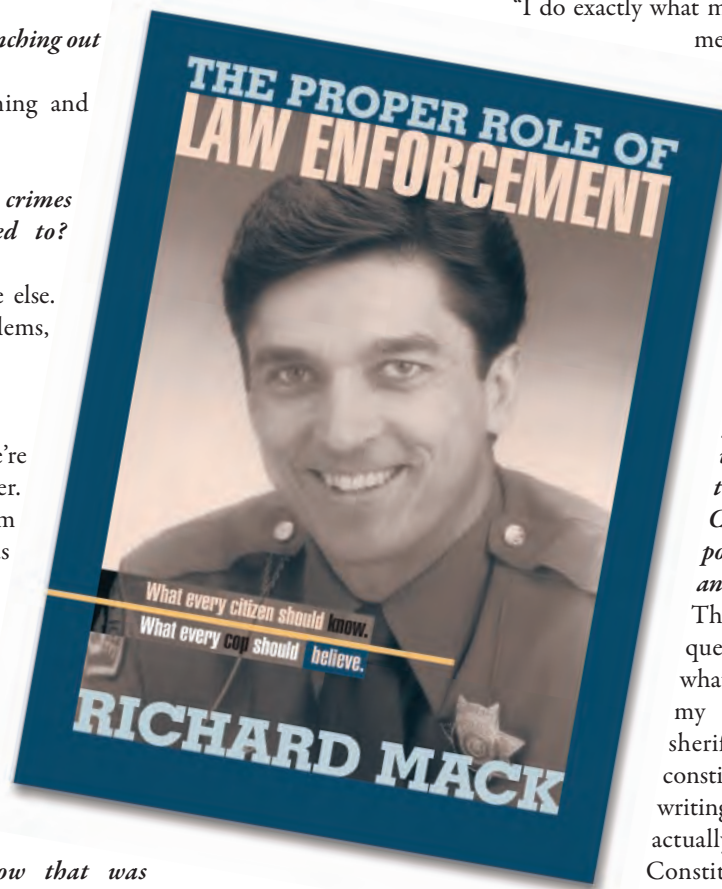
*Just so that you knew they were looking?*

They were trying. Yeah, they were trying. But there are real problems. If you look at the Constitution, there's a problem with the wholesale distribution of tickets across this country because of photo radar and photo tickets and the issue of rights to cross-examine witnesses against ticket recipient. I have a problem with government being out there hiding behind signs and writing all these tickets that generally have nothing to do with a problem of safety.

*Well, is the larger statement saying that technology trumps – Constitutional proprietary.*

*Exactly, it's assumed to be correct.*

Yeah, well – and you can find all sorts of articles where they've implemented photo radar or photo red light signs





and districts. The problem with it is that almost inevitably, almost every article about those has mentioned the potential for huge revenue.

*Oh, really. So it's a revenue stream as opposed to safety?*  
Ticket writing nationwide is a \$6 billion industry.

*\$6 billion?*

\$6 billion a year on traffic tickets, on radar tickets alone.

*So how much does safety enter into it, do you think?*

Well, my son just got a ticket recently and I testified for him on his behalf, and I mentioned that. I said, "I'm sure the officer is a good guy and trying to do his job as he's been taught, but he's a sworn officer." I even had my son say, "What does that mean, you're a sworn officer?" The officer never mentioned the Constitution because he probably knew my son wanted him to. The thing about their being sworn is that they're sworn to uphold and defend the Constitution. So we asked, "When you were out there, did you see Jimmy Mack do anything unsafe towards anyone including the people in his vehicle?" "No, he just exceeded the speed limit." So law enforcement admits that this is not a safety issue. It's a matter of just enforcing the statutes.

*Do you feel as a sheriff of that many years that there is an intrinsic safety issue with regard to speed limits or do you feel it's arbitrary?*

It's entirely arbitrary and 90 percent of the time has nothing to do with safety. If the speed limit is 65, and you're in a rural area and there's very little traffic like there is out here, and you're going 75, that really has nothing to do with increasing the volatility of or the amount of traffic accidents. In fact, law enforcement is a little bit disingenuous nationwide because they only keep track of accidents when people should have used a seat belt. They don't keep track of the times where seat belts actually caused harm. And I do recommend that people wear seat belts, but I do not force people to do so because that's a totalitarian police state type thing to do. You teach people that it's a good idea, but you don't force people to wear seat belts.

*You were not reelected; is that correct?*

That was 1996. Yeah, I lost reelection. *I got trounced. Trounced.*

*Do you feel there was a negative campaign against you?*

Oh, yeah. There wasn't one thing out there true about my record. But in defense a little bit of the people here, only three sheriffs in the history of this county – out of like 45

sheriffs – have ever served over eight years.

*Oh, is that right? So are there term limits for you?*

No. No, you can stay as long as you want. In fact, I wish I was still sheriff. I wish I was just retiring about right now.

*Would you run again?*

I was thinking about doing it this year and I've got so much else going on right now; I'm probably not going to do it. But I am thinking about running for County Commissioner. But I haven't decided that yet either, but I've got to decide here in about the next week or so.

*In your hometown?*

Uh-huh.

*I assume the Sheriff Department there was glad to be rid of you.*

I guess – see, I didn't get the victory through the Supreme Court until about eight months after I lost that election. And so people said, "He's going to lose. He can't win. He can't fight federal government, can't fight city hall and win. He's wasted all this time and money." Although it was my own money. So basically I put my savings, life, and my career on the line for the lawsuit. I told my wife we'd probably end up losing our home and my career and having to move. All three of them came true.

*How did that go over?*

Well, I have an incredible wife, so we moved back to Utah, got a job there and then about three years later I started on the lecture circuit working for Gun Owners of America. We traveled the country and it was a real family time. I always took one of my kids with me or my wife and sometimes the entire family.

*So here you were running for reelection, you have sued on the Brady Bill; you've got kind of a full plate. Did you speak in front of the Supreme Court?*

No, they gave each side a half an hour, so our attorneys spoke. I met James Brady for the first time. I'd already debated Sarah Brady two or three times on national television. She was tough. I do like her husband, respect him, but I believe he was manipulated in the crafting of the Brady Bill. It was an amazing experience being there. Sandra Day O'Connor asked, being originally from Arizona, "I understand Sheriff Mack wasn't even reelected." And boy, my heart just sank.

*She said that?*

She said that. That was the first thing said, as soon as they opened the session, and my attorney got up and said, "Yes,

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TICKET WRITING  
NATIONWIDE IS A \$6  
BILLION INDUSTRY.

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but he's still sheriff right now." I had like three weeks left in my term, and we had Sheriff Printz who filed with me from Montana and he was still sheriff. He was reelected, and so the citizens of his county really took care of him, so it really didn't matter. She brought it up and I'm not even quite sure because she had to know it didn't matter, but she sure brought it up.

*Truth is incredibly valuable, but perception can carry the day, can't it?*

Yeah, you're not kidding. But it was an absolute amazing experience for this small-town boy to be at the Supreme Court and the case that I filed is actually being heard. And then we won; June 27<sup>TH</sup>, 1997, the United States Supreme Court ruled that the Brady Bill was unconstitutional.

*How did you find out?*

CBS News brought me to Tucson; put me up in a hotel. They didn't hire me or pay me. They just wanted me close to get my first hand reaction when the decision came down.

*Tell me how you felt.*

I felt so vindicated. You know, I even asked one reporter, "Can I have my job back?" I felt that everything that I'd gone through, losing my job and having to move and losing my career led me to this day. And you know I've never served a day in law enforcement since then, and I have tried numerous times.

*Do you feel any of this history has caused a problem for you to do that?*

Oh, yeah, definitely.

*So you're a rebel rouser?*

Yeah, exactly. "Son, you've got a great resume, but you know what, you just don't fit in."

*Don't play the game.*

"You're not a team player" – I was told this.

*All that does is promote a sort of "them versus us" attitude, doesn't it?*

Yes, it does. And town councils don't want somebody that's



Richard Mack, undercover officer, with daughter Luci, 1982

going to be taking a strong stand. They want somebody who's going to do what they're told.

*As an example, one of the things that's fascinating in your book was your take on "roadblocks." Talk about that a little bit.*

Yes. That's the typical example of law enforcement standing up for what they should know is right because the Supreme Court endorses random roadblocks or "administrative checkpoints," as some politically correct terms want to call it. It's absurd

that we can actually go out there and stop everyone, but it's against the law if we single out and just stop a few.

*With sobriety checks, though, officers let four or five cars go by, then they stop one; they don't stop everyone.*

Right, but basically they're still stopping everyone. They can set up a program where every fifth car is the one they make go over to the right. Or they can just stop everybody and – sometimes they do. "Can I see your registration, license, and insurance information?" And I find that so Nazi-istic. I would expect, "Comrade, let me see your papers." (Foreign accent) I would expect that in some of the countries, but not in America.

*And the Constitution allows for that?*

Well, the Supreme Court says so, but the Constitution does not. I mean, we have the right to be secure in our papers and effects and property, and yet at any given time we can be stopped to see if we're drunk or to see if our papers are in order. I'm sorry, that's not what law enforcement is for. The Supreme Court has been wrong on so many issues throughout the history of our country that I want law enforcement to stand on their own two feet and do what's right.

*What position does law enforcement have to be able to go back and challenge a ruling by the Supreme Court?*

They don't need to.

*Oh, they just don't enforce it?*

They're the bottom line. They're the ones that enforce the law. They have complete discretion on how onerous or how lenient their enforcement tactics are.



*So in essence you're saying that law enforcement needs to think a little bit more as opposed to simply following what the desk sergeant is instructing?*

And keep your oath.

*Well, is it happening now?*

I believe it is. Well, right now the sheriffs in Wyoming are doing exactly what I said.

*Really?*

Yeah, the Sheriffs Association in Wyoming has made a policy that all federal agents have to check with them before they can serve any papers or make any arrests or confiscate homes or bank accounts or anything. And the Sheriff of Big Horn County, Wyoming, started all of that.

*Isn't it a fact, though, that the sovereignty of the state requires the federal government to ask permission?*

I believe that there's no written law except for the facts that states are sovereign.

*Right. And that the ultimate sovereignty lies with the individual under the Constitution.*

Correct. My Supreme Court case reiterates this very principle. It says – the whole gist of the ruling is – that the federal government may not compel the states to enact or enforce any federal regulatory programs.

*But they are.*

Well, of course, they go along so they can get the money.

*So this is really just a revenue stream for local government?*

Right, for instance when Bill Clinton said, "I'm going to put 100,000 new cops out on the street," it was a farce. It was a political move for him to wrap his arms around that saying, "I did this." The funding from the federal government originally came from where? The states. Why don't we just keep our money and hire our own officers? I don't see any sense in sending that money – our money – to Washington, DC, and then get about one dollar out of every ten that we send out there back to run particular programs there. That's so stupid, but that seems to be the standard operating procedure for government. And so even Clinton's program only paid for the officer for a year and a half out of the first three years. It was basically a three-year deal.

*Like an introductory rate?*

Right. So you had to – in order to get the officer – sign off saying, "We'll keep the officer for three years, but we have to pay half and the federal government will pay half."

*Well, he sort of left that out, didn't he?*

Just sort of. So I sent the form back and said, "No thanks."

*Now, there's another interesting comment that you make with regard to abuses of the IRS at a local level. Does this fall into this category of where the federal government is coming into a local sovereign area?*

Right. Of course, and not only that, in 1998, IRS employees testified before Congress about criminal activity within the IRS organization, that employees had routinely fabricated evidence and cases against people who they knew could not afford to defend themselves.

And my father actually had that happen to him. My father retired after working for the federal government for 35 years and was now teaching law enforcement at a local community college and he gets audited. Hounded for a year and a half, the IRS claimed he owed another \$6,000 in back taxes. He hires a lawyer, hires an accountant. My father never had anything. We had one car growing up – one family car and his FBI car, and that's it. We had no motorcycles, no four-wheelers, nothing. We had a three bedroom home. We were totally middle class and then here the IRS comes after my father after 35 years of federal service.

Finally the accountant and lawyer found out that the IRS actually did the numbers backwards and they owed my father \$600 and they washed their hands of it and said, "Well, we'll just call it even. Good-bye." But it cost my father all sorts of money and time – hiring the accountant and lawyer.

And I'm afraid this happens far too often in this country. The IRS has caused suicides, demolished families – literally put families out on the street - and a lot of this has been criminal activity. In fact, one IRS agent testified behind a partition. The only other time that's ever happened is when a member of the Cosa Nostra testified before Congress. An ironic correlation. The point is this – after all of that, why would any sheriff in this country allow such a criminal organization in his county unfettered? Unfettered access in your county to confiscate homes, bank accounts, cars, boats, anything else and put people in prison because they didn't pay a bill they supposedly owe. Wesley Snipes is now going to prison for three years. Why? Richard Hatch went to

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THERE ARE THREE LAW ENFORCEMENT DUTIES GIVEN TO THE FEDERAL GOVERNMENT. THAT'S IT. TREASON, FELONIES COMMITTED ON THE HIGH SEAS, AND COUNTERFEITING.

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prison for almost three years because he didn't claim the winnings off of Survivor. Give me a break. Pay the money back. Pay double. Pay the fines and leave the guy alone.

*So what does the individual do?*

He depends on the sheriff to protect him. The sheriff is supposed to protect citizens from losing property and losing bank accounts.

*So if I went to my sheriff and said, "I've got a problem. I've got a federal agency accusing me and I don't know what to do about this, I need your assistance here as my local law enforcement."*

He's going to tell you to go get a lawyer. And I'm telling you that that is absolutely an abuse of his duty. It's his job to protect you and now you're going to spend the next five to ten years defending something that shouldn't be happening in the first place. And that sheriff's going to put his boots up on his desk and go, "Boy howdy, I sure wish we could help people like that, but we're too busy writing tickets and catching drug dealers."

*So what would his proper methodology have been?*

Exactly what the sheriffs are doing in Wyoming, or as they should be doing all across this country, and that is, "IRS, you let me see your paperwork. You let me see that everything's in order and I'll go arrest this guy for you. Until then, stay out of my county."

And I'm talking about the same thing when BLM comes in to confiscate cows from ranchers. That's the same thing that should be happening. You know the absurdity of people losing their cattle to arbitrary land rules and grazing rights rules that have no basis to be in existence in the first place... And then these poor ranchers are just going to lose all this money trying to defend their livelihood. They lose their farms, lose their ranches, and go bankrupt all because the federal government is in there enforcing some endangered species act.

This country is being overrun and ruined by appointed bureaucracies that have become powers unto themselves: the EPA, OSHA, the Endangered Species Act, IRS, you know, it just goes on and on. And people can't do anything about it.

*Why has this evolved?*

Our elected leaders in Washington, DC, have really dropped the ball, and that's to put it mildly. There's not supposed to be a Federal Reserve. They had no right, no authority to create the Federal Reserve in the first place. Now, one guy gets to decide how much our money is worth. It's caused inflation. They had no right to take us off of the gold and silver standard. These guys are there just playing games with our money to try to get votes and to get reelected. The most

important thing to any elected official in Washington, DC, is reelection instead of complying with their constitutional duty to provide freedom and protect rights.

And so when they have failed, we have no obligation at the local level to go along. And the problem is we have. We think the federal government is almighty; the Supremacy Clause has been abused and stretched way too far. The Supremacy Clause has nothing to do with the federal government being supreme. The Supremacy Clause in the Constitution says that the Constitution is supreme, not the federal government. And the federal government has nothing to do with my county outside Article 1, Section 8, where its assigned duties are.

There are three law enforcement duties given to the federal government. That's it. Treason, felonies committed on the high seas, and counterfeiting. Those are the only three law enforcement duties the federal government gets. I'll even give them that it's okay to have guards for the President. That's fine. Secret Service, you can guard the President. Fine. Other than that, they are supposed to protect our borders and us too. They've done a bang-up job there, haven't they?



Sheriff Richard Mack,  
NRA Law Enforcement Officer of the Year, 1995



*Do you feel that the Constitution would allow for term limits?*

Yes, I think so. You know, as the Constitution has been amended now to limit the President, then why not everybody else?

*Who today would be considered a statesman in your mind?*

Ron Paul.

He's the only one. There might be a couple of others close, but Ron Paul. He's it. And of course, the national media tried to make him look like a nut.

*It's fascinating to me to see what you're doing right now. Here you are making a living – quietly selling cars. You have done precisely what the Founders asked people to do. You did your homework and then followed your mind and your heart to help in public service. It wasn't your choice to leave, but you stood up for what you believed in, you fought for it at great personal sacrifice.*

I'm still on the lecture circuit. This is something I wanted to do when I retired from law enforcement. It's just I never retired from law enforcement. I got kicked out. I'm here because of some family issues, my dad was in very poor health and my mom needed help with my dad, and he passed away two and a half years ago, and so I moved home three years ago to help my mom.

*How is she doing?*

She's okay, but she's 86. She still volunteers at the hospital, but she needs somebody to help her around the house and clean the house and make sure she's not alone when something goes wrong. So I got this job at the dealership and I thought, "This sounds like a fun job." And it is. And I'm a real people person and this is a real people person job.

*Where do you speak when you're on the lecture circuit?*

I speak at land rights conferences and Second Amendment organizations.

*Do you feel that the government has a position to tell you what kind of firearm you can own?*

No. I believe the federal government could say what's reasonable

*Automatic weapons?*

No, no, what's reasonable. The Second Amendment is restricted to what you can reasonably keep and carry. You know, bazookas, atomic weapons, no. The Second Amendment was intended for personal self-defense and for activity within the militia.

*That seems to be the big sticking point, how does one define a militia?*

Well, it's real easy. You can look it up in any dictionary. Go ahead and Google it. It says volunteer citizens. The militia

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THIS COUNTRY IS BEING OVERRUN AND RUINED BY APPOINTED BUREAUCRACIES THAT HAVE BECOME POWERS UNTO THEMSELVES: THE EPA, OSHA, THE ENDANGERED SPECIES ACT, IRS, YOU KNOW, IT JUST GOES ON AND ON. AND PEOPLE CAN'T DO ANYTHING ABOUT IT.

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## *Excerpt: The Proper Role of Law Enforcement*

By Richard Mack

The Clintons, Schumers, Feinsteins, Bradys, etc., have all argued that the Constitution does not protect an individual's right to keep and bear arms; but, rather, that the Second Amendment provides for the arming of the militia, and not the individual. Thus, according to them, their legislative efforts to disarm law-abiding citizens are not unconstitutional.

In answering the gun control debate, perhaps we should examine and establish the intent of the Founders who wrote the Second Amendment. After all, when any crime is prosecuted, criminal intent must be established in order to convict the defendant. So, just what did the Founders say about gun control and what was their intent? Well, let's ask them:

### **Thomas Jefferson:**

Laws that forbid the carrying of arms disarm only those who are neither inclined nor determined to commit crimes, such laws make things worse for the assaulted and better for the assailants. (1764)

(Today's statistics completely support Mr Jefferson's timeless insight.)

### **Samuel Adams:**

The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their own arms...

has always been made up of volunteer citizens. Founding Fathers said it. It's right in my book. Richard Henry Lee said that to preserve liberty it is essential that the whole body of the people always possess arms.

*Force composed of ordinary citizens.*

There you go. That's why there is no contradiction in the Second Amendment. The militia that it's referencing in there is the citizen. The media has tried to define that as saying it's talking about the Army. The Founding Fathers didn't even believe in a standing Army. So why would they stop the presses and stop everything they're doing when they're devising the Constitution in the heat of the summer and say, "You know what, we better guarantee the right of the Army boys to keep and bear arms." How absurd. How redundant.

*In your decision, when you have a group with a Justice Ruth Bader Ginsburg and somebody like Justice Scalia, it would seem that that's an exquisite battle that would go on.*

It was. And it was really interesting to hear these things happening while I was there. Justice Thomas actually wrote the most powerful decision in my victory. But Scalia wrote it for the majority. And his was absolutely powerful. Stevens wrote the opinion for the minority, and his words say, quote: "If Congress believes that such a statute will benefit the people of the nation and serve the interests of cooperative federalism better than an enlarged federal bureaucracy, we should respect both its policy judgment and its appraisal of its constitutional power." In other

words, we'd just trust government. Yikes! It's right there. If you Google the Mack Decision, Mack, Printz versus U.S., you can see what he said, and it's mind boggling, absolutely mind boggling.

*So Richard, what's next for you?*

I would say one of the key things I want to get going nationally is getting more education for sheriffs so that they understand the principles involved in being the constitutional protector in their county. Helping them understand that their duty is not just to protect us from criminals and street gangs, but to protect us from all criminals, even if they're wearing a three-piece suit and are from Washington, DC. They have to do this.

*How do you see yourself executing this?*

Through educational seminars nationwide.

*Is this a book?*

Yeah, there will be *Sheriff's: The Ultimate Check and Balance*.

*Do you have an interest to run for office?*

Yeah. I might be doing that.

*But as County Commissioner, something like that?*

Yes.

*The best of luck.*

Thank you.



*To learn more about Richard Mack, or to acquire a copy of his book, contact him at [sheriffmack@hotmail.com](mailto:sheriffmack@hotmail.com)*

To read the Supreme Court decision for Mack vs. The United States, go to:

[www.law.cornell.edu/supct/html/95-1478.ZO.html](http://www.law.cornell.edu/supct/html/95-1478.ZO.html)

(Mr. Adams clearly under estimated the ability of Clinton and his ilk to twist plain English.)

**James Madison:**

**The Constitution preserves the advantage of being armed...**  
(*The Federalist*, #46)

(Hmm... I wonder who's right—Samuel Adams and James Madison, or Sarah Brady and Charles Schumer?)

**Richard Henry Lee:**

**A militia, when properly formed, are in fact the people themselves ... and include all men capable of bearing arms.** (1788)

(So, the Second Amendment's allusion to the militia actually refers to the citizens' militia, and therefore the "right of the people to keep and bear arms" exists to ensure the perpetuity of the people's militia!)

**Richard Henry Lee:**

**To preserve liberty, it is essential that the whole body of the people always possess arms...** (1787)

(Thank you, gentlemen, that pretty much sums it up!)

Anyone who has taken a solemn oath to protect and defend the Constitution is obviously bound to abide by the Second Amendment and the Founders' intent in writing it.



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## *A Western Life Well Lived*

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### Harry Carey Jr.



photo by Mark Bedor

Harry Carey Jr. with his wife Marilyn at their Santa Barbara home

BY MARK BEDOR

Charles M. Russell. Will James. John Wayne. They are some of the most celebrated names of the American West and actor Harry Carey, Jr. knew them all.

"You think about Charlie Russell and Will James," reflects Carey, as we chat at the kitchen table of his California home. "You can't get more legendary than that. And John Wayne of course..." Carey costarred in eleven films with Wayne and was in nine pictures directed by another Hollywood icon: John Ford.

Ford was in the next room when Carey was born in 1921 at his family's 3,000-acre ranch north of Los Angeles, in what is now the city of Santa Clarita. The famous director was long time friends with Carey's father, Hollywood star Harry Carey. His mother was the beautiful starlet Olive Carey. It was his dad who nicknamed the junior Carey "Dobe," for his adobe colored red hair, a name he's still known by today.

Dobe's father was one of the biggest stars in Hollywood, earning what was then a tremendous income of \$3,000 a week in the 1920's. The money enabled the

New York native to live the cowboy life he'd always loved. As a result, Dobe grew up horseback on a working cattle ranch that had not only cowboys, but Indians, too. Navajos worked as ranch hands and wove rugs that they sold to the tourists who came out to the ranch trading post. The Navajos also performed in the rodeos the senior Carey put on, complete with grandstand seating for the guests. "...And then they had a stagecoach that came in and the Indians attacked the stagecoach... and it was a hell of a show!" recalls Carey with a grin. "And I got to ride in the grand entry!"

The trading post was swept away in the infamous Saint Francis dam collapse of 1928. More than 600 people were killed, including the couple who ran the store. The ranch house Dobe was born in was on higher ground and wasn't damaged. (It burned down in 1931 and was replaced by an adobe structure that still stands today.) It was in that original ranch house where Dobe met the famous cowboy artist Charles M. Russell. Charlie was pals with Dobe's dad and a frequent visitor to the

ranch. And though he was only five years old at the time, the 86 year old can vividly remember Russell turning a loaf of fresh baked bread into a spontaneous sculpture. You can still feel the amazement of a young boy as Carey tells the story. "He was talkin' to my dad after breakfast and drinkin' coffee .... and he dipped his hands in a glass of water ... and reached in the middle (of the loaf of unsliced bread) ... and he got the middle out of the dough and he started foolin' with it. And while he's talkin' and everything, he put down this beautiful little horse! Just modeled with his hands... just like that! He just was foolin around."

Unfortunately, that work was simply thrown away that day. But Dobe owns a number of original sculptures Russell made especially for the Carey family, including a goat with a very personal inscription on the bottom. "To Dobe Carey... don't let anybody get your goat!" it reads. "Yeah, he made it for me!" smiles the actor. Perhaps his most favorite Russell was created just before his birth. It's an illustrated letter the artist wrote to his dad. Prohibition was the law of the land in those dry days, and the letter concerns a stash of booze Carey's father had buried on the ranch, and apparently couldn't find. "You told me you were going to organize a small band of

trusted booze hounds and go prospecting," the letter reads. "I hope you raise the cash (cache). We got your note and was glad to hear from you. With best wishes to you and yours, from me and mine. Your friend, CM Russell. Feb. 25, 1921." Carey can recognize his dad's horse in the painting that fills the top half of the letter. "That's old Pete, yeah... He's got the HC brand on him right there," Dobe points out. "That's my dad jumping around with the bottle... (and) those are the cowboys ...running to get a drink."

Booze was no joke when it comes to memories of another famous and frequent ranch visitor - Western artist and writer Will James. Carey was a teenager in those days. "I hate to say this, but he was usually drunk. And he wasn't very pleasant when he was drinking," Dobe sadly recalls of James. "But I remember one time vividly though, where he hadn't had a drink at all. He was the gentlest, nicest man... and it was like another person. So it was a real 'Jekyll and Hyde' kind of thing with Will James. He was just a lovely man when he wasn't drinking."

There are no bad memories of another American icon: Will Rogers. He too was a friend with the elder Carey, and they'd run into Rogers at a popular Hollywood restaurant for the stars known as The Brown Derby. "He'd be there



Harry Carey, Jr. & John Wayne in a scene from 1948's *3 Godfathers*, directed by John Ford





Friend Carey

at the HC wagon last year when I sat  
 you whispered to me that  
 there was some buried treasures on your  
 ranch that wasent no cash of the Old  
 Spanish Bandits But a plant of your own  
 in days <sup>when</sup> corn and rye juice could be got  
 for one dollar a quart you were foxy and  
 buried what you couldent swallow but not  
 having the nose of the fox you couldent  
 locate the ~~the~~ cash ~~there~~ In these days  
 of drouth there were times when it got  
 on your nerves you told me you were  
 going to organize a small band of trusted  
 booze hounds and go prospecting I hope  
 you rassed the cash we got your note and  
 was glad to here from you  
 with best wishes to you and yours  
 from me and mine  
 your friend C M Russell

The illustrated letter famed Western artist Charles M. Russell wrote to Dob's father in 1921



having dinner with his family, and we'd be there having dinner with our family... and he'd come over ... and kid my dad if he was still riding that plow horse... that buckskin horse he rode (in Harry Carey's Western movies). 'Cause Will was buying thoroughbred horses for polo." Rogers made quite an impression on young Dobe. "You couldn't take your eyes off of him," he beams. "He just was the kind of a man that just drew you to him. And... like an old friend... he was somebody you were very comfortable around."

Born on a ranch and born into the movie business, it only seems natural that Dobe would make a career of Westerns. And he was there during the genre's heyday. Carey's been in more than 200 TV shows and films, 95% of which were Westerns. They include what Dobe calls the three greatest Westerns of all time; *Red River*, *The Searchers* and *She Wore a Yellow Ribbon*. "It didn't have anything



photo courtesy Harry Carey Jr.

Dobe's father Harry Carey, Dobe's Uncle George Fuller, Dobe, John Wayne and Dobe's father-in-law, actor Paul Fix

to do with talent... just luck," says Dobe of his roles in those classics. "I think *The Searchers* is the best Western ever made...and not 'cause I'm in it. I just think it's the best thing Ford ever did." Carey's first picture with John Ford was 1948's *3 Godfathers*. Ford had directed Dobe's father in an earlier film version of the story, and cast Dobe in the remake after the elder Carey died in 1947. But while John Ford made movies that have become classics, it could be hell working for him. And the 26-year old actor got the Ford treatment in spades on that first picture. "Ford kept sayin', 'You're gonna hate me when the movie's over, but you're gonna give a good performance.' But I didn't hate him when it was over. I hated him after the first day! I mean I wanted to kill him!"

"And he rode me so bad, that at night, we'd come in, and Duke and Pedro (co-stars John Wayne and Pedro Armendariz) and I'd sit around drinking Poland spring water... 'cause nobody had cocktails or drinks with a John Ford film. And I'd squawk to Duke, I'd say, 'Geez, he's so unhappy!' And Duke would say, 'He's not unhappy with ya. He loves what you're doin'!' And I'd say, 'Well he sure doesn't show it.' God, he was mean."

You could write a book about Carey's adventures as a member of what he calls the John Ford Stock Company. But Dobe's already done it. *Company of Heroes* is a great read that takes you on the set and behind the scenes of the nine Ford films Carey was part of, including *The Searchers*, *Rio Grande*, *She Wore a Yellow Ribbon*, and *Mister Roberts*. You'll learn not only what it was like to work on the classic films, but you'll also get to know these frail and vulnerable humans who have become such icons.



photo courtesy Harry Carey Jr.

Dobe Carey with his father, Harry Carey



“He was a hell of a good guy,” says Dobe of John Wayne. “Very easy to work with. He could get ornery... but he never was with me. That’s because we both had the John Ford break-in.” Yet even John Wayne could be insecure. The Duke was a good friend with Paul Fix, the veteran character actor who may be best known as Sheriff Michah Torrance on *The Rifleman* TV series. What’s not so well known is that Fix was Duke’s secret dialogue coach when he was making the film *Stagecoach* that made him a star.

“Duke was very nervous about *Stagecoach*,” reveals Dobe’s wife Marilyn. “Although he made a lot of movies, he was very nervous. So unbeknownst to Jack Ford, he’d come to our house in the evening and my father would coach him.”

That’s right. Paul Fix was also the father of the woman Dobe married. Her dad and Dobe’s father were good friends, and the Fix family often visited the Carey ranch. But Marilyn knew John Wayne long before he was an icon. When Wayne was divorcing his first wife Josephine, he and Esperanza “Chata” Bauer, the Mexican actress who became his second wife, stayed at the Fix home.

“You couldn’t live with a girl in those days (and not be married),” explains Dobe. “It was a real pain in the neck to have him there!” laughs Marilyn. “He was no icon then!”

That assistance from the Fix family may be why Duke wound up paying for the wedding reception when Dobe and Marilyn married in 1944. There’s a great picture at the wedding of John Wayne, Paul Fix, the senior Carey and Dobe, in uniform during his days in the U.S. Navy.

And unlike a lot of Hollywood marriages, the Careys have been together now for more than 60 years. And while a life of making movies horseback with people like John Wayne, Ben Johnson, Richard Widmark and so many others looks pretty glamorous, it wasn’t always easy. “It was feast or famine,” Marilyn recalls. “Sometimes it was a lot of money and sometimes he went to the bank and borrowed,” she laughs. Carey agreed. Making movies wasn’t always fun. He had a memorable role in 1993’s *Tombstone* as Marshall Fred White. But he describes the experience as, “A pain in the neck! I probably shouldn’t of say this, but I thought they were all a bunch of prima donnas!” He recalls, “It wasn’t any fun on that set. But it made a hell of a good movie... people went crazy about it! But it wasn’t fun workin’ on it. It was no laughs. Everybody was tense! You know, on a Ford show, even though he was a frightening old bastard, everybody was relaxed.”

Ford wasn’t the only director who could be tough to work with. Dobe has another book’s worth of stories about Hollywood and such directors as Otto Preminger, Howard Hawks and Henry Hathaway, as well as more on his dad and growing up on the ranch. The working title is *Growing Up Western*.



photo courtesy Harry Carey Jr.

Marilyn and Dobe Carey on their wedding day, August 12, 1944

Thanks to the work of Harry Carey, Jr., and the TV shows and movies his generation made, a lot of us grew up Western. And his life’s work is a national treasure. Dobe’s been recognized many times for his contributions, including induction into the Hall of Great Western Performers at the National Cowboy and Western Heritage Museum in Oklahoma City. And the adobe ranch home where Carey grew up is now the centerpiece of Tesoro Adobe Historic Park, which also preserves two acres of what was once the 3,000 acre Carey ranch. School children come there to learn about the cowboy life, America’s Western heritage, and Dobe Carey, who is a big part of that.

“It’s an unbelievable experience,” Dobe said the day they dedicated his boyhood home, “to see our place help others learn and enjoy our western heritage.” You could say the same about Dobe Carey, as well. A life shared with legendary people. A life that’s become a legend all its own.



Mark Bedor writes from his home in Los Angeles. His work has appeared in *Western Horseman*, *Cowboys & Indians*, *Persimmon Hill*, *American Cowboy*, among others.

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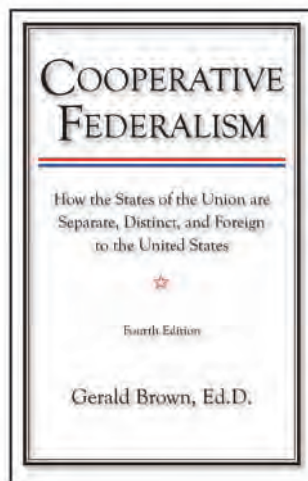


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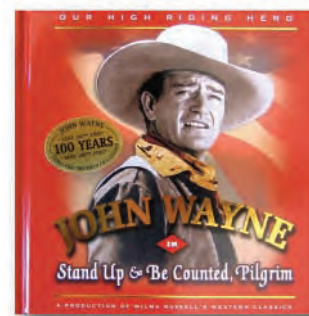
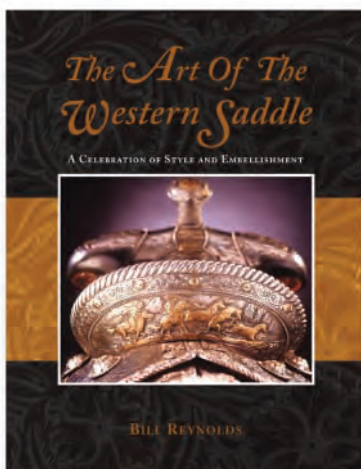
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*Editor's Note: One of the tasks of the PARAGON Foundation is to help make the understanding of the Constitution available to everyone who wants it. In order to do that, each citizen must have a basic understanding of how our government works. To that end, and in conjunction with author Gerald Brown, the PARAGON Foundation has published the Fourth Edition of the author's articulate essay, "Cooperative Federalism – How the The States of the Union are Separate, Distinct, and Foreign to the United States." The volume outlines – according to Gerald Brown, "Some of the legal aspects of early American history, the step-wise progress of how the United States government came into existence, the relationship between the States of the Union and the United States government as recorded in historical documents and court cases, and how it all still applies to us today in the principle of cooperative federalism. This will show that the States of the Union existed before the United States government, that the people of the States created the United States government as a federal government, not as a national government, and that the United States government has limited authority within any of the States of the Union."*

## COLONIES BECOME SOVEREIGN NATIONS

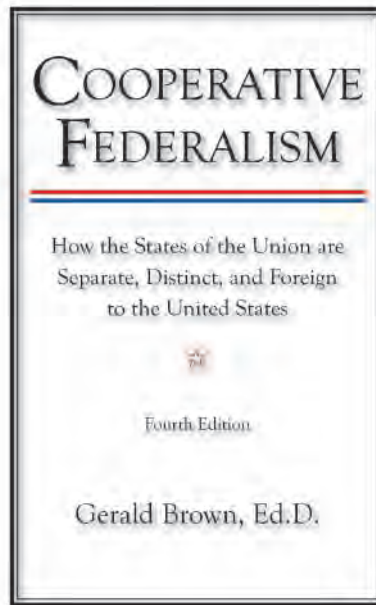
BY GERALD BROWN

Prior to the Declaration of Independence there was no general government among the colonies connecting one colony to any other save the relationship each had to the British crown. Each colony was established according to the terms of its own charter and its officials answered directly to the British government accordingly. The Declaration of Independence sought to terminate that relationship for each American colony. While the Declaration was worked out in a General Congress with representatives from each of the colonies, it did not create a general government nor a formal confederation among the newly declared States. The Declaration of Independence begins with a statement regarding the authority of governments to exist and claims that this authority is founded on God's approval and on the consent of the governed. The authors continue to cite truisms about the nature of man and society, but offer not the slightest legal basis for any of their declarations, claiming rather that their statements are self-evident. The majority of the document consists of a listing of claims that the King had abused the colonists by heavy handed ways. All this builds to the final paragraph where the declaration for independence is actually made. This

culminating paragraph sets out the nature of these newly declared political claims, to wit:

"We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by the Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish commerce, and to do all other Acts and Things which Independent States may of right do. — And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor." Declaration of Independence, July 4, 1776.

The Declaration of Independence does not portend to create a single nation. If it did, its name should be "The State of New Britain", or "The State of America", or "The State of The New World", or any other name representing a single entity.



## YOUR RIGHTS

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But the proper name of our political arrangement is in the plural, not the singular. Also, the Declaration of Independence did not create a name for this alliance of American states. That came two years later with the Articles of Confederation. At the time of the Declaration, these American states were united in purpose and action to be free and independent of British rule first perhaps, but free and independent of each other as well.

By referring to Great Britain as a state, this paragraph tells us that the Founding Fathers understood a State to have the same status as any nation on the world scene. It is common to refer to Great Britain as a nation or a country, but most Americans are surprised to notice that Great Britain is a State. The first legal document in American history uses precisely that language.

Under international law as well as American law, the words *state* and *nation* mean exactly the same thing. Each State in our Union has its own constitution, its own territory over which it exercises jurisdiction, its own citizens, its own legislative, executive, and judicial departments of government police powers, prison system, and military (both the State's militia and the National Guard are under the control of the governor of the State as commander-in-chief). At the inception, each of the States issued its own money and had tariff laws which operated on the importation of goods from each of the other states as well as from states outside of American society. Of course, if we stop to think about it, we hear from time to time on the news today about the "State of Israel" as well as the periodic gathering of the representatives of the "G-8 states" or the "G-8 summit". These G-8 states are not Tennessee, New York, California, or other States of the Union or a subdivision of some larger entity. These states are the industrial and economic powerhouses of the world – France, Great Britain, Germany, Japan, etc. These nations are identified at the United Nations as *member states*. Thus, it is perfectly within the proper usage of the terms *state* and *nation* to conclude that the Declaration of Independence created not one, but thirteen brand new nations or countries. The U.S. Supreme Court stated in the case of The Cherokee Nation v. The State of Georgia, 30 U.S. 1; 8 L.Ed. 25 (1831) that "The terms "state" and "nation" are used in the law of nations, as well as in common parlance, as importing the same thing;..." Thus, the state of Delaware is a nation. The state of Pennsylvania is a nation. The state of New Jersey is a nation. The state of Georgia is a nation. The state of Connecticut is a nation, and so on. Each of the newly declared American States is a nation that is separate, distinct, and foreign to each of the others as well as all other nations of the world. The claim to a change in status of being equal to the state of Great Britain, as opposed to being a dominion or canton of the

British realm, was precisely what led to the American Revolution and it is the character which all States of the Union possess.

It is popular in some quarters today to think that Congress has the authority to create states. But that notion is not true to our history and law. Notice the following explanation in Chisholm, Ex'r v. Georgia, (Feb. 1794), from the U.S. Supreme Court:

"A State does not owe its origin to the Government of the *United States*, in the highest or in any of its branches. It was in existence before it. It derives its authority from the same pure and sacred source as itself: *The voluntary and deliberate choice of the people...* A State is altogether exempt from the jurisdiction of the Courts of the *United States*, or from any other exterior authority, unless in the special instances where the general Government has power derived from the Constitution itself." p. 448.

"The question to be determined is, whether this State, so respectable, and whose claim soars so high, is amenable to the jurisdiction of the Supreme Court of the *United States*? This question, important in itself, will depend on others, more important still; and may perhaps, be ultimately resolved into one, no less *radical* than this— "do the people of the *United States* form a NATION?"

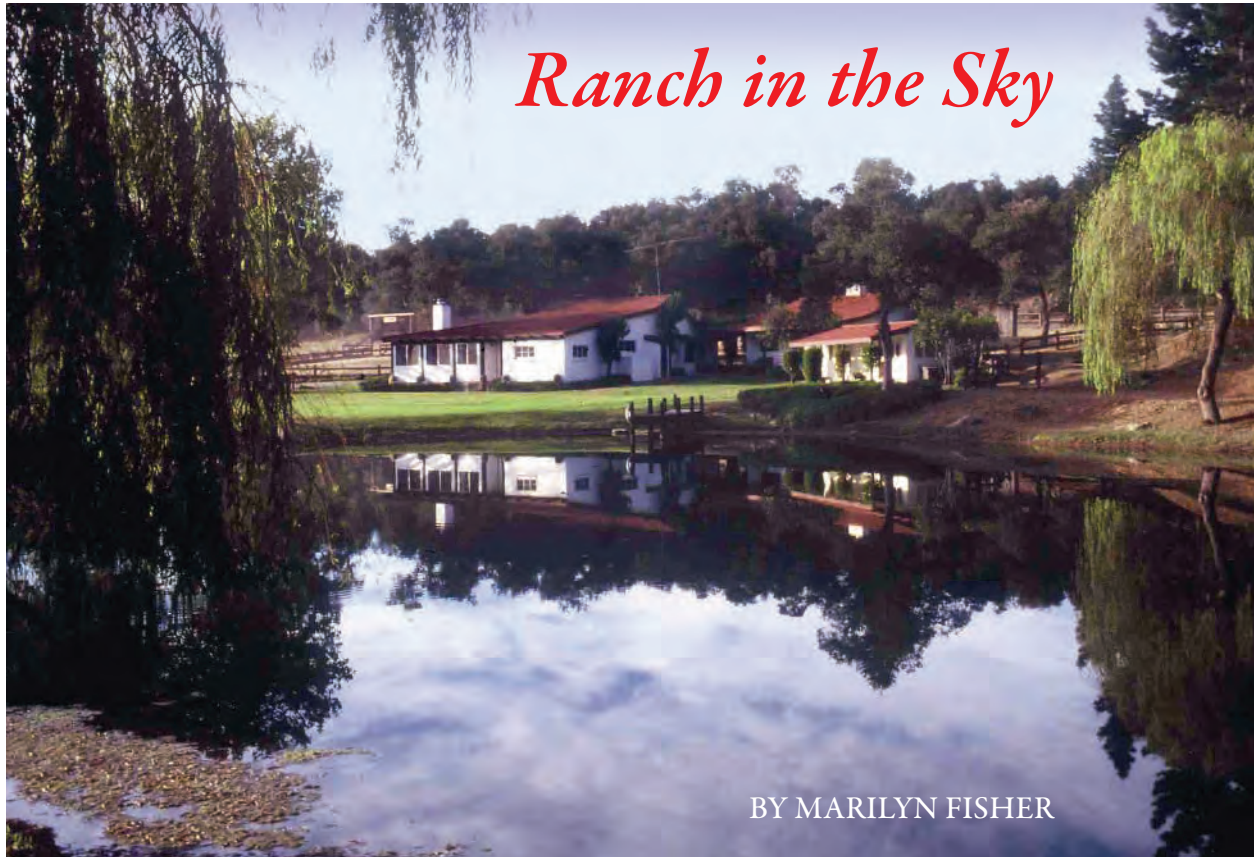
"By that law the several States and Governments spread over our globe, are considered as forming a *society*, not a NATION." [Italics & caps original.] Chisholm, Ex'r v. Georgia, 2 Dall. 419, 1 L.Ed. 440 (1794).

Here the U.S. Supreme Court informs us that our political arrangement of cooperative federalism does not make a nation, but rather a society. While the people of the several states share many things in common, each State retains its national character and political independence. Just a few years later the U.S. Supreme Court further stated in a landmark case dealing with the authority of a State to levy a tax on the operation of the United States within the State of Maryland, "No political dreamer was ever wild enough to think of breaking down the lines which separate the states, and of compounding the American people into one common mass." M'Culloch v. The State of Maryland et al, 17 U.S. (4 Wheat.) 316; 4 L.Ed 579 (1819). How times have changed. As we look around today, it appears that many political dreamers have been wild enough to attempt exactly what the Supreme Court justices in 1819 never dreamed could be possible. But it is historically and politically incorrect, as well as contrary to the determination of the U.S. Supreme Court, to refer to American society as a nation or a country. It is proper to refer to the American political alliance as a society.



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## *Ranch in the Sky*

BY MARILYN FISHER

Photography from the collection of Young America's Foundation

*I*t's an autumn day in 1973. A local rancher, his old friend and their wives climb into a station wagon and drive a narrow, twisting mountain road in search of a ranch property they've heard is up for sale. The car springs creak as they bump along through water crossings and rattle over cattle guards. Tired of the rugged condition of the road, one of the wives suggests they turn back - but the driver keeps going. Finally, reaching the top, they pull through a wrought iron gate and they pause to take it all in - the oaks, the deer darting through the brush and the endless meadow. And, off to one side like a jewel from another era, a solitary adobe stands its ground. As the friend scans the scene before him, the mountain top vista tugs at his heart and he says, "It's absolutely gorgeous here." The simplicity of the homestead reminds him of a time when life was slower—and at that point he realizes he has to have it. Though the rancher cautions him not to look too eager in front of the seller, he says without hesitation, "I'll buy it." All he can think of is that he's finally found his own slice of California heaven and its promise of freedom. And, so he calls his new spread Ranch del Cielo, or "ranch in the sky." About seven years later he again realizes why he bought the ranch. Like an old companion it would come to be his best hope of relief from the pressures of the demanding responsibilities he would face as the leader of the free world.

The solitary adobe resting beneath the ancient oaks endured a century before it became the home of California Governor, Ronald Reagan. Built by a local artisan in 1872 and nestled in a saddle on the crest of the coastal Santa Ynez Mountains, the adobe and plaster construction shows its age and so does the well worn stone step placed years ago by the first owners at the original entryway. It was born in a romantic period of California history – a time when notorious bandits like Joaquin Murrietta roamed the legendary Refugio Trail and other coastal passes, and stagecoaches carried travelers on the winding trail from coast to valley and back. The homesteader who lived on the land decided to construct a permanent home for his family and hand fashioned a traditional but small hacienda from the adobe clay of the surrounding hills. What would he think if he knew that his handiwork would one day host world leaders and be an essential part of an American President's public and private life? Or, that the roof he set in place would shelter presidential cabinet members and advisers gathered around the old oak dining table to discuss presidential affairs such as the signing of the INF Treaty, the national deficit or the state of the domestic farm industry. Over time the humble home that welcomed heads of state and royalty would become widely known in the press as the "Western White House."

“Rancho del Cielo,” Reagan once quipped, “if not heaven itself, must be in the same zip code.” The press often visited the ranch and during the historic Tax Cut signing in 1981 a reporter challenged Reagan, “What would you take for this place?” and without hesitation, the President shouted back, “Oh ... you can’t sell heaven!” This was his place to unwind and sort out decisions – often in solitude and on the back of his favorite white stallion, El Alamein. As a consummate horseman and well trained cavalryman, he never expected anyone else to tack up his horse, considering it his sole responsibility and privilege. Those long rides took him over the network of trails that crisscross the ranch’s 688 acres, winding through shady glens past lazy longhorn cattle, over dry creek beds, around weathered barbed wire fences and through wind-worn rock ledges where he could pause during the afternoon heat. Reagan loved to explore these lofty trails with the ocean breeze in his face, taking in his favorite views of the Pacific Ocean and the peaceful grandeur of the Santa Ynez Valley. The rugged mountain top retreat was spiritual manna for his soul. He likened it to Psalm 121, “I look to the hills from whence cometh my strength...” “He called these ranch vistas his ‘Open Cathedral,’” said old friend and Reagan National Security Advisor Judge Bill Clark – a place to appreciate his Creator; a place to think, plan and resolve in his own mind how he would handle the issues at hand. It’s clear that presidents never really go on vacation as we know it,



Riding at the ranch was one of President Reagan’s greatest pleasures.

but instead, they just change location. In other words, whatever was on his plate when he left Washington was usually resolved by the time he re-boarded Marine One and left the freedom of his ranch. That was the effect it had on him – a way to “recharge of his batteries” and go back to Washington, DC physically stronger, renewed and resolute.

At 2400 feet above the peaceful Pacific, the remote ranch was a beehive of activity when the President was there. The United States Secret Service provided necessary protection “24/7” through careful procedures and well trained agents. They were a constant presence around the First Family, placing themselves in strategic locations throughout the property, out of sight and on patrol. On continuous vigil against possible threats, a well armed anti-sniper team located at the highest point on the ranch kept watch from a windy bluff overlooking the main house and trails. When Reagan went riding the agents would ride with him, led by Special-Agent-in-Charge, John Barletta. Hand chosen by Reagan from several prospects to be his

riding partner and personal protector, John served “his president” faithfully for a total of 17 years guarding him worldwide during the presidency and well after Reagan went into private life in 1989. The Western Protective Division, as the agents were called, would cover miles of trails in a day. When he went out to dig post holes, repair fences or maintain the trails, the agents were more than willing to grab a chainsaw and pitch in on routine ranch chores under their protectee’s supervision – and there was plenty to do.

Charged with the sole purpose of physically protecting the President, there were times when Reagan would unwittingly challenge the agents’ readiness. For instance, one day, the President was annoyed by a large heron that kept depleting the fish in Lake Lucky. The bird would spear the fish and leave them on the bank of the lake. This was too much for Reagan and he devised a tactical plan to scare the bird away. Unannounced, he emerged from the tack barn with his own pistol hidden under his jacket, walked over to the lake and fired several rounds in the direction of the unsuspecting heron. The shots scared the bird away alright – and brought a flurry of secret service agents running to the tack barn, walkie-talkies blasting ranch-wide. They thought Reagan had been shot! Seeing what a ruckus he had caused the president sheepishly admitted, “Maybe I should have warned ‘the fellas’ I was going to do that.” After that the agents wanted to know if he had any other

pistols hidden anywhere else around the property that they should know about. Other safety hazards like using a chainsaw to cut brush at the top of a ladder were also forbidden for “protectee safety” reasons and agents would do those chores so that he wouldn’t do them himself. And, though Reagan loved the freedom of getting behind the wheel and driving his own vehicle – a rare privilege for sitting presidents – agents reminded him that every time he hopped in his jeep with his dogs, ready to take on some important maintenance project, they should be with him at all times. All reports show the agents enjoyed their post alongside the President who told them stories, kept his sense of humor, appreciated them and really wanted them all to “have a good time.”

Reagan drew strength from the openness and freedom the Ranch promised. When his White House aide drew up the official White House schedule, Reagan insisted on having ranch time. All in all he was able to be at the ranch 350 days during the eight presidential years. He knew the





President Reagan signing the largest tax cut in U.S. history in August of 1981.

soothing effect it had on him, believing that the more he came to the Ranch, the longer he would live. He was better prepared to carry out his duties as Commander-in-Chief when he could board Air Force One and be California bound for a few days of work at the ranch. Just as soon as he stepped off Marine One at the ranch helipad he was headed to the adobe home to get out of his city clothes and into his jeans and boots – ready for his work list.

His handiwork is everywhere around the ranch. The front patio is paved with native stone he hauled in from the ranch hills and set in place himself. There's a patio overhang he built to shade the bright noon sun – a place to enjoy a meal, a cool drink or pause to discuss the next round of chores to be done. He built the extensive telephone pole fences to surround the home acre and devoted the remaining 687 acres to free range. When he acquired the Ranch it had an open air porch that he quickly enclosed with adobe walls and roofed it with some oak beams he recycled from an old barn. Adding a much needed dining area and library, and another fireplace as a second source of heat for an adobe home – there is no central heating – the porch room became the favorite meeting place for guests. From the dining area a

spectacular view stretches out across a rising meadow with grazing horses that tops a hill where Reagan laid to rest his beloved dogs, horses and even two pet longhorns – all under headstones he chiseled by himself as a tribute to their loyalty.

Unlike traditional presidential homes such as Monticello or Mount Vernon with their formal columned entries, balustrades and European garden settings, this tidy and architecturally simple home has no grand entryway. Instead there is a wood planked front door with a small Reagan coat of arms door knocker and a brass plaque reminiscent of Reagan's wit and humor with an inscription that reads, "On this site in 1892 – nothing happened." As you pass the threshold you get a sense that it's a comfortable home with no sense of self importance – a home where riding boots, spurs, blue jeans and cowboy hats are welcome – after all, that's how Reagan greeted Queen Elizabeth II during her visit to the Ranch in 1983. It's the place where during the morning hours the President did his "Washington homework," as he called it, held important meetings with his cabinet members and dignitaries and enjoyed Thanksgiving dinners with family. There's no pretense of power, except for the reminder of a handmade presidential seal crafted of 1600 finish nails set in wood hanging over the fireplace built from local stone.

What was it like when Queen Elizabeth II made her visit to the ranch in 1983? Due to foggy conditions, she could not fly so she traveled up the bumpy mountain road in a Suburban by motorcade. Despite the advice of her protective agents who encouraged her to cancel the ranch visit, the Queen and Prince Philip braved the foul weather, swollen creek beds and hairpin turns. Far from the comforts of Windsor Castle, the Royals were seated by the fireplace for warmth as they shared conversation and a simple meal of enchiladas and beans with the Reagan's. There was no horseback ride that day, but it was a memorable visit. Reagan chose instead to entertain in the cozy dining area by the fire stoked with the wood he had cut.



The ranch house interior is friendly and inviting.



The President and his First lady – together horseback.

Near the dining area is the President's personal library made up of a series of bookshelves. The wide selection of over 200 books shows his varied interests. Western titles like *Lonesome Dove*, *Lone Trail of the Apache Kid*, and novels by western writer Louis L'Amour, share space alongside classics on government and economics by authors like Winston Churchill, Milton Friedman, and other great minds of the 20<sup>th</sup> century. *African Game Trails*, *Only an Irish Boy*, and a book on football inscribed by Coach George Allen reveal an avid reader who loved both novels and non-fiction. A typical evening would be Reagan settled in a chair by the fireplace with a good book. Western paintings and kachina dolls fill in shelf space and a framed hand-tooled belt depicting Reagan's career from his radio days to the White House hangs in a prominent spot. Red and white western design upholstery covers the chairs and horse tack randomly decorates the walls between the red drapes. A pair of carefully hand-tooled leather shutters depicting early "vaquero" scenes and created by Reagan's friends Gene and Sam Sisco frame the interior window. An ornate sombrero gifted to Reagan by Rancheros Visitadores and a classic charro-style saddle fill one corner of the room, while at the entryway to the bar a portrait of one of Reagan's horses by artist Orren Mixer welcomes guests to step on through.

Over the bar hangs a poster that testifies to Reagan's service in the U.S. Mounted Cavalry in the 1930's with its quote "Join the cavalry and have a courageous friend." On the opposite wall a pair of stuffed "jackalope" heads with glassy-eyed stares watches over the room in true Reagan humor. A token from his governor's period, a brass cuspidor from his Sacramento office sets at the foot of the

bar below a framed front page of the New York Times, February 6, 1911, the year of Reagan's birth. He liked to quip that nowhere on that page could he find anything about the birth of a future president of the United States.

The adobe is still full of original furnishings used by the Reagan's that were included with the sale of the ranch in 1998. A 1970s time capsule, it changed very little over the presidential years. The paintings, the towels, the ironstone plates in the kitchen cabinets, clothing – even the chair in the central fireplace room where the President made most of his phone calls from the Ranch all remain. It's a freeze frame in the life of the leader known as "great communicator."

This room with its open beam ceiling and fireplace was the most private area of the home – a place where Reagan could pick up the ordinary trim-line phone and discuss matters of state with the likes of Mikhail Gorbachev or Lady Thatcher, or on other occasions trade humor with the



The President's tack room.



astronauts of the Space Shuttle “Challenger” as it orbited the earth over California 160 miles up in space. In the corner cabinet sets a black and white model T.V. used often by the Reagan’s into the 1990s and an indicator of the President’s thrifty nature. That vintage Zenith represents his humility, and something more – it stands as a reminder that Reagan endured the Great Depression of the ‘30s and lived by the basic code that if it still works – why get rid of it!

The yellow master bedroom was painted by Reagan himself. A white phone on the bedside table looks like any other 1980s table top model with its heavy receiver – the only difference is that this phone has no dial pad. By lifting the receiver the president would connect to the White House operator who could place his call worldwide. The secret service would also be aware of the President’s phone activities in the event that he needed medical assistance. On the side table the President’s Bible, gifted to him by the Cowboy Chapter of Christian Athletes, is inscribed on the inside cover with a favorite biblical verse from II Chronicles, 7:14. The simple walk-in closet in the bedroom served two purposes. It was a regular clothes closet, but doubled as a safe room – a place where the secret service could temporarily protect the president in imminent danger.

Besides the main adobe home, there are other outbuildings – a guest house, a small bunkhouse, a US Secret Service command post, a hay barn – and a tack barn. It was in the tack barn that he kept his vehicles, tools and very unique Montgomery Ward ride-on lawnmower with the presidential seal affixed to it – something every world leader should have. The workbench with its orderly tool board and toolboxes stands with shelves of endless peanut butter jars filled with nuts and bolts and all sorts of screws just like any other workshop. A pair of used workgloves rest on top. On rainy days the chainsaws would be lined up on the top shelf in neat order and Reagan would tinker at his tool bench. Across the barn is where Reagan’s blue Jeep Scrambler, also known as “The Gipper,” was parked in 1992 when he decided to take former Soviet leader Mikhail Gorbachev for a spin around the ranch. Before they drove away, Reagan made it a point to show Gorbachev his own ranch fuel pump kept full by the secret service – to which Gorbachev asked,

“Do all Americans now have their own fuel pumps?” The price of fuel on the pump still reads 99 cents per gallon. During the 1980s conversations between the two leaders had revolved around treaties, nuclear weapons and summits on foreign soil, but at this point in time with the successful fall of the Soviet Union they discussed more trivial topics like as landscaping, horses and cowboy hats.

To Reagan the ranch meant freedom – the freedom to drive his dented red 1963 Army Jeep in the open air, happy as can be. He liked being a rancher and said as much in his recently published diaries. The ranch symbolized freedom to the man who labored tirelessly to preserve precious freedoms at home and abroad. He believed, as the Founding Fathers did, that freedom was bestowed to



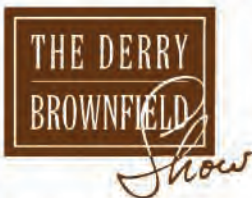
The ranch gave the President and Mrs. Reagan precious times to be just husband and wife.

all mankind by their Creator – and it was the very same spirit of freedom that brought Americans westward in search of new opportunities. He came west himself in the 1940s to begin a new life and a path that would eventually lead him to the White House. He was reminded of the promise of freedom California held for him during that fall day in 1974 when he first set eyes on the ranch. Riding his horse as often as he could between official duties was a true source of freedom. When he was finished with a ride he’d brush the horses, unbuckle the halters – and turn them loose on free range until the next ride – he understood the importance of freedom.

Reagan took that section of California land and made it his own, reworking through his own hard work and sweat the adobe home and the surrounding land into a reflection of his own soul. It’s fitting that in 1994 by the familiar fireplace in the ranch home, Reagan was told by his trusted protector, John Barletta that he could no longer ride his horse due to the Alzheimer’s disease that made it too dangerous for him to do something that had come naturally to him for 60 years. The adobe witnessed that defining moment in the front room Reagan built with his own hands. A humble home for an equally humble man – one who stepped forward at that crucial time near the end of the twentieth century to bring America back and make her proud again. It stands vigil still today like an old friend and a timeless tribute to Ronald Reagan – actor, statesman, horseman, rancher – and above all, true American patriot.



*Marilyn Fisher is Curator of Collections for the Reagan Ranch and Reagan Ranch Center in Santa Barbara, California. The Reagan Ranch is owned and preserved by Young America’s Foundation, who stepped forward in 1998 to save the ranch retreat of Ronald Reagan the 40<sup>TH</sup> President of the United States. Young America’s Foundation is a non-profit, 501 (c)(3) that provides student outreach to college students throughout the country. For more information go to YAF.org, or phone 1(800 )USA-1776.*



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# THE LIVING WORDS of the CONSTITUTION

## PART 3

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NICOLE KREBS

### ARTICLE III

**T**he judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.” This first line from Article III, Section 1, or the Judicial Vesting Clause, gives the people with troubles under federal jurisdiction a system of federal courts where their issues can be addressed. “In *The Federalist* No. 78, Alexander Hamilton reasoned as follows: (1) courts have a duty to resolve cases impartially according to the law; (2) the Constitution is the fundamental and supreme law in which ‘the People’ explicitly limited the political branches; and (3) therefore, judges must follow the Constitution instead of a clearly contrary ordinary law.” (*The Heritage Guide to the Constitution*, Edwin Meese III)

The Constitution does not make reference to the number of Justices to serve in the Supreme Court. The first Congress created a Supreme Court in the Judiciary Act of 1789 and decided that there would be a Chief Justice and five Associate Justices. Since that time, the number has changed on several occasions. In 1869, it was decided that there should be eight Associate Justices. It has remained at eight since then. The Justices can only be removed by an act of impeachment.

Originally, the inferior, or lesser, courts were called “circuit courts,” today we call them “district courts.” The district courts, which were established by the Judiciary Act of 1948, have jurisdiction to hear nearly all categories of federal cases, including both civil and criminal matters. There are 94 federal judicial districts, including at least one district in each state, the District of Columbia and Puerto Rico. Three territories of the United States — the Virgin Islands, Guam, and the Northern Mariana Islands — have district courts that hear federal cases. In 1855, Congress created a court of claims. The United States Court of Federal Claims has jurisdiction over most claims for money damages against the United States, disputes over federal contracts, unlawful “takings” of private property by

the federal government and a variety of other claims against the United States. In addition, Congress, with the Customs Courts Act of 1980, clarified and expanded the status, jurisdiction, and powers of the former United States Customs Court and changed the name of the court to the United States Court of International Trade. The Court of International Trade addresses cases involving international trade and customs issues.

*Marbury v Madison* (1803) became a landmark case for Article III. Chief Justice John Marshall refused “to enter into a political dispute on the grounds that Congress could not constitutionally grant to the Court powers not authorized by the constitution...” “While the case limited the court’s power in one sense, it greatly enhanced it in another by ultimately establishing the court’s power to declare acts of Congress unconstitutional. Just as important, it emphasized that the Constitution is the supreme law of the land and that the Supreme Court is the arbiter and final authority of the Constitution. As a result of this court ruling, the Supreme Court became an equal partner in the government.” (Findlaw.com) This confirmed what Hamilton had written in *The Federalist Papers*, No. 78: “The interpretation of the laws is the proper and peculiar province of the courts. A constitution, is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.”

Article III, Section 2, Clause 1, “The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States...,” defines the types of “Cases” that the “judicial Power” may extend. In *The Federalist Papers*, No. 83, Alexander Hamilton stated, “The judicial authority of the federal judicatures is declared by the Constitution to comprehend certain cases



particularly specified. The expression of these cases marks the precise limits beyond which the federal courts cannot extend their jurisdiction...

Federal jurisdiction extends to cases, not issues. "When a federal court has jurisdiction over a case that arises under federal law, the jurisdiction extends to the whole case, and the court will often have power to consider other issues in the case whether state or federal." (Meese) But how do we know if a case "arises under federal law?" We can find the answer in *Osborn v. Bank of the United States* (1824).

Chief Justice Marshall stated in the Court's opinion that a question is federal if "the title or right set up by the party, may be defeated by one construction of the constitution or law of the United States, and sustained by the opposite construction, provided the facts necessary to support the action be made out, then all the other questions must be decided as incidental to this, which gives that jurisdiction." Therefore, if a question's answer relies in some form on a federal law, it is a federal question. Marshall goes on to say that "when a question to which the judicial power of the Union is extended by the constitution, forms an ingredient of the original cause, it is in the power of Congress to give the Circuit Courts jurisdiction of that cause, although other questions of fact or of law may be involved in it."

Deciding whether there is federal question jurisdiction is made on the basis of the plaintiff's pleadings and not upon the response or the facts as they may develop. Plaintiffs seeking access to federal courts on this ground must set out a federal claim which is "well-pleaded" and the claim must be real and substantial and may not be without color of merit. Plaintiffs may not anticipate that defendants will raise a federal question in answer to the action. But what exactly must be pleaded to establish a federal question is a matter of considerable uncertainty in many cases. It is no longer the rule that when federal law is an ingredient of the claim, there is a federal question. (Cornell University Law School, Legal Information Institute)

Further into Clause 1, the Constitution states, "and Treaties made, or which shall be made, under their Authority..." Alexander Hamilton enlightened us in *The Federalist Papers* No. 80 that "the judiciary authority of the Union ought to extend to ... all those which involve the PEACE of the CONFEDERACY, whether they relate to the intercourse between the United States and foreign nations, or to that between the States themselves."

Chief Justice John Marshall clarifies the extent of the Supreme Court's jurisdiction regarding the Treaties Clause in *Owings v. Norwood's Lessee* (1809):

The reason for inserting that clause in the constitution was, that all persons who have real claims under a treaty should have their causes decided by the national tribunals. It was to avoid the apprehension as well as the danger of state prejudices. The words of the constitution are, "cases arising under treaties." Each treaty stipulates something respecting the citizens of the two nations, and gives them rights. Whenever a right grows out of, or is protected by, a treaty, it is sanctioned against all the laws and judicial decisions of the States; and whoever may have this right, it is to be protected. But if the person's title is not affected by the treaty, if he claims nothing under a treaty, his title cannot be protected by the treaty.

Through several other cases, the Supreme Court has noted that: (1) if neither the state nor the claimant disputes the claimant's rights under a treaty, then the Supreme Court has no jurisdiction under the Judiciary Act to review the case, (2) the courts will not infer an obligation from a treaty that has not been articulated in clear terms, (3)

they will follow the evident meaning of the text, (4) the courts will not determine whether a treaty obligation with another nation has been broken, (5) and a court will only recognize the legal validity of a treaty if it has been "executed" into federal law by an act of Congress. (It should be noted that Article III, Section 2, Clause 1 has been modified by Amendment XI. Amendment XI will be discussed further in a future issue of *LCE*.)

Clause 2 under Article III, Section 2 states, "In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make." This clause gives a "diplomatic officer the right to have immediate access to the highest tribunal in the land in order to settle any legal problem." (*The Making of America*, W. Cleon Skousen) It also allows a sovereign and independent state to be heard in the highest court in the land when it is a party to a federal case.

Judges are not the only judicial player of constitutional importance. Article III, Section 2, Clause 3 provides a critical role for the jury. John Adams stated that "the common people...should have as complete a control, as





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decisive a negative, in every judgment of a court of judicature as they have, through the legislature, in other decisions of government.”

According to Rachel Barkow in *The Heritage Guide to the Constitution*, “the jury was made part of the original structure of government in order to provide a mechanism for ensuring that individuals would not lose their liberty under a criminal law until the people themselves concurred.” Barkow goes on to explain, “Because the jury possesses authority to issue an unreviewable general verdict of acquittal, the jury nevertheless retains the raw power to check general laws with which it disagrees in individual cases. But because the trial judge does not instruct the jury that it has this authority, the jurors may not know that they have it.”

Treason. According to Bouvier's Law Dictionary, 1856 edition, “This word imports a betraying, treachery, or breach of allegiance.” It is the only crime defined in the Constitution. Article III, Section 3 Clause 1 states, “Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.”

Mr. Skousen informs us “treason can be committed by any citizen living either in the United States or abroad. Treason can also be committed by an alien living within the United States and consequently receiving the benefit of its protection.” In *Kawakita v. United States* (1952), the Court held that dual citizenship does not diminish a citizen's allegiance to the United States, the question whether a person renounces his American citizenship was peculiarly for a jury to determine, the Constitution contains no territorial limitation so an American citizen living beyond the territorial limits of the United States can be guilty of treason against the United States and an American citizen owes allegiance to the United States wherever he may reside.

When the Founders took on the task of establishing a federal judicial system, they took into consideration that “there should be a clear division of labor between the cases assigned to the states and the cases which logically belong in the federal courts.” They also knew that the federal courts needed to act “under the authority of the Constitution to make decisions affecting every person in the United States.” It was a challenge that they took very seriously.

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*Editor's Note: Even though the Founders wanted to create a “citizen-friendly” judicial system, its ultimate complexity seemed to evolve. To learn more about the specific cases quoted here, their entire content is available through the web on sites such [www.findlaw.com](http://www.findlaw.com); [www.law.cornell.edu](http://www.law.cornell.edu), among others.*

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# *Spring Brandings, A Look Back* \_\_\_\_\_●



Jim Prewett & Ed Callens set out to gather the Shairn Ranch, 2001



Arleah & Jenna Fields keep the cattle out of the corner, 2004





Stacey Schmidt, Redfern Ranch branding, 2003



"The Legacy," Jay & Deeth Harney, Goram Ranch, 1998





Eric Isaacson & Jim McDonald, Noons Ranch, 2002



Danny Torres, Lacey Land & Cattle Company, 2005





"Watching the Pens," Jordan Valley, 1993



Helen Hurner roping at 93, Bar 71 Ranch, 2001



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## HEATHER HAFLEIGH, PHOTOGRAPHER

“On a cool spring morning there is no place that I’d rather be than at a branding - folks shaking hands and greeting each other with a smile. It starts with the gather – mother cows and calves gathered and sorted. Then the roping begins. I love seeing how the young ropers have improved their skills over the past year. And how the old-timers position their horse just right to help them out. I notice the horse that has finally graduated to the two-rein, or the one now straight up in the bridle. The husband & wife teams who rope together so seamlessly. The jokes, camaraderie.....so much a part of this occasion and this life. And when the last calf has been marked and the horses watered; everyone sits down together for dinner. It’s then someone will invariably say to me, ‘We are so glad you are taking these pictures; we want our grandkids to see them.’ So do I. Things have changed a lot in the cattle business, especially in the last few years - the market, the weather patterns, and the loss of good ground for feed. I have been documenting this way of life for almost 20 years. I hope to continue for many more years to come. The family values, sense of community, the closeness and love of life, the connection to nature and the stewardship - all this, to me, is what our country was founded on. We need to preserve it.”



*photo by Carolyn Weil*

Heather and her buckskin Monte, 2008



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# The California Coastal Commission and the Coastal Act Part 1



BY MARILYN FISHER



*“...Nor shall private property be taken for public use without just compensation.”*

— Fifth Amendment to the U. S. Constitution

With its rugged cliffs, expansive beaches and legendary natural beauty, the winding California coastline is alluring to visitors and residents alike. Its 1,100 mile span of beachfront is the vanishing point of the western states, a place where many go to seek freedom and renewal – a virtual paradise. The sunsets are infinitely glorious over the Pacific Ocean as it stretches westward – pulling with it the receding shoreline

and patiently reclaiming it. The desire to want to preserve the visual beauty of the coast, free from any evidence of man’s hand is an idyllic notion, but at what cost? Whether it is public land or private property, there’s a movement to return the coast to its original state and try to reclaim the last vestiges of the California dream – and the trade off is individual property rights.

Today there is a challenge facing many private

landowners in the Golden State who are fortunate enough to find themselves living near the coast or along major watersheds. The contender is the agency known as the California Coastal Commission set in place to regulate the coastal areas and to create as much public access across private property along the coast as possible. The Commission was appointed “for the public good” to confine growth and mandate environmental controls; however, their regulations have created an ongoing tug-of-war between land owners’ rights and those of the general public represented by the Commission. Private parties by law own portions of the coastal lands – and their constitutional rights under the Fifth Amendment are being tested daily. The result is a constant clash with the state Commission.

It originated in 1972 through a voter initiative known as Proposition 20 authored by attorney Lew Reid, who had served as a Senate committee counsel in Washington, D.C. It found permanent status through the California Coastal Act passed by the California legislature in 1976 with the primary mission being to plan and regulate land and water uses in the coastal zones consistent with the policies of the Coastal Act. The clear intent of the act was to extend indefinitely the ability of the Commission to complete the following mission:

*“To protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations.”*

The Coastal Act policies, as stated on their website, “address issues such as shoreline public access and recreation, low cost visitor accommodations, terrestrial and marine habitat protection, visual resources or views, landform alteration, agricultural lands, commercial fisheries, industrial uses, water

quality, offshore oil and gas harvesting, transportation, development design, power plants, ports, and public works. The policies of the Coastal Act constitute the statutory standards applied to planning and regulatory decisions made by the Commission along with local governments, pursuant to the Coastal Act.” A self-described “independent, quasi-judicial state agency,” it is composed of 12 voting members appointed by the Governor, the Senate Rules Committee and the Speaker of the Assembly. In other words – it’s another growing and burdensome bureaucracy.



photos courtesy Department of Special Collections, Davidson Library, University of California, Santa Barbara





For 36 years the Commission has carried out its aggressive and progressive environmental protection tactics against private property owners whose properties lay either by the waterfront or in areas inland depending on local jurisdiction. To the Commission most coastal development is admittedly intrusive and visually degrading – whether it be a home renovation, a second beach house, a restaurant, or offshore oil exploration, as witnessed by the extent of time and energy it takes most applicants to wade through the paperwork, and frequently the legalities, to get permitted for their projects.

Permits are required by the Commission for various forms of development such as subdivisions and other changes in density or intensity of land or water use. According to the Commission, permits **are required** for the following projects that it believes pose a risk of *substantial* adverse environmental impact. They are:

- *Improvements* to existing single-family residents
- *Repair or maintenance* of less than 100,000 cubic yards in existing navigational channels
- *Repair or maintenance* that will not enlarge an existing structure

- *Installation, testing, or replacement* of necessary utility connections for developments by the Commission
- *Construction* of development projects that the Commission has determined will not limit coastal resources or public access to the coast
- *Replacement* of any structure (except public works) which is destroyed by a disaster
- *Conversion* of an existing multiple-unit residential structure, or time-share project

By partnering with coastal cities and counties, the Commission regulates the use of land and water in the coastal zone on and off shore. Development activities generally defined by the Coastal Act to include construction of buildings, divisions of land and activities that change the intensity of land use or public access to beach, usually require a permit from the Commission. On land the coastal zone designated by the Commission and local government varies in width from several hundred feet in urban areas up to five miles inland from the “mean high tide lines” in rural areas. The Commission’s offshore jurisdiction commands a band of ocean 1,100 miles long and three miles wide. The only exclusion is the San

Francisco Bay area as it has its own environmental commission, the Bay Conservation and Development Commission (BCDC) that regulates development.

Both agencies, the Commission (1976) and the BCDC (1969) exist to administer the federal Coastal Zone Management Act (CZMA) in California. The key provisions of the CZMA give state coastal management agencies regulatory control *over all federal activities* and federally licensed, permitted or assisted ventures if those activities affect coastal resources. According to the Commission website those federal activities include “oil and gas leasing; exploration and development; military projects; certain U.S. Fish and Wildlife Service permits; national park projects; highway improvement projects under federal funding; commercial space launch projects on federal lands.”

In an effort to maintain or reverse the trends of coastal development in favor of environmental protection, the rights of property owners are, in many cases, compromised. Though compensation is offered in return for giving up property rights, for some it is not a fair trade and what is considered the universal “greater good” is a thinly veiled land grab. Several cases have been tried in court over the rights of landowners whose properties are threatened by the over-reaching hand of the Commission.

Property owners defending their constitutional rights have brought court cases against the Commission. In particular, there was a case heard shortly after the founding of the Coastal Conservation Act in 1973 by California Supreme Court Justice Clark. It’s a classic example of government encroachment over the constitutional rights of a private developer. In *San Diego Coast Regional Com vs. See the See, Limited*, a developer had city permission to demolish an old building and replace it with a condominium. Before completion of the construction he ran into problems with the Commission over his permit. It had been legally granted prior to the 1972 Coastal Conservation Act; however, the Commission tried to block the completion by retroactively applying the Act. The property owner won this round as the judge found in favor of the developer.

Development within a coastal zone may not move forward without a coastal development permit and the Commission has appellate authority over development approved by local governments. Along the California coast, regulation mimics all-out physical occupation when government permits are given in exchange for a property interest. A classic example is found in the case *Nollan vs. California Coastal Commission* (1987) where the property owner was informed that he could have a permit to enlarge his home, but only if he agreed to provide a beach easement for public use. In other words, they wanted to create public access across his personal property to serve

the public good and that is considered seizing of personal property. In the court ruling, the “*takings clause*” (Fifth Amendment) prohibited the regulating agency from using its inherent power and the issuance of permits to take personal property without compensation. Essentially, the Court said that if the Commission wanted a public easement to the beach it would have to pay for it. As a result of the monumental *Nollan* case, the Commission and government agencies no longer seek “offers to dedicate” (OTD) public access or public trail easements as they did at one time. This judgment was Pacific Legal Foundation’s landmark United States Supreme Court victory. It radically reformed the Commission when the Supreme Court ruled that its permit process was an “out-and-out” plan of extortion.

An OTD is an offer from a private landowner to allow for a future open public access easement across his or her property. Since the Commission does not have the authority to fund the maintenance of these public easements, in order for these offers of access to become public easements they must be accepted by an agency or qualified nonprofit land trust willing to operate, maintain and accept liability for the easement in perpetuity. Once





the proposed offers to dedicate reach their expiration date and are fulfilled (not accepted by an operating agency or trust) then they expire and the opportunity to open the areas to the public is lost.

A “conservation easement” is an enforceable agreement by which the landowner splits his rights to the land ownership, thereby restricting development of the property and any activities on the property that may harm its sensitive ecological and aesthetic qualities per conservation guidelines. And, the landowner must agree not to subdivide the property or engage in any construction of roads or buildings. This easement agreement is legally binding through all future generations of the landowner’s family who own it. It is a stated commitment of the Commission to continue to implement a public coastal access program along the California coast and expediting new access for public use throughout the 15 counties and 110 cities under its jurisdiction.

The idea of a coastal commission is not exclusive to California. Similar court cases are fought nationwide. In the *Lucas vs. South Carolina Coastal Council* (1992), the Coastal Council passed regulations requiring a beachfront property owner to vacate his property for which he had paid close to one million dollars and return it to its undisturbed and natural state for environmental purposes. The Supreme Court ruled that this was equivalent to condemning his property. If it wanted control over the man’s land, the Coastal Council would have to purchase the property from the owner at fair market value.

Another court case in Oregon, *Dolan vs. Tigard* (1994), involved a shop owner who was told by the city of Tigard that in order to receive permission to expand his store he would be required to dedicate a green belt pathway along a nearby creek. The Supreme Court ruled that this was not a permissible requirement because the dedication was not related to the store



expansion. Clearly it was an example of the city leveraging the permit to force private citizen Dolan to dedicate property for the benefit of the “general public.” In all three cases the United States Supreme Court upheld and protected the constitutional rights of private property owners.

In those cases, property owners won – and the agencies lost. The 14<sup>TH</sup> Amendment to the Constitution provides for equal protection under the law – “Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.” The equal protection clause was written to prevent legislatures from passing laws that would unfairly favor one group over another. It provided a basis prohibiting the states from violating a person’s right to life, liberty and property without due process of law. It also gave the federal government the authority to enforce this prohibition. In addition, the 5<sup>TH</sup> Amendment states that no person “be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.”

The Commission has been controversial from its inception in 1972. There was a case in 2002 over the constitutionality of the commission appointment process. The Commission exercises executive power when it issues “cease and desist orders” and permits. Though the Commission members are appointed by both legislative leaders and the governor, the appointees can be removed at will. The constitutional issue was whether the combined legislative/executive appointment and removal process violates the “separation of powers” principle. Through the *Marine Forests Society vs. California Coastal Commission* case an appeals court ruled that the Legislature’s power to appoint and remove appointees “at will” gave the Legislature undue influence over the making and enforcing of the law. In 2003, under Governor Davis, the crisis was settled through the Legislative bills stating that the result was four-year terms for eight of the commissioners and two-year terms for the four gubernatorial appointees. However, in 2005 the California Supreme Court overturned the 2003 decision by stating that, “The current conditions do not violate the state constitutional separation of powers clause.”

In a well fought but unsuccessful case in 2005, a San Luis Obispo Judge ruled that the right of kayakers, boaters and surfers to view the California coastline free from homes was more important than the property rights of Californians. The Pacific Legal Foundation – founded in 1973 as the largest public interest legal organization dedicated to property rights protection - asked a California Court of Appeals to overturn the decision. The background of the 2000 case involved a California property owner who was the first person to challenge a new Commission policy that prohibits the building or modification of homes along the coast to “protect views” from the Pacific Ocean. The landowner was told by the judge that he needed to reduce the planned size of his home on the 41 acre parcel and move it to a ravine, even though there was threat of land erosion, because its size and location near the bluff were not aesthetic. The presiding judge remarked, “It is clear to the Court that the beauty of a sunrise from a vantage point offshore is afforded the same protection as a sunset seen from land.” In addition, he was told that he could not put a barn on the

## JAMES MADISON

In June of 1789, standing before the First Congress, James Madison introduced his amendments on the floor of the House of Representatives. His argument was that the amendments would uphold the Constitution and the basic ideas about government and the protection of the rights of the people as stated in the Declaration of Independence. He believed that the greatest threat to individual rights would come from groups who would use the government to serve their own interests at the expense of others. Holding firm, he added that state governments were more easily used by factions than the national government, and he believed that state governments were more of a threat to individual rights than the federal government.





## FOUNDING FATHERS

One of the 55 visionary Founders who drafted the Constitution was James Madison. As the drafter of this clause of the Fifth Amendment, he believed that “a government is instituted to protect property of every sort... This being the end of the government that alone is a *just* government, which *impartially* secures to every man, whatever is his *own*.” As Douglas W. Kmiec writes in *The Heritage Guide to the Constitution*, “As a matter of original understanding, the American Founders viewed the natural right to acquire or possess property as embedded in the common law, which they regarded as the natural law applied to specific facts.” And so, the Framers saw little need to draw up a “parchment protection” against the states which followed the common-law tradition. Most early state charters specifically protected “the means of acquiring and possessing property” as the common law rights of the early Colonials. Madison wanted a guarantee that the government should be narrowly restricted to following the common-law example when it came to acquiring and possessing personal property.



acreage because 41 acres was not large enough to sustain a cattle ranch. Peter Douglas, executive director of Coastal Commission, previously remarked, “We understand the importance of landscapes from the sea – the view of pastoral areas from the sea to the land without ‘human structures’ intervening is very important.”

From a constitutional rights viewpoint the cases above offer some general guidelines. In most basic terms, the “takings clause” requires that if there is a physical taking of private property by the government, or in this case the Commission, compensation must be paid. And, any land use regulation that directly blocks the landowner from deriving economic gain from his property amounts to a “taking,” such as in the *Lucas* case. Finally, regulations put in place to protect the public health and safety are generally not considered “takings,” even if compliance with the regulations costs more than the value of the property. In such a case public safety is considered more important than the loss of property. When a public agency violates the “takings clause” of the Fifth Amendment, there are monetary damages and as a result, public agency decision-makers are more careful not to risk the damages that result from the violation. The “takings” law has deprived public sector environmentalists of certain abilities to continue to take land for the “public good.” Keeping this all in mind, the government does continue to have the ability to declare regulations that can affect and at times destroy the value of personal property.

In February 2005 the ink was finally dry on a deal between state and conservation agencies to gradually make public the Hearst Ranch. The famed Ranch “territory” covers 82,000 acres along 18 miles of scenic California coastline. In 2002 the California Rangeland Trust teamed up with the American Land Conservancy to negotiate a preliminary conservation plan with the Hearst Corporation, owner of the Hearst Ranch. The owner had been planning to build a resort and homes sites in one area of the sprawling territory. But conservancy agencies provided Hearst Corporation with their own conservation blueprint of how to manage its private property. It included advising Hearst to eliminate new resort plans and limit development to Old San Simeon Village while at the same time including permanent public access to coastline by creating conservation and agricultural easements, radically reducing any potential development plans. They knew the success of their blueprint would result in more coastal access than any other single transaction in California history.

Hearst had battled with conservationists over a development plan that at one time included a resort, golf course and equestrian center. In 2004 San Luis Obispo County supervisor Shirley Bianchi stated, “(Hearst) doesn’t get anything until the county and the coastal commission issue the permits. Hearst has to jump through the same hoops as anyone else, and there will be intense scrutiny of everything they want to do.”

The final deal stated that the Hearst Corporation will transfer a 13 mile long coastal strip and 1000 acres along Highway One to state ownership for public use. Included in the deal is an irrevocable easement to the state to complete the California Coastal Trail through Hearst Ranch. In addition to the coastal protection, 80,000 acres of rangeland east of Highway One will fall under a conservation easement. Six years of negotiations between conservation groups and the Hearst

Corporation resulted in an agreement valued at \$95M in cash and tax credits - one of the largest conservation transactions in California history. Also, all development rights on the property were permanently surrendered. The Hearst Ranch, originally purchased by George Hearst in 1865 and distinctive as the largest privately owned cattle operation on the California coast, is now under the far reaching control of various conservancies, state agencies and the federal government.

In another instance of California Coastal Commission decision making, the well-being of coastal community residents did not measure up to that of area wildlife. Winter rainfall had repeatedly flooded and restricted passage over a small bridge that spans the coastal Gaviota Creek. In 2006 there was a plan to replace the inadequate bridge with a shorter, yet wider version that would not only provide better access for the estimated 500 residents of the Hollister Ranch development and about 200,000 visitors to the Gaviota Beach area, but was designed to actually deliver more water to the wetlands than required by federal standards. Also, remarkably the bridge project had \$6M in funding in place offered by the federal and state government to complete the replacement. Through their decision the Commission forced the County to give up the funding offered to them when they decided that widening the road would have "direct impact to the riparian habitat, wetlands and sensitive species." The Commission declared in their report that, "Because of significant expansion... the proposed project cannot be characterized as purely a replacement project." Since there was not enough time to re-design, study and draft a revised bridge plan before the August 2006 deadline it could not be approved, dashing the hopes of local residents and Santa Barbara County officials.

In recent conflict, a plan to complete the 241 Foothill-South Toll Road along the traffic- heavy

corridor between Orange and San Diego Counties was rejected by the Commission. Congressman Ken Calvert stated, "The California Coastal Commission has a long history of choosing environmental extremes ahead of what is best for the people of California. Sadly, California families and commuters are the real losers in this decision. The Foothill-South can be built in an environmentally safe way that does not impact recreational opportunities. It's apparent the California Coastal Commission has lost touch with the regular California commuter who is stuck on freeways for hours every day." He went on to add, "I will support the Transportation Corridor Agencies if they choose to appeal this illogical decision to the federal government."

Today the Commission still wields its power to operate aggressively. In a recent New York Times article about the Commission "voting down" a proposed toll road was the following quote that sums it up: "The Commission has long been a thorn in the side of developers, municipal governments and wealthy beachfront property owners. Unequaled in comparison to other states, the Commission is the single most powerful land use authority in the United States. The Commission has never been shy about its reach and makes no apologies for the role voters gave it during the heart of the environmental movement in the 1970s, when the Coastal Act was passed."

As Americans, we cherish the wisdom of the Founding Fathers and their defense of life, liberty – and property - as written in the Fifth Amendment to our Constitution. And so, the power of the individual and his or her freedom to own and administer each one's personal property are causes worth defending - as did the Founders - and most especially against agencies that try to diminish the "power of one" in favor of many. It is an ongoing challenge, but one worth pursuing to insure that our individual rights remain intact by the original intent of our Constitution and the Founders.

## WEBSITES

Pacific Legal Foundation • [www.pacificlegal.org](http://www.pacificlegal.org) ([www.coastalhorror.org](http://www.coastalhorror.org))

California Coastal Commission • [www.coastal.ca.gov](http://www.coastal.ca.gov)

Hearst Ranch Conservation • [www.hearstranchconservation.org](http://www.hearstranchconservation.org)

The California Rangeland Trust • [www.rangelandtrust.org](http://www.rangelandtrust.org)

California Resources Agency • [www.resources.ca.gov](http://www.resources.ca.gov)







## Holdin' On

*For the Graves Family,  
ranching in Wyoming is  
a way of life worth protecting*

Off the top looking at the Red Wall

BY THEA MARX



“Life isn’t meant to be easy,” said Norris Graves on the Red Fork Ranch in a 1961 interview with *Life* magazine. In the photo story headlined, “Following the Call of the Old Pioneers,” writer Burk Uzzle captured the gritty existence of what was, even then, considered a dying way of life.

In the nearly 50 years that have passed since the story ran, little has changed on the Red Fork Ranch. Not its family ownership or the fact that horses are the preferred mode of moving cattle. The old stone barn still stands north of the homestead between the points where the North and South Forks of the Red Fork of the Powder River meet just a few hundred yards to the east. The homestead is still a part of the ranch house where the Graves family has lived for 100 years.

In the 25 miles that it takes to get to this historical valley at the end of the road from Kaycee, Wyoming, there

are 16 such ranches. Most of the ranches are still run by the families who homesteaded or purchased them around the turn of the 20<sup>th</sup> century. The Red Fork homestead was bought in 1908 by Norris’s father, Frank. Frank’s family had been forced out of Nebraska in 1901 after enduring several years of killer blizzards and grasshopper plagues. Plagues so bad the bugs ate the fence posts. Frank first homesteaded high in the Big Horn Mountains. He then moved into tamer country to raise his family and farm and ranch in earnest. In 1915, Frank fell in love with and married Fannie Lea, a local girl, whose family first kicked up the Wyoming dust in 1898. They came to gather wild horses, break them and send them back to Nebraska for the farmers. When Frank met her, Fannie’s family lived and worked on the Bar C ranch some 20 miles south of the Red Fork Valley. The Bar C is forever famous for the steady stream of outlaws that passed through its gates.





Baby Nona at Red Fork

Frank and Fannie settled in the homestead cabin between the two creek forks and raised four children - a son, Norris, and three daughters, Nona, Merle and Shirley. On the ranch, Frank raised several hundred head of Shorthorn and then Hereford cattle. "Dad was a good farmer and Grandpa, who lived down the creek, loved to help irrigate," recalls Nona, now 92. Between the two of them, they raised substantial alfalfa and Timothy hay crops. "The Timothy grass," remembers Nona, "was taller than I was when I was eight or nine."

Frank and his neighbor used black powder and shovels to hand dig an irrigation tunnel through a hill which is still used today. The tunnel was critical so water could reach lower meadows when the prospect of pushing it over the side of the valley proved too much. They farmed the hay, oats and wheat with teams. There was a community threshing machine that was used to thresh the wheat and oats raised in the valley. The wheat was later taken to the Kaycee Mill so the family would have flour. In the summers

they trailed the cattle to mountain elevations of 7500-8500 feet for summer grazing. In addition to cattle, in the 1930's, Frank started raising sheep to utilize the grass more efficiently. The agile creatures were well suited for the Big Horn Mountains, which made up a substantial part of his grazing ground.

By the 1940's the ranch had survived the depression, droughts and grasshoppers. It survived the years when the freight to ship cattle cost more than they were worth. It survived winters and heartbreak, but it still brought much joy to a family who had settled into a valley that was home to the last major Indian battle in American history. It was a ranch where gate hinges were once made of gun barrels and army cots were used in the ranch shop for scrap metal. The forty's marked nearly seven decades since the cry of Northern Cheyenne warriors echoed off the valley walls and Cavalry soldiers claimed victory over the Indians in the Dull Knife Battle led by Colonel Mackenzie in November 1876. The victory came just six months after Custer died at the Little Big Horn. The battle has been considered a turning point in conquering the nomadic native peoples of the west. It is perhaps both an ominous and benevolent omen to those who would settle the red earth of the Red Fork Valley afterwards. Much the same struggle rages today. Though, today, the battle rages between ranchers who wish to maintain a way of life and aggressive land buyers who have no historical connection to the land and lack understanding of a lifestyle where monetary gain is not the payoff.

In the 1940's Norris started taking more and more responsibility for the ranch, eventually taking it over and leaving his bronc riding days to the younger set. On the 20,000 acres on the east slope of the Big Horn Mountains, Norris followed in his father's footsteps. Raising a family of two girls and two boys, Norris and his wife, Mae ran 1800 head of sheep, 200 head of cattle and 40 head of horses. He is quoted in the *Life* magazine article, "I never expected a bed of roses. I didn't get one."

What he did get was a life that he loved. One that was hard on the heart and sometimes tougher on the spirits, but one that was free and connected to the land, its critters and the people who lived the same life. It was a life that



Coming off the top of the Big Horns



Weaning on the mountain



Red cows on red soil

photos courtesy the Graves family



revolved around family, nature and community. Norris was a great dancer and spent time two-stepping with his girls, Joyce and Bonnie, at the community hall and teaching his sons, Kenny and Lee to ride saddle broncs. They roped, fished, worked hard and loved each other intensely. He was involved in the community as school board president and was a sought after saddle bronc instructor.

Later in life, he was “Grand Dad” to dozens of saddle bronc riders who clammered for his lessons. His favorite pupils were his grandsons; two who made their mark in the professional rodeo world. Craig qualified for the National Finals Rodeo nine times. He was honored as the NFR Rookie of the Year and, later, placed second in the World Standings. He is now the rodeo coach at Panhandle State University where his team won the College National Finals in 2004. His brother, Deke,



Norris Graves

in northern Johnson County. Kenny and Cheri converted the ranch to a registered operation and currently run 600 head of registered Red Angus and 100 head of commercial cows. In 2000, they sold their sheep when the predator population of bears, lions, coyotes and eagles made it nearly impossible to keep enough ewe lambs alive to keep the herd going. They run 50 head of horses including fifteen good saddle horses which are kept close to home for daily work. A Percheron team is often used for light farm work. Time constraints don't allow them to farm with the horses as they once did and as Kenny says, “No one understands how to hitch them, drive them, or feed with them.” But they still use the teams to drag the meadows, clean up rocks and haul wood.

While attending Casper College in Casper, Wyoming, Kenny returned to work on the ranch every weekend. When he wasn't working, he was riding saddle broncs with his good friend, Chris LeDoux. He broke his back in the middle of his rodeo career, when a horse went over backwards with him in the chute in Belle Fourche, South Dakota. He kept riding until it was time to take over running the ranch full time - something he always knew he would do. Through all adversities faced, whether in the bucking chutes or on the ranch, Kenny's same quiet, unwavering perseverance comes alive. And it's very apparent when he tells real estate agents, “Its NOT for sale.”

Ken's wife, Cheri grew up south of Arvada, Wyoming on the Powder River helping her folks on their ranch. Cheri graduated from Chadron State College in Chadron, Nebraska with a double major in math and earth sciences.



Kenny Graves on Saddle Bronc

was the PRCA's Mountain States Rookie All-Around Cowboy and Saddle Bronc Champion in 1986. Deke qualified for the NFR and finished 5<sup>th</sup> in the World Standings. He died in a car wreck a few days after coming home to Kaycee from the NFR that same year.

Even in the roughest of times, Norris was known for his tenacious ability to hold on to the ranch, his quiet humor, and raucous whiskey drinking that drove his sisters crazy.

In 1983, his eldest son, Ken took over leadership of the ranch. Norris continued to be a steadfast contributor and worked side by side with his son. Kenny had married Cheri Landrey in 1981. Her family raised registered Red Angus



Red Fork Canyon

She went on to teach high school and worked on archeological digs in the summers until she married into the Graves family. In 1985, she helped bring the same registered herd she'd grown up with to Red Fork. It is the second oldest registered Red Angus herd in the state of Wyoming. A herd that produces forage tested bulls and cows as tough as they come. With her background she appreciates the incredible history of the area and enjoys giving tours of the battlefield for those who come along.

Kenny and Cheri faced challenges similar to those before them on the Red Fork Ranch. Modern machinery and technology are still no match to the power and unpredictability of Mother Nature. In the late spring of 1984, Kenny and Cheri lost 90% of the 2000 head of sheep they had in one pasture. A vicious, unpredicted blizzard hit the valley and carved a 36 mile path of havoc over the country side. A saddle horse suffocated in a barn, his nostrils filled with blowing snow and frozen in an icy mask. Thirty to forty feet of snow filled draws and became ghastly tombs to hundreds of freshly shorn sheep. Most of these were ewes who were desperately trying to get out of the brutal wind to find shelter from the driving rain that began falling that April day. The Graves' family walked the



The Ranch

Perhaps this year going to the bank wouldn't be so painful.

In this rough and tumble existence, Kenny and Cheri have raised three girls: Kendi, Lyndi and Neteal. All of whom are good hands and as the ranch women before them, they don't expect special treatment because of their gender. They know their jobs and how to do them, whether it's roping, riding or putting up hay. Today, the three girls are making their own way in life. Kendi works for Cabela's in Sidney, Nebraska as a computer systems engineer, Lyndi is a sophomore at Black Hills State University in Spearfish, South Dakota majoring in elementary education and early childhood development and Neteal, a senior at Kaycee High School. Kenny and Cheri are just now making their way out of the seemingly insurmountable debt that has been wracked up keeping them in business over the years of tough cow prices, wool market collapses and drought conditions.

"This is a way of life you have to love. We could sell the place for huge money, but we don't want to. This is who we are. This is our life."

As one looks down the Red Fork Valley with its vibrant red earth to the east and the Big Horn Mountains rising on the west, the untainted blue sky caps the ranch, creeks gurgle greetings as they meet to form a river and a mare and foal graze in the meadow. The image of a little boy on his tummy drinking from the ditch running by the house and a girl running through the meadow trying to see over the tall grass brings back memories of five generations of Graves' who have called Red Fork home.

Ranch life is hard. The payoff is not in dollars but in a quality of life. It is a way of life that cannot be duplicated. And for this family, it's worth every moment of it.



Graves women with Kenny, Lee and Danny

draws for three days and saved just 50 head. A mother cow trying to find protection from the relentless weather was found drifted over and dead, her baby huddled next to her frozen body had nursed through the three day ordeal and survived. It is this bitter sweetness of nature that keeps these families coming back to an existence of ranching.

Just last year in 2007, after years of terrible drought, two feet of heavy wet snow fell, this time without the wind. Mother Nature's gift meant water in the reservoirs, irrigation water for crops and grass on the mountain.

*A fifth generation Wyoming ranch girl, author and expert on Western Design, Thea Marx was born and raised on a purebred Charolais operation on the Wind River Indian Reservation. She is the author of the book, "Contemporary Western Design."*



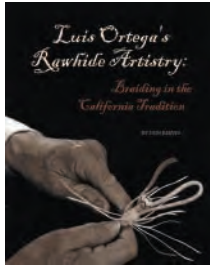


# RECOMMENDED READING

*Here are some great reads to add to your nightstand.  
Some of the books are brand new; some are older releases but are worth a look.*

## Luis Ortega's Rawhide Artistry: Braiding In The California Tradition

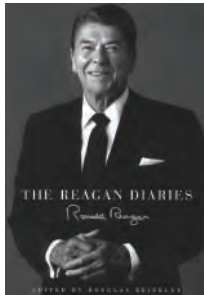
Don Reeves  
National Cowboy & Western Heritage Museum  
[www.nationalcowboymuseum.org](http://www.nationalcowboymuseum.org)



Luis Ortega became one of the most admired rawhide braiders of the 20th century elevating his craft to an extraordinary fine art. The National Cowboy and Western Heritage Museum in Oklahoma City maintains an exceptional exhibit of his work. Ortega was the first braider to feature color in his equipment and he set the style within the show ring for many years. Home to Ortega's personal collection displayed year-round; the museum reprinted this little 16 page booklet from *Western Horseman* and was featured in the museum's own *Persimmon Hill*. This little volume is a must for every collector of rawhide gear.

## The Reagan Diaries

Edited by Douglas Brinkley  
Harper Collins  
[www.harpercollins.com](http://www.harpercollins.com)



During his two terms as the fortieth president of the United States, Ronald Reagan kept a daily diary in which he recorded, by hand, his innermost thoughts and observations on the extraordinary, the historic, and the routine day-to-day occurrences of his presidency. To read these diaries—filled with Reagan's trademark wit, sharp intelligence,

and humor—is to gain a unique understanding of one of the most beloved occupants of the Oval Office in our nation's history.

## The Stranger In Big Sur

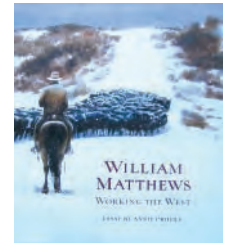
Lillian Bos Ross  
Capra Press  
[www.amazon.com](http://www.amazon.com)



This little jewel is out-of-print but it is truly worth digging for. The story of the Ross family and their life along the Big Sur Coast, the book was made into a motion picture in 1974 called *Zandy's Bride* with Gene Hackman. The book gives wonderfully accurate descriptions of life along the coastal ranges and the severe land surrounding it. The author also crafted from her experience, the classic vaquero ballad, "The South Coast" made popular by artists as diverse as the Kingston Trio, Tom Russell and Ramblin' Jack Elliott. As the author described the area, "The Santa Lucia Mountains, harsh and lovely, hold fast to their ancient loneliness by a sheer drop of five thousand feet to a shore-less sea and are still called locally, the Big Sur Hills."

## William Matthews

Working The West  
Chronicle Books  
[www.chroniclebooks.com](http://www.chroniclebooks.com)



This is the second published monograph devoted to the western art of William Matthews. Viewing Mr. Matthews' art is a look into a timeless landscape of purpose and capability. A place where honorable men and women work horseback and afoot to finish tasks at hand—with grace and style. Of his subjects, Matthews says,

"The thing about the people that got me was the self-sufficient nature, the way they owned their lives, were in control of all that was around them. They were off the grid – sixty miles from anything" Matthews is a hunter of moments - a horse's turn, a rider placing a saddle on a cold back, a gate being closed. His are images of artful lives.



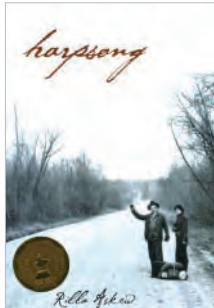
# RECOMMENDED READING

## Harpsong

Rilla Askew

University of Oklahoma Press

[www.oupress.com](http://www.oupress.com)



Harlan Singer, a gifted harmonica-playing troubadour, shows up in the Thompson family's yard one morning. He steals their hearts with his music, and their daughter with his charm. Soon he and his fourteen-year-old bride, Sharon, are on the road - two more hobos of the Great Depression, hitchhiking and hopping freights in search of an old man and the settlement of Harlan's long-standing

debt. *Harpsong* is a novel of love and loss, of adventure and renewal, and of a wayfaring orphan's search for home—all set to the sounds of Harlan's harmonica. It shows us the strength and resilience of a people who, in the face of unending despair, maintain their faith in the land. A volume of faith and inspiration.

## Still

Cowboys at the Start of the Twenty-First Century

Robb Kendrick

University of Texas Press

[www.utexaspress.com](http://www.utexaspress.com)



Photographer Jay Dusard states in the Afterword of Rob Kendrick's new book, *Still*, "The outside circle is the longest, widest-ranging path that a cowboy travels in rounding up cattle. Here one usually goes for the longest periods of time without seeing one's comrades. The cowboy assigned to ride the outside circle is invariably the

most competent and experienced member of the crew. . . . Robb Kendrick rode the outside circle and returned with immense revelations."

In *Still*, Robb Kendrick presents an eloquent collection of tintype cowboy photographs taken on ranches across fourteen states of the American West, as well as in British Columbia, Canada, and Coahuila, Mexico. The photographs reveal the rich variety of people who are drawn to the cowboying life—women as well as men. A place where character counts.

## Great Ranches of the West

Jim Keen

James Keen

[www.keenmedia.com](http://www.keenmedia.com)



*Great Ranches of the West* is the result of photographer Jim Keen's five-year trek visiting seventeen states to immerse himself in the workings and people of thirty different ranches – capturing the ways and efforts - and the diverse approaches of the people who work them. Here is a work of intense celebration as the faces in the photos tell their own stories of work and sacrifice. Here is a series of realities where people work to feed others – as well as make a living for themselves. Here is a series of stories of tradition and of trying to hold on to life worth passing along to the next generation. This is a personal book that belongs to all of us, just as does the future of ranching and agriculture in this country. A glorious volume to give and to get.

## Riata Men

Ernie Morris

Ernest Morris

[www.elvaquero.com](http://www.elvaquero.com)



Ernie Morris is an original. He prides himself in creating authentic vaquero remembrances in all aspects – people, horses, equipment, cattle, terrain, livestock situations, etc. He has created vaquero art with pen & ink, pencil, charcoal, watercolor, oils, acrylic, bronze sculpting, woodcarving, rawhide braiding, and making horse hair mecates. He has authored and illustrated numerous books.

*Riata Men* is an intimate look at the life of the cowboy through the eyes of Ernie Morris. His illustrations capture the daily life on the ranch, often with a bit of humor. It contains numerous drawings, each accompanied by a detailed description. This book will become a friend for life.





# A TRIP WORTH TAKING

## *A Horseback Visit to Saguaro National Park*



photos by Mark Bedor

Arizona's Saguaro National Park, celebrating its 75th anniversary this year, is part of the National Park system.

BY MARK BEDOR



“Drier than dust... and yet here’s a beautiful yellow flower coming up out of the ground.” Judy Rundell makes that observation as she rides through Saguaro National Park outside Tucson. This 91,000 acres of Arizona’s Sonora desert is a land of contrasts. It is a harsh, unforgiving climate, yet produces such an abundance of plant life it looks like an arboretum. Located just outside Tucson, this National Park is closer to a modern big city than any other, and it contains petroglyphs that may be more than 1,000 years old. Rocky, sandy and dry ground produces flowers as beautiful and delicate as any well-watered rose garden. Yet the cactus themselves are contradictions. Dangerous looking thorns warn you to stay away, while their springtime blooms lure you to take a closer look. It is late April as my wife and I

saddle up at the adjacent White Stallion guest ranch for two day-long horseback rides through this forbidding and yet inviting place.

Saguaro National Park is actually two parks some 30 miles apart. The Park’s 67 thousand Rincon Mountain District lies east of Tucson. We are riding in the 24,000 acre Tucson Mountain district, west of the city. Although smaller, it’s a more unspoiled experience. That’s because this part of the Park suffered less damage at the hands of man before becoming a National Monument in 1961 and one of America’s newest National Parks in 1994. Most of the more than 100 miles of trails here are open to horses.

Today the Tucson district contains some of the densest stands of saguaro cactus anywhere in the world and these symbols of the Old West are endlessly fascinating to see.

No two look alike. Our guide, Robin Brown, tells us the cacti are pollinated by a unique bat species that live in the nearby desert mountains. Without the help of that flying mammal, these plants could not survive. They need very hot weather as well, and will die if subjected to too many days of below freezing weather. Cold snaps can weaken the big arms of these plants causing them to bend toward the ground. Robin tells us the Apache who once rode here had a different explanation. The Indians believed the saguaro were reincarnated warriors. Those cactus with arms pointed toward the sky had faithful wives. Those with downcast



On March 1, 1933, in the last days of his presidency, Herbert Hoover signed a Proclamation establishing Saguaro National Monument in the nearly empty desert, 15 miles east of the sleepy town of Tucson. It was a victory for both botanists and boosters in Arizona who'd worked for years to protect this grandest stand of saguaros.



In Saguaro National Park, studies indicate that a saguaro grows between 1 and 1.5 inches in the first eight years of its life.

arms... well, you get the idea. No way to prove that story. But there is definite evidence that primitive people once lived here. Several areas of the park contain ancient rock drawings known as petroglyphs. It's believed these images of big horn sheep, the sun and human figures were created by the Hohokum people, possibly over 1300 years ago. The Hohokums mysteriously vanished from this land 500 years ago and no one seems to know what happened to them. But their artwork lives alongside our trail this day, etched into cliffs that border a desert wash we're riding through. We dismount to study these primitive paintings from a polite distance, our guide reminding us to keep our hands off, and take only photographs. We try to picture those who drew these pictures, as we take our own with cameras, and then climb back into the saddle.

The calendar may say April, but today the thermometer will climb into the 80's or better. We've set out from the White Stallion at 10 in the morning and won't return until 5 that afternoon. Each of the half dozen or so riders on this journey is prepared for the heat with a canteen of frozen water. The ice will melt as this hot day wears on, but a gusty wind takes the edge off that heat. Still, in these parts, a good supply of water is a must.

Our horses will get a good drink as well, when we stop for lunch at a picnic area. Our guest ranch has arranged to meet us here at noon. Our mounts get their refreshment while their riders enjoy a box lunch and some cool lemonade. Off the horse, I get down for a close up look at





Saguaro National Park's two districts offer more than 165 miles (264 km) of trails. A hike at Saguaro National Park can be a stroll on a short interpretive nature trail or a daylong wilderness trek.



Like many national parks throughout the country, Saguaro simply would not be able to accomplish many of the things that help visitors enjoy their park, without the assistance of a dedicated group of park volunteers. In 2005 alone, 536 park volunteers donated almost 25,000 hours of time to Saguaro.



While there are approximately 1.6 million individual saguaro plants growing within Saguaro National Park, there are also many other incredible things to see, including sites of ancient petroglyphs.

the amazing plant life that grows here. April is when the desert begins to bloom, and it is simply beautiful. The prickly pears are exploding with dozens of bright yellow flowers. It reminds me of my mother's love for roses. She would appreciate this amazing flower garden growing without any help from human hands.

Other cactus are in bloom as well, most noticeably cholla cactus. This plant looks like a thick bush without leaves, its branches heavy with dangerous looking thorns. But from those potentially painful spines grow beautiful and delicate flowers painted varying shades of red and purple. Ocotillos are abundant. That's a long and spindly bush that sort of hibernates in the hot months of summer. But here in spring it is alive with colorful blooms of red and other pigments.

Barrel cacti are blooming too, with clusters of yellow buds on their tip, looking like they are ready to burst. And the first white flowers of the saguaro themselves are beginning to show. Another couple of weeks and it will be quite a colorful show here. Like a Hollywood femme fatal, these cacti are as dangerous as they are beautiful. We are under strict instructions to keep our horses on the well marked desert trails. A thorn from a barrel cactus can kill a horse. And none of us want to find out what any of these nasty looking thorns feel like. But they are amazing to see. We ride across desert flatlands, through rocky walled canyons, up steep mountain trails and across ridgelines, gazing out at mile after miles of seemingly pristine desert wilderness. Must not look much different than when Geronimo rode in this territory. The remains of an old mine remind us of the first white men who came here. Hard to imagine how tough those first pioneers must have been who somehow carved a living out of this rocky ground.

If it all looks like something out of a Western movie, you're right, because it



is. Gene Autry, James Arness, Jimmy Stewart and other Western legends shot films on and around the next-door White Stallion property, which also served as the set for the TV series *High Chaparral*. Chances are film crews worked here in the Park itself. No sign of anyone working here today, not even any critters. Most desert creatures operate at night. We do see the occasional lizard scamper by. There are snake tracks in the sand too, and holes burrowed in the banks of a wash we ride through, which has us wondering what might be inside. We know there are rattlers, jackrabbits, and mule deer in the neighborhood, plus coyotes and mountain lions. But the only animal of any significance we do see on this day is the sudden appearance of a group of turkey vultures. Eight of them circle in the sky, floating on the hot air with their big wings. Who knows what they're seeing on the ground.

It reminds me of the news helicopters circling some disaster back in Los Angeles. But we are far away from that madness today, enjoying something else you can't even see: the quiet. For much of the day there is no sound but the clip clop of our horses and the rustle of the breeze. "I love it, I love it, I love it!" gushes fellow rider Janet Ayotte, "Just the colors and the beauty and the quietness.... so calming."

We do have to cross a road twice during this ride, which our guide handles with expert leadership. But just as quickly we disappear back into the peaceful world of the desert. For a few moments we ride through a red rock canyon on what we're told is private ground owned by renowned radio man Paul Harvey. Word is he bought it to preserve it. "Thank you, Paul; I say to myself, as I enjoy the sight of this rugged canyon.

Too bad more of that wasn't done before Tucson chewed up so much of the desert. In 1965 there were about 30 guest ranches within an hour of Tucson. Today there are three. We're reminded of that fact as we come up on a ridge and see the growing city off in the distance. Fortunately, the trail soon heads in a different direction, the red tile roofs are out of sight, and we can go back to our dream that it's really 1880. One hundred years from now, the Park will still be here for people to enjoy. But it's here for you today. And when the deep snow covers much of the American West, it is a wonderful place to saddle up and ride back into the Old West.

For more information on the park, visit [www.nps.gov/sagu/](http://www.nps.gov/sagu/)

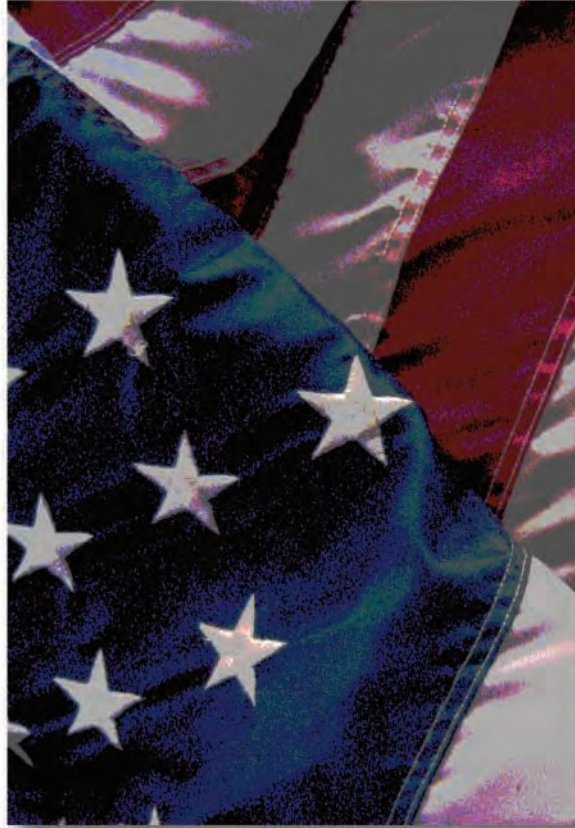


For most of us the Giant Saguaro is the universal symbol of the American West. And yet, these majestic plants are only found in a small portion of the region.



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The PARAGON Foundation is a 501-C(3) non-profit organization that was created in 1996. PARAGON exists to help educate and empower American citizens about their rights under the U.S. Constitution, encouraging each and every American to “take charge” of their own responsibilities as citizens. This was the vision of PARAGON’s founding father, Tom Linebery, an early leader in the property rights movement and a staunch advocate of ranchers and landowners. A proud American, Tom believed that it was the responsibility of government to protect the rights of fellow Americans, as written in the Constitution. Furthermore, he also believed that it was the responsibility of every American to make sure the government remained true to its purpose. PARAGON supporters are people just like you, individuals who love this country and what the Founding Fathers crafted in the Constitution. PARAGON does not have an agenda or a partisan ax to grind. We simply believe that the Constitution belongs to every American and every American deserves to know what rights are theirs. That’s why PARAGON encourages an open exchange of ideas to promote and support Constitutional principles, non-partisan individual freedoms, private property rights and the continuation of rural customs and culture.

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From Wayne Rusher of Orday, CO  
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**In Memory of Laurance Daniel**

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From Margaret Schade of Safford, AZ  
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From Joseph and Ruth Wood of Tularosa, NM  
From Joe and Diane Delk of Mesilla Park, NM  
From Jane Schafer and family of Dell City, NM  
From Yvonne Oliver of La Luz, NM  
From Jimmy Bason of Hillsboro, NM

**In Memory of Chris Jaramillo of Las Cruces, New  
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From Christie Cleve of New Braunfels, TX  
From Charles Cleve of Roswell, NM

**In Memory of Dan Trice of Tularosa, New Mexico**

From Jane and Jonna Lou Schafer of Dell City, TX

**In Memory of Charlie Cookson of Alamogordo, New  
Mexico**

From Jean, Bebo, Maddy & Linda Lee of Alamogordo, NM





## OUT THERE

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Photo by another family member, Dibblee Hoyt

Portrait of a branding crew. Elizabeth Poett (*front row, right – in the red-checked shirt with a bit of dirt on the jeans*) ran this branding for her father, Jim Poett (*center, front with the light green ball cap*). The branding was held on the family's historic Rancho San Julian near Gaviota, California – an original land grant that dates back to 1863. Still in family ownership, the legacy lives on.



On the last page of each issue, we will leave you somewhere in America where work is going on, lives are being lived and families are doing their best. Send us your photo from OUT THERE. If we publish it you'll receive a pair of PARAGON mugs. See our website for details. [www.paragonfoundation.org](http://www.paragonfoundation.org)



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