

LIVING COWBOY ETHICS

The Journal of the PARAGON Foundation, Inc.

To Save The Stars:
The McIvar Ranch Story

Helen Chenoweth-Hage
A Promise Kept

Robert Dawson's West

The Living Words of the Constitution
Part 1



WINTER 2007

We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article 1

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and seven Years a Citizen of the United States, and who, when elected, shall not be Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall direct. The Number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative, and each such Enumeration shall be made by the State of New Hampshire, which be entitled to change three, by the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and the District of Columbia.

When vacancies happen in the Representation from any State, the Executive thereof shall issue Writs of Election to fill such Vacancies.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years, and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Term of any Senator, the Executive of the State in which the Vacancy shall have happened shall issue Writs of Election to fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been seven Years a Citizen of the United States, and who, when elected, shall not be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless he be equally divided. The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Times of choosing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday of December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business, if that a smaller Number may be authorized to act by the Attendance of absent Members, in each House, and under such Qualifications as each House may provide.

Each House may determine the Rules of its Proceedings, and shall punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any Question shall be entered on the Journal.

Neither House during the Session of Congress, shall, without the Consent of the other, adjourn for more than three Days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senate and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall on all Cases, except Impeachments, have the Privilege of Speech or Debate, in either House, from Injurious Proceedings, and on any Point under Consideration in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Term for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emolument whereof shall have been increased during such Term; and no Person holding any Office under the United States, shall be a Member of either House during such Term.

Section 7. All Bills for raising a Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as to the Amount thereof, and may increase or decrease the same, and may attach to any Bill for raising a Revenue such other Conditions as they may think proper.

OUR MISSION

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.

The PARAGON Foundation, Inc.
To Educate and Empower

We invite you to join us.
www.paragonfoundation.org

South Carolina

Charles Stearns Pinckney
Charles Pinckney
Pinnel Smith

Georgia

William Jones
The Partridge

Pennsylvania

John P. Morris
John P. Morris
John P. Morris
John P. Morris
John P. Morris

Freedom is a living thing.



Photo courtesy iStockphoto.com/Ross Elmi

And like any living thing, it requires attention and care to survive. It is not a gift. As citizens of this blessed country, it's our responsibility. Put simply, it's our freedom to keep or to lose. The PARAGON Foundation is dedicated to help educate and empower Americans regarding their Constitutional rights as property owners. We have no ax to grind. We simply want you to realize and utilize the rights you have as an American citizen. At PARAGON, this is an ongoing effort and we ask for your help and support. For as little as \$50 you can join us help more Americans become better equipped to be effective, Constitutionally aware citizens - and get four issues of *Living Cowboy Ethics*.

Call us today, toll free, at 877-847-3443



**PARAGON
FOUNDATION, INC.**

www.paragonfoundation.org

LIVING COWBOY ETHICS

WINTER 2007

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photo by Robert Dawson

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National Animal
Identification

DOC MAYER

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FRANK ROBBINS

a real western hero

LIVING COWBOY ETHICS

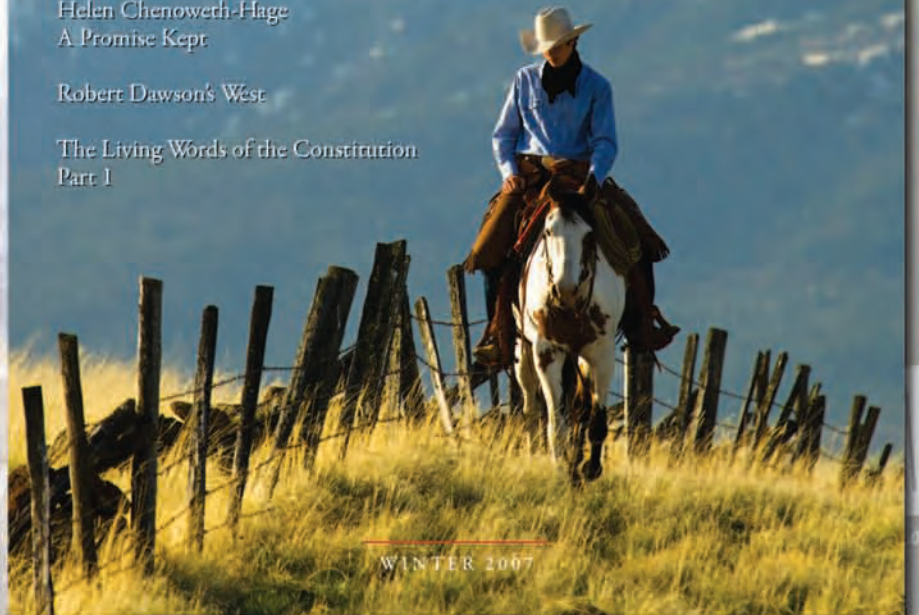
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Part I



WINTER 2007

GB OLIVER

A Warm Welcome

I am so pleased to welcome you to our first publication, *Living Cowboy Ethics*. This magazine will be the official journal of the PARAGON Foundation. It has been completely re-designed by our new Editor, William C. (Bill) Reynolds. Bill has an extensive background in the publishing and marketing arena and shares an undeniable love of his country and the Constitutional rights we all enjoy. With Bill's direction, we intend to provide you with an informative, interesting and entertaining magazine each quarter. I am hopeful you will share this magazine with friends, family and people you know share your commitment to the rights of the American people. If they like what they see, please encourage them to subscribe and help support our work here at the PARAGON Foundation.



GB Oliver, Jr.

In the West, as in the rest of the country, fall is a time of harvest, and for folks in the cattle business, it's no different. Neighbors and family gather together to help one another with "the fall works". I recently helped my son gather and ship his steers in Northern New Mexico and we were joined by many of his neighbors as well as his extended family. Each is cowboys, each proficient at the trade, and all an absolute joy to work with. These deals usually go off without a hitch, which is not to say that there are not close calls and near misses, but each cowboy is where he's suppose to be, when he's suppose to be there to insure success. This hard work is always accompanied by plenty of laughter, good humor, tall stories and great horses. It is during these times that we cherish the joy of working together as a family. It is an ongoing legacy that has continued from the life I shared with my father and him with his and generations before.

Our Founding fathers provided us with a legacy, as well, in the road map that is the Constitution. That road map guides our way through the good times and protects that legacy through challenging times. It is a map that illustrates clearly how special our way of life is as Americans and holds each of us responsible to protect that legacy. Like the legacy of my family for many generations working cattle and honoring the land, we must protect that same legacy created by our fore fathers in the words of the Constitution.

The PARAGON Foundation is here for you... the American citizen. Our sole purpose is to help you understand, not only the spirit in the words of the Constitution, but to educate you and empower you as to its application and use in your daily lives. The awareness of ones rights is our only hope to secure our future as a free people. The responsibility, as our founding fathers intended, does not lie in the hands of some bureaucrat but squarely in the hands of each of us. If we allow ourselves to lose our focus, our personal freedoms will slip through the cracks – just like cattle through a three wire fence! Diligence, passion and attention are required for success - not only in the cattle business, but in life.

This magazine you are holding was created for you, our readers and members. It's filled with stories and interviews that are poignant as well as uplifting. We will not leave you hanging with stories or articles about some citizen or family dilemma without offering some call to action. Sitting on the sideline, wringing ones' hands does not get the cattle shipped or the job done. Our purpose is to be proactive in helping citizens understand and utilize their rights as an American of this great country.

I hope you enjoy this and future issues of *Living Cowboy Ethics* magazine. The name comes from the way we do business here everyday – with honesty, passion and diligence. We figured it was a good name...hope you do too!

A handwritten signature in black ink that reads "GB Oliver, Jr." with a stylized flourish at the end.





photo by Robert Dawson

WILLIAM C. REYNOLDS

A Winter Beginning

Winter in the West – as in most parts of the country – is a time when things mostly wind down. The seasonal circle of the year is closing once again as folks get ready for the Holidays and the New Year. So it's a little different to have something start up during wintertime. But start we are and I welcome you to the first issue of *Living Cowboy Ethics*. This is the new publication – the Journal - of the PARAGON Foundation. It's the next generation of PARAGON's publishing efforts and I am very pleased to be a part of it. It is designed for you, the members and supporters of the PARAGON Foundation and its mission.

When GB Oliver contacted me about helping him with the Foundation's new publication, I needed to do a little homework. What is the PARAGON Foundation? What's it all about? What's the mission? So I went to Alamogordo to meet with GB Oliver and the PARAGON Board to find out the answers. What I found was not only exciting, but also encouraging. There was a group of mostly westerners, many in the ranching business, who were concerned that certain freedoms of American citizens were being violated or worse, ignored by our Government. Now I had heard that before, the world is full of complainers and people in "camo" writing manifestos who do nothing but find fault. They are part of the problem not the solution. But there, near the border of New Mexico and Texas, I had met with a group of people with a passionate commitment to help us all better understand, appreciate, and utilize the rights we all have under the Constitution. And through their efforts they are helping to educate and empower Americans to be more effective citizens. This magazine will be part of that effort.

I had read the Constitution in U.S. History class in high school. Of course, it was so long ago it was probably the original! But I came away from that meeting in New Mexico with a much better understanding of the singular importance of that hand-written, 6-page document. Put simply, PARAGON is working for every American citizen who wonders or is concerned about his or her unalienable rights under the Constitution - the law of the land, and helping to remind the American citizenry that the responsibility is in *our* hands - supporting the intent of the founders in a manner that is respectful yet committed, diligent yet polite – coming from intelligence, not anger.

That's *Living Cowboy Ethics* - approaching life and work in a thoughtful, competent manner, respectful of others. It defines the intent of the magazine as it defines the way challenges are approached at the PARAGON Foundation. It is therefore appropriate that one of our features in this first issue is a story about James Owen, author of the runaway best seller, **Cowboy Ethics**. Jim's evolution from investment guru to author and speaker of the cowboy ways is fascinating, and he will be a welcome contributor in future issues of the magazine. A story of a family's legacy prompted our visit with rancher and stockman Bill Reeds who tells of his experience on the Chapman and Barnard ranch in Oklahoma during the 1980s and 90s. Writer Dusti Scovel takes us to Scott and Julie McIvar's U Up and U Down ranch in the Davis Mountains of west Texas and tells of their continued dealings with The Nature Conservancy. Long-time western journalist Mark Bedor recalls the legal battles over the Tavaputs Ranch along the Green River in Utah and what owners Butch and Jeanie Jensen learned from the experience.

Finally, in keeping with our mission of education and empowerment, we will be examining and explaining each article of the Constitution – one at a time. Associate Editor Nicole Krebs' articulate explanations will be featured in each issue, starting here with Article 1.

Living Cowboy Ethics is not meant to be a one-way communication. We want to hear from you – our readers, friends and supporters. Please visit our website at www.paragonfoundation.org and tell us your thoughts, suggestions and ideas.

An effort such as PARAGON's – like effective citizenship – is a team sport. So during this reflective yet hectic time of year when family and friends gather, take a moment to remember we are all in this together – this wonderful experiment called freedom in this incredible place called America.

From all of us at *Living Cowboy Ethics* and the PARAGON Foundation,
we wish you a wonderful Christmas and a happy and prosperous New Year.



of NOTE



poster art by Bob Coronato

Gold Rush Days

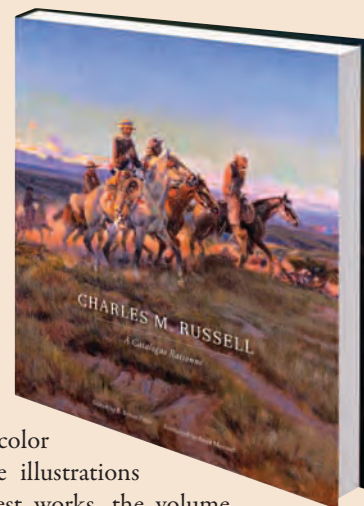
Wickenburg's 60th Annual Gold Rush Days, February 8 – 10, 2008: Each year, thousands descend on the western town of Wickenburg, AZ to enjoy dinners, dances, rodeo and good old fashioned small town fun. Wickenburg has a rich history. In the early 1860's, Henry Wickenburg came to the area in search of gold. He was rewarded with the discovery of Vulture Mine, where over \$30 million in gold was found. There are still relics around the area that stand as a tribute to these early adventurers as well as a

walking tour around Vulture Mine and Robsons Mining World. Each year Wickenburg celebrates its past with its annual Gold Rush Days. A tradition as old as the town itself, Gold Rush Days has become a part of Wickenburg's heritage where visitors can see gold panning, a mucking and drilling contest, and other activities relating to the gold fever that created the town. Music, dancing, horses, floats and food - it's all a part of Wickenburg's most action packed weekend of the year. Visitors from all over the world mix and mingle with cowboys and garter girls. This true old-west celebration demonstrates what western hospitality is all about "Out Wickenburg Way." The town of Wickenburg website provides a great summary of Wickenburg's wild-west beginnings.

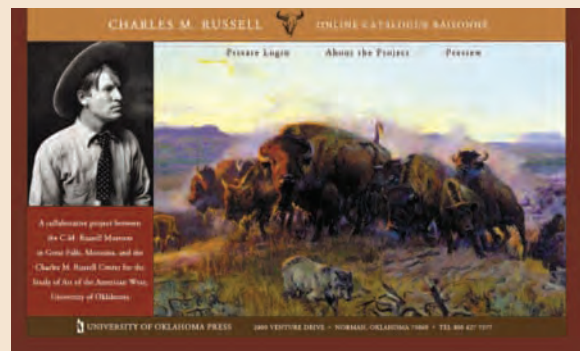
www.ci.wickenburg.az.us

Charles M. Russell A Catalogue Raisonne

After more than ten years research and study, an encompassing Catalogue Raisonne of the works of Montana artist Charles M. Russell has been published in cooperation with the Charles M. Russell Center for the Study of Art of the American West at the University of Oklahoma and with the C.M. Russell Museum in Great Falls, Montana. Lavishly illustrated with more than 200 color and black-and-white illustrations of the artist's greatest works, the volume features essays by many Russell experts including, B. Byron Price, Brian Dippie, Peter Hassrick, Rick Stewart and Ginger Renner.



Inside the book is a unique key code that allows purchasers to access a private online catalogue (www.russellraisonne.com) of more than 4000 works Russell created and signed in his lifetime. Original owners of the book will have unlimited access to the site once a user name and password have been created. This is truly the definitive reference for anyone who loves the work of the master from Montana – Charles M. Russell.



www.oupress.com

Trappings of the American West

October 13, 2007 – January 6, 2008



The Museum of Northern Arizona and the Dry Creek Arts Fellowship is presenting the **18th Annual Trappings of the American West** exhibition October 13 and continuing through January 6, 2008. Trappings is a unique, contemporary showcase of functional and fine art of the American cowboy.

This juried sales exhibition features the work of 75 artists from 14 western states, Hawaii, and Canada, who have been chosen for their outstanding artistic skills. This is the only exhibition in the U.S. to combine finely tooled saddles, braided rawhide, hitched horsehair, boots, hats, knives, bits, and spurs with paintings, photography, and bronze sculptures. Emerging and



established artists include members of the Cowboy Artists of America, the Traditional Cowboy Arts Association, and the National Cowgirl Museum and Hall of Fame.

Dry Creek Arts Fellowship Director Linda Stedman said, "Within the genre of Western American art lie incredible stories from this region's past. *Trappings of the American West* allows us to explore the richness and complexity of cowboy heritage, its traditions, and artistic expressions. We invite you into a world of art that resonates with our Western sensibilities. Through engaging public programs, we are preserving time-honored traditions of American craftsmanship."

www.drycreekarts.com

EVENTS

Saturday, October 13, 1–5 p.m.

Knights of the Light Table

Eight Dry Creek Arts Fellowship photographers present their current work about the horse and ranching culture from Arizona, California, Mexico, Mongolia, Montana, Kyrgyzstan, and Wyoming. This program provides a visual tour from the Wild West to the Wild East.



Saturday, October 27 and

Sunday, October 28, 2 p.m. both days

Viva Villa: La Cabalgata

In a special program in conjunction with MNA's 4th Annual Celebraciones de la Gente, Dry Creek Arts Fellowship Artist Raechel Running and Public Program Coordinator Jason Hasenbank present an interpretive slide lecture of the regional culture found in north-central Mexico. La Cabalgata is a present-day equestrian tradition that retraces Poncho Villa's treks across Mexico on horseback.

Saturday, December 1, noon–2 p.m.

Riding the Rim

The 7th Annual Cowboy Poetry Gathering will feature some of the region's finest poets to stir up the air—as only cowboys can—with poetry, song, and open range entertainment.

December 29, 1–2:30 p.m.

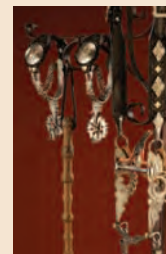
Equestrian Culture of the Colorado Plateau

ASU Professor Peter Iverson and MNA Collection's Manager Elaine Hughes present an interpretive forum to discuss the use of Navajo, Hopi, and Apache folk toys, saddles, bridles, leather items, and jewelry from MNA's collections. From a silver and turquoise embellished saddle ridden by former Navajo Chairman Peter Macdonald to hand-braided quirts, these toys and tools of the trade will provide insight into the horse culture of northern Arizona.

January 5, 1–2:30 p.m.

History of the Hashknife Colt

Billy Cordasco from Flagstaff's Babbitt Ranches shares what it takes to be a successful horse breeder in the twenty-first century and tells the story of the Hashknife Colt's development.



The Art of Bob Coronato



“I used to open books and look at Old West photos and see cowboys riding the open plains, and I would stop and think, I wished I lived 100 years ago,” artist Bob Coronato says with a grin. “And after going out to places in the very remote west, and finding ranches that still “cowboy” in the old ways, I realized that the west I was searching for as a kid, was still there.” The subjects of Coronato’s work remind people that there still is a remote, free west. “The questions I hear most often is, ‘Do they still do that?’ Well...yes they do, but I don’t know how much longer.” By living in a very remote section of Wyoming, and working with ranchers and cowboys, Bob Coronato feels proud to have been lucky enough to be a part of this chapter in the history of the American frontier. The West is still alive, just hiding in small corners of our country, trying to hang on and not be forgotten.



Bob feels the freedom of the west, and the wide-open spaces are symbols of our great country. Bob Coronato splits his time between Atascadero, CA and Wyoming. To see more of his work, visit www.bobcoronato.com.



Photos courtesy the artist

Traditional Cowboy Artists Association

On Saturday, September 29, the Traditional Cowboy Artists Association (TCAA) celebrated its ninth annual exhibition opening at the National Cowboy & Western Heritage Museum in Oklahoma City. Thirty-six items created by 17 master gear makers included bits and spurs, saddles, buckle sets, spur leathers, quirts, saddle bags, travel 'duffle' and bracelet style calf rawhide hobbles. Thirty pieces sold during the Saturday evening sale for a total of \$424,725. The remaining six items are available for purchase through the end of the exhibit, December 2. The idea for the Traditional Cowboy Arts Association began in 1998 when veteran gear makers gathered in Idaho to share their concerns about the lack of growth in the craft of traditional Western cowboy gear. The association's members have worked toward progressive ideas since the organization's humble beginnings – all with the intent to help educate others continue the traditions of the cowboy crafts.

"To set a higher benchmark, we need to educate ourselves. We can't teach others if we don't grow ourselves," said rawhide braider, Nate Wald. "That sentiment," says said Don Reeves, the Museum's McCasland Chair of Cowboy Culture, "reflects the true character of the Traditional Cowboy Arts Association, as these craftsmen attempt to stretch the artistic limits of their chosen fields, united in a passion to elevate the standard of the entire Western gear industry". To view all of the works visit www.nationalcowboymuseum.org and select On-line catalog under the TCAA logo. A superb printed catalog is also available.



Sterling silver base buckle with 14k and 18k gold, fully filigreed and finished with 14k red gold pods by Scott Hardy.



Saddles bags by Rick Bean. The bags are stamped in a Rudbeckia flower pattern with matching, filigreed, sterling silver conchas and buckles designed and fabricated by Scott Hardy.



Hand-tool finished spurs by John Ennis made much in the same manner as in the Spanish Colonial era.



"Bracelet style" hobbles by Nate Wald inspired by a bracelet made by fellow braider Ray Huffman. The cuffs are 16-plait natural calf rawhide with all interweaves and buttons accented by onion-dyed horse rawhide.

Photos courtesy the TCAA and the National Cowboy & Western Heritage Museum

THE CHAPMAN AND BARNARD RANCH



A Success Story in The Tall Grass Prairie Region of Oklahoma



Bill Reeds, at left, with the Reeds Cattle Company crew and kids, all riding home raised saddle horses

photo courtesy Reeds Cattle Company



In 1981, ranchers Bill and Ellen Reeds and their two children, Mary and Philip had the opportunity to take control of a significant ranch property in the Flint Hills region of Osage County in north central Oklahoma. The Chapman and Barnard Ranch, established in 1914 and evolved to the largest contiguous, native grass ranch in America's Tall Grass Prairie Region. This is cattle country, some of the best in the nation.

The Ranch's history and its operational reconsolidation is an evolutionary tale of the Reeds family and their commitment to the stewardship of a piece of ground worthy of the effort and all the battles they fought to protect it. What follows is a recent conversation with Bill Reeds as he reflected back on his 15 years running the Chapman and Barnard – leaving it better than he found it. It is a story of concern for future generations and of America's continued food supply – the finest and safest on earth. It's a story of private enterprise making a difference

photo courtesy Reeds Cattle Company



Flyin' R brand

and of a family's commitment to agriculture, each other and the future.

LCE: *When did your family run the Chapman and Barnard?*

BR: Our period of involvement and control of the ranch was from 1981 through 1995.

LCE: *Can you give a little history of the ranch prior to your involvement?*

The ranch evolved from 1914 through 1955 – the early '50s. It was a period of rapid consolidation and expansion of control of real estate in Osage County, Oklahoma. The ranch evolved to the point of being approximately 90,000-plus acres of deeded land with a control of 25 to 40,000 acres of leased land. Its location was at the southern end of the Flint Hills region in the tall grass prairie country of the United States, bounded on the north by the Kansas state line. The Flint Hills run from a northwesterly to a south-southeasterly direction and the region where this ranch sat was predominantly limestone

based, deep soil. In terms of the Flint Hills region, it had the longest growing season because it was the southernmost part of that region of the country. It is one of the most singularly productive, native grass, grazing regions and individual properties in the United States. It is a very special place.

In the 1950s, way before my taking control, the ranch was managed through a central office for two ownerships, operated as a single unit. It would later be conveyed into two trusts that began leasing portions of the ranch out. The opportunity that Ellen and I had was based on the then current trustee's plan to reconsolidate the operational control of the property. Our opportunity came about with our orchestrating an integrated enterprise business and a natural resource management plan to rehabilitate and to further enhance the condition of the property.

LCE: *Tell us about the plans and what you were to undertake.*

BR: There is a symbiotic relationship between an area's total resource, wildlife habitat and palatable, native grass/forage, production capacity and ultimately the ability to produce pounds of beef and a grazing enterprise on the property. We realized to do that we needed to enhance and upgrade the condition of this property –

LCE: *Was it in poor condition when you got it?*

BR: Not all of it. Parts of it were. Overall the ranch rated somewhere between 52 to 54 percent on the low end to 65 percent at the best of climax condition. Academically if you were to consult a natural resource or range scientist and the government when they inventory and appraise or evaluate land, it's in relationship to what we call its "climax condition." Anything at 75 percent or greater of climax condition is deemed excellent range condition. Fifty to 75 percent is deemed good. To put it in perspective, in the natural resources census conducted by the federal government in 1980 there was four percent of the entire 48 states, contiguous states, in excellent range condition. That was a figure of 19,400,000 +/- acres. One hundred percent of all of that acreage of real estate was under the control of privately held farms and ranches predominantly in the western half of the United States. Not one national park, state park, military reservation or any properties under the stewardship and control of any tax-exempt organizations were included in that figure.

LCE: *So it was all privately held?*

BR: Yes.

LCE: *So when you took over, it was rated between 52 and 65 percent, or was it below that?*

BR: It was rated on an average between 55 and 60 percent climax condition.

LCE: *When you left, 15-years later, what was its condition?*

BR: We left control of the property in two terms; one when

Black Brangus Baldy replacement heifers



photo courtesy Reeds Cattle Company

the Barnard Ranch was acquired from its estate and then a few years later we sold the Chapman ranch. When we left, the Barnard Ranch in its entirety was at greater than 75 percent of climax condition and the Chapman Ranch was rated in excess of 80 percent of climax condition.

LCE: *15 years of work?*

BR: Yes, but it was not solely me. I might have been at the spearhead and orchestrated the implementation, but we had a group of people as both employees and then as consultants, one of whom – and meeting him was one of the great academic experiences of my life - was a range scientist who had retired from government service by the name of Ernest Snook. Early in his career he had authored the soils book used by the USDA for Osage County. We had a long-term association for the period we were there and he was supportive of our success.

The tools we used to implement the needed enhancement of the property's condition included 1) Rotation of livestock grazing enterprises – cow/calf - yearlong, stocker/yearling – ¾ season and an intensive ½ season. 2) Controlled burning annually on a three-year rotation. 3) Herbicide application 4) Rest – rotation grazing. 5) Stock water development and enhanced water distribution. In addition to enhancing the utilization and the production of native range forage, the evolution enhanced the wildlife habitat and the fisheries and water fowl habitat on the property. The ranch has a significant reputation for White Tail deer, Bob White quail, prairie chicken, and all central flyway migratory water fowl as well as large-mouth bass and crappy fishing.

LCE: *This was a massive undertaking for a young family.*
BR: Yes. It was the single greatest professional opportunity of my life. It was a challenge, more so than an undertaking. My wife Ellen played a great roll in the success of the venture - frankly, I could not have done it without her. Our

an evolving science. Its endeavor is learned through a lifelong apprenticeship and conveyed from generation to generation to be successful.

LCE: *So it's a time-based process and it needs time to evolve, doesn't it?*

BR: Yes. In the United States what has given us over 200 years of strength and security, has been the wise governing control of our democracy conveying the opportunity for private property ownership to our citizenry. Agriculturists in this country are not strictly farmers and ranchers. They are producers of food and fiber. They are the frontline in natural resource conservation and the long-term viability of their enterprise is based primarily on that conservation. Through ownership of the land and private property rights, farmers and ranchers are granted opportunity, challenged to succeed, and given an incentive to be prudent conservators of their lands, waters, and wildlife habitats. They are vested in the responsibility with their livelihood,

money, blood and their family. History has proven that real estate and natural resource control based on private property ownership under a democracy and a free market economy is an environment for the greatest degree of conservation and ever-progressing agriculture, not socialism, communism, or a totalitarian form of control. This system of stewardship provides the maximum accountability for posterity.

LCE: *Is this eroding?*

BR: Yes. Over the last 30 years, since the evolution of the EPA in the '70s and its expanding influence over natural resource-based industries, the EPA controls oversight with almost judicial authority over many aspects of natural resource-based industries, such as ranching and agriculture. There's an adage that says that you can fool the fans but you don't fool the players. Politically, some of these regulatory enforcement agencies that represent lands, forest, wildlife, or environmental protection have assumed or are granted by Congress, judicial authority without a due process of law. They have the ability to arrest, to confiscate and to fine and then they don't have to prove your guilt. You have to prove your innocence.

Not everyone can afford that fight. So there has evolved an evolution where segments of our economy and



photo courtesy Reeds Cattle Company

Sand Creek. As everywhere in the west, live-water is gold.

children were raised on the ranch and had it in their blood. It also took a group of very dedicated people; some of them are still on the ranch today.

LCE: *Coming into this, you had a concept about agriculture that was at the basis of the undertaking.*

BR: Yes. The production capacity was based on the productivity, soils, water, climate, growing season, the distribution of rainfall, and amount of rainfall. This ranch could carry a significant inventory of livestock on a year-round to seasonal basis.

LCE: *What livestock did you have on the ranch?*

BR: Based on the enterprise at its optimum, we could carry on an annual basis between 5,000 and 6,000 mother cows, bull battery, and then graze another 10,000 to 15,000 yearling cattle on it for the growing season on a three-quarters grazing season.

My observation is that – it's a cowboy's sagebrush observation – ranching and agriculture is dear to me and I'm still involved in both. It is agriculture that through history is the backbone of any country's existence and future - its security and its economy is based on the strength of its agriculture, i.e., in history, "soldiers don't fight on an empty belly." Every country needs a secure and growing food source. Agriculture is the application of



industries within those parameters have supported an expansion of federal and state ownership of lands through parks and wildlife habitats or through tax-exempt organizations that are granted an economic capacity by our tax laws through our Congress to randomly buy property.

LCE: *Ala TNC?*

BR: Like the Nature Conservancy. And what happens? There's no accountability that it is to the total public good. In other words, if we're going to take tax-subsidized dollars in our economy to acquire private lands, and then we are going to convey that control to bureaucracies, either inside or external of the government – there is no accountability to the U.S. citizen and taxpayer. Maybe what exists is only a veiled accountability for their stewardship. Remember, bureaucracies feed on expansion. People want to be compensated by the level of responsibility that they're charged with. So if you have an ever-growing bureaucracy, the external control of a natural resource is almost like a cancer in this country. Because as we acquire or take over or diminish the control from private property rights to public oversight and restrictions, what we are doing is feeding the evolution of socialism in our society and losing the basic backbone of our system – the ability for citizens to own property.

The natural resource wealth that this country enjoys is a finite resource, so as you take it out of private control, you are reducing and denigrating the field of opportunity for succeeding generations. Every major city in this country is built on a live water resource base or a major subsurface fresh water resource. And as cities grow and expand on the flood plain and with the direction of the flow of that surface water, those are on your alluvial soils. So what we are doing? We're paving over the best agricultural land.

Today, we are losing the control of our food and fiber supply. We are importing them. We are losing the scale of our productivity and we are reducing or denigrating the economic viability of our own agriculture in this country. As we do that, it's not only that we import more, produce less, is that we *lose* control of the quality.

We have a USDA; we have an FDA to protect the U.S.

citizen and consumer. In agriculture in this country, we operate, usually, under very prudent and smart guidelines to protect the quality of our food supply. Do we use raw sewage for fertilizer or do we use recognized safe sources of fertility? What do we feed



photo courtesy Reeds Cattle Company

F-1 Braford cow

cattle? Natural input, or do we feed byproducts from alternate sources that could threaten the country's food supply and potentially convey illness or disease to the American population? Pesticides, herbicides - all managed and directed and permitted by – from federal to state to county authorities. Central America, South America, Asia, Africa, do they produce to the same standards of quality that the United States does? Does Europe?

LCE: *What do you see as the solution or are we on a slippery slope?*

BR: My observation is there's no change without pain. At some point, we're going to have to get hungry, then we will have to change tax policy and lands control policy in this country. We will have to go back and take a look at the original premise of the Constitution and the Bill of Rights and what government was really supposed to provide its citizenry. We have to reflect on where we started and where we are and what have we sacrificed in that process and how far off the mark are we? But there will be a point in time when we will suffer pain. The price of what it costs today to house, clothe, and feed this country is a gift in the United States compared to most societies in the world, but that expense over the last ten years has dramatically increased. That will continue as we are losing control to provide for ourselves. At some point there will be economic pain as a result of this evolution. At that point, there will be a call to arms by the citizenry of this country. The products needed to build a home, to put clothing on their backs and to put food on their tables does not come from Home Depot or an Albertson's grocery store or from

County road through the ranch.



photo courtesy Reeds Cattle Company

J.C. Penney or Wal-Mart. Products come from a group of people that have their blood, their money, their livelihood, their life's expertise and their family invested in the production and the maintenance and the conservation of everything we call agriculture. Now, whether that's forestlands, whether it's prairies, native grass grazing lands, row crop farming land, fisheries - it is the managed bounty of this country, and we must treasure and conserve that ability to maximize that bounty. We have a responsibility, in my opinion, to convey that to the next generation. And if we want to sustain the environment of health of this country into the future, this reality is our backbone. It's under a burden of pressure right now. It's got a few discs out of alignment and some of them pressured up pretty hard. But, we can make it – together.

LCE: *This conceptual basis was your foundation for the enterprise at Chapman and Barnard Ranch, correct?*

BR: Yes, it was based on simple economics, common sense and heartfelt management. I was very fortunate to have had the opportunity and we found a degree of overall success there. We got to prove and illustrate our concept and it worked. But the solution was short-lived. In the 1980s there was an interest to build and expand the national park system in this country. At certain political levels, they wanted to build a string of parks in the tall grass prairie region of the country. It's a region that runs from

the corn-belt states clear down to Texas. That evolution was put on hold in our country in Osage County. Our congressional delegation in Oklahoma was, to a large measure, very supportive of the national park endeavor. It was all about tourism dollars for them. The ranch, because of the scale of the holding and the quality of the nature resource was a primary target. It was saved in part because it was on the Osage Indian reservation that had a degree of sovereignty over the mineral and water natural resources. It was also based on the political influence of an oil industry that historically has been very strong and had one of the most prolific oil fields in the history of the continental United States. All segments of agriculture were lobbying for the protection of private property. That's the irony isn't it? Ranchers having to lobby for private property rights to a government established on the basis of private property rights. The founding fathers must be shaking their collective heads.

But once the park idea was set aside, the Nature Conservancy followed in to acquire the Barnard interest of the ranch. They succeeded in acquiring the borrowed interest of the ranch, 32,000 plus acres. Since that point, they have acquired adjacent lands to block a significant scale property.

LCE: *What have they done with it?*

BR: In my opinion, during the early days of their control,



Braford bred heifers

photo courtesy Reeds Cattle Company

they grossly mismanaged it. It was overgrazed. A lot of invader grass species were allowed to integrate. I'm hopeful that since those early – the first five to ten years – they've recognized the errors and taken steps to mitigate them. But it was a sad day after the first year when they initiated an intensive grazing program and sublet part of the ranch out to private grazing interests with directed management plans, they did not manage the property well, in my opinion. I cannot speak for the condition of it today. But at that time it saddened me personally.

LCE: *Do you think today that ranchers can have holdings like Chapman/Barnard with all the pressure being brought by so many agencies? Can it be economically viable today, a ranch that size?*

BR: Yes. There are many ranches of this size - or significantly larger – being well run today. But the opportunity to acquire that level of productive land today is out of the reach of most – strictly from production agriculture economics. It's going to take external resources to acquire that land. Today these ranches and farms, the large majority of them, have been acquired or consolidated through private interests - the capacity for their acquisition has been based on wealth created in alternative enterprises or industries. Many of those properties' owners, though, get on a learning curve pretty quick, and they adapt to what is prudent and reasonable in terms of the viability of economic operation and the standards of natural resource management.

LCE: *Are you optimistic about agriculture in this country?*

Yes. I'm an eternal optimist or I wouldn't have spent my life in agriculture or asked my family to be part of it with me. I think there is going to be a great opportunity for young people because success is brought about by first - the conveyance of opportunity and then interest in that lifelong apprenticeship that is agriculture. The future is us, the people, who will continue ranching and support agriculture in this country. A government or an independent organization with limited or no real accountability cannot be producers or conservators. It is in our hands – really our children's hands. I think there will be an evolution of change in our society. At what point, when it comes, I don't know. But there is a great field of opportunity waiting, and it is coming with the evolution of

photo courtesy Reeds Cattle Company



Reeds Cattle Company broodmare band

our fellow citizens asking what has happened to the recognized quality and availability of our food supply and where it comes from. Whether it's produce, fruits and vegetables, whether it's foreign produced meats and milk, the American public is starting to ask questions and the American press and media are starting to respond to the social pressures brought from those questions. I have great faith in America and the wisdom of its people.



The Reeds family have been involved in Oklahoma agriculture since the 1870s. The family homesteaded there during the land Run of 1889 in the Norman and Newcastle area. Today, Bill & Ellen Reeds – and their children, Philip and Mary – continue to raise horses and cattle in Central California.

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.*

The Boys At The Bar

Sureva Towler
Johnson Books
www.johnsonbooks.com



Every western town has/had a favorite little watering hole. As urbanization moves like a rising tide into the more rural west; these spots with their bubble glass & Naugahyde booths are giving way to coffee bars and tilt-ups. In “The Boys At The Bar,” Towler reminisces of the color of a time gone by when the boys rode in, literally. There are stories here to make you laugh and cry yet one

comes away experiencing the unique personalities of ranchers and their ways. It’s a story of a tradition in the West and a unique way of life. In one quote, Towler explains the culinary tastes in her town. “In the Heartland,” she writes, “kettle corn is a delicacy and canned peaches are considered a vegetable.” “The Boys At The Bar” is a consuming read, filled with images and places we want to still be able to go.

The Pacific Slope

A History of the areas of California, Oregon, Washington, Idaho, Utah and Nevada

Earl Pomeroy
University of Nevada Press



The West is a place that’s tough to describe. Especially since as an area, there are at least as many legends as there are truths. Countless books have been written about America’s movement west but none as articulately presented as Pomeroy’s unique perspective on the history of the Pacific Slope region states. Of the area he states, “The Pacific Slope is both the most Western and, after the

East itself, the most eastern part of America. No other section is more like the Atlantic seaboard and Western Europe; no part is more different; and no part has wished more to be both.” This is a no-nonsense look at a region with all the romance removed. With that, the reader gains a new perspective as to what the draw was that consumed so many to make the trek westward and to settle a new land. First published in 1965 and still in print; Pomeroy’s work stands the test of time as does his subject.

The Meadow

James Galvin
Owl Books
www.henryholt.com



Raised in northern Colorado, author James Galvin has given us a detailed and graceful history of a meadow in the mountains along the Colorado/Wyoming borderlands. Over a period of seasons, we get to know the intricacies and capabilities of this small piece of land through the eyes of a ranching family who work and take care. One is wrapped in the sense of place that emerges from Galvin’s writing as we, in a sense, also take ownership of the land’s legacy. A combination of natural history and story telling; the reader is given an awareness of the finite nature of land and it’s stewardship - even of something as familiar as one’s own backyard. First published in 1992, “The Meadow” is a quiet reminder of dedication and responsibility.

Natural Horsemanship Explained: From Heart to Hands

Robert Miller, D.V.M.
The Lyons Press
www.LyonsPress.com



Over the past 30 years or so, a new look at training horses has evolved. One could describe it as a more non-intrusive way of creating a relationship bond between horse and rider. The old ways of bucking out colts is giving way to a gentler approach that is less stressful on both trainer and mount. Like any new approach to an age-old technique, there’s good information and snake oil.

Dr. Robert Miller has spent his career working with all kinds of animals – specifically horses - delving into what creates the ability for horse and humans to bond and work together. His earlier book, “Imprint Training of the Newborn Foal” is considered a standard in the industry. His new book goes deeper into the historic relationship between horse and humans and explains aspects of both. The book enables the reader to better understand the current revolution in horsemanship and gives great insight into the inner workings of equine behavior while clearing the road of many long-standing mistruths about the horse. An enlightening read.

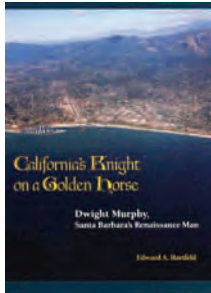
RECOMMENDED READING

California's Knight on a Golden Horse

Edward A. Hartfield

Dwight Murphy Memorial Project

www.dwightmurphymemorial.com



Books on influential local heroes are usually somewhat; well, local in their scope. In Edward Hartfield's heartfelt and superbly researched "legacy" on Santa Barbara "re-founder" Dwight Murphy, we see the story of a true patron of an area's classic era emerge and his efforts for the flame of its remembrance to live on. The legacy of Santa Barbara's Spanish heritage was in

good hands with Murphy as he led the triumphant post-earthquake renaissance of the city's rebuilding. An avid equestrian, Murphy championed the classic horsemanship of the area as well as perfecting the breeding of Palominos, a breed of horses nearly lost in the early decades of the 1900s. During the Depression, Murphy invented and chaired relief programs that were emulated nationally. His humanitarian deeds embodied the spirit of the caballero and stands as an inspiration to all Americans to this day as how one can effect nationally by acting locally.

The Ranch Papers

Jane Hollister Wheelwright

The Lapis Press (Amazon.com)

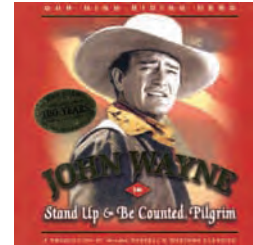


The Hollister family ranch on the California Coast was for Jane Hollister Wheelwright, more than pastures and canyons and barns and livestock. It defined and shaped her childhood like a member of the family. "The Ranch Papers" details an all to often end to a family ranch as it was sold off after the death of the author's father. Hollister Wheelwright's memoir is a detailed recollection of her relationship

with the land that had been nourishment for her being. It is a record of one woman's passionate love for, what she calls, "the place that raised me" - the place she experienced all the pulls and sways of the seasons, bidding it a long and thankful farewell with grace and eloquence. This little book was published in 1998 and is out of print - but it is certainly worth searching for. Find it through Amazon.com

John Wayne Stand Up And Be Counted

Compiled by Wilma Russell
The Paragon Foundation, Inc.
www.paragonfoundation.org

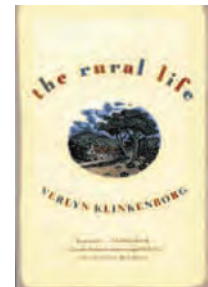


2007 is the 100th Anniversary of the birth of John Wayne, an American icon. This little volume is chocked full of quotes and sayings made famous by the Duke. Part inspiration and part celebration, the book will be a constant source of memorable comments and inspiration for readers from one of America's most beloved citizens.

The Rural Life

Verlyn Klinkenborg
Back Bay Books

Author Verlyn Klinkenborg is on the Editorial Board of the New York Times and writes regularly on agriculture, the environment and culture - all of which are subjects in his 2003 book, "The Rural Life." In the book, he celebrates a life of "rural-ness" - its pleasures & hardships, and the beauty of the American landscape in a series of commentaries reflecting specific months of the year. His style - reminding the reader of works by E.B. White - creates a visual landscape that harkens back to simpler and nostalgic times. The book covers a yearlong period as we travel with the author to his family's Iowa homestead, out West and then to his family farm in upstate New York. He reminds us to look around and savor each day's simplest and most joyous moments.



TO SAVE THE STARS: *The McIvor Ranch Story*

BY DUSTI SCOVEL



photo courtesy the McIvor Family

The U-Up-U-Down Ranch in the Davis Mountains of West Texas

20

Julie McIvor was varnishing a door to one of the rooms of the old ranch house on the morning I called. She was expecting my call but because we've discussed this issue before, she thought she could keep painting while we talked.

"Okay, Julie," I said. "Let's say I know a rancher who is considering doing a deal with the Nature Conservancy for a conservation easement on his land because he really needs the cash or he really needs the tax break. And, well, what they're proposing sounds pretty perfect. He'll get some cash up front, his taxes will be easier to swallow and his land will be protected from predator developers. In fact, it sounds pretty perfect. How would you tell him to approach the issue?"

I hear rustling noises in the background as the lid snaps

sharply back onto the paint can, the varnishing brush goes down and Julie's discourse begins - with a flat but emphatic "don't do it!" Clearly, Julie is not going to be varnishing a door during this conversation.

Julie McIvor and her husband, Scott, have a lot to say about conservation easements and rightly so. For more than a decade, the McIvors have lived under the thumb of the Nature Conservancy (TNC), thanks to a conservation easement Scott's dad, Don, gave the behemoth non-profit in 1996. When Don McIvor died in 2005, he died knowing that the legacy he so longed to leave his children had been nothing more than a land deal, another major coup for TNC in their mission to take over and control private property.

"DON MCIVOR THOUGHT HE WAS DOING A GOOD THING WHEN HE GAVE THE NATURE CONSERVANCY A CONSERVATION EASEMENT ON HIS WEST TEXAS RANCH. BY THE TIME HE REALIZED HE'D JUST GIVEN AWAY THE FAMILY HERITAGE, IT WAS TOO LATE."

The History

Don McIvor thought he was doing a good thing – in fact, the right thing. When his mother, Violet McIvor, died in the early 90's, Don and his sisters inherited the family's 40,000 acre ranch situated in the lush high country of west Texas, the Davis Mountains. The ranch, known as the U Up and U Down, had been in the McIvor family for well over a century. Like most cattle operations, no one was getting rich on the U Up and U Down, but it was a decent living and the quality of life was worth it.

Prior to Violet's death, property values for ranches in the Davis Mountains had skyrocketed. Because no family trust had been set up, Don and his sisters found themselves holding an enormous estate tax bill. The sisters, who lived elsewhere, were ready to sell out. But Don, who lived on the ranch wanted to keep what he could of the ranch to pass on to his son.

The McIvors have a long history in this predominately ranching community. Their cattle ranch had been around for over a century and in 1932, Violet McIvor donated land to the University of Texas for the world renowned McDonald Observatory, a project the McIvors continue to take great pride and interest in although very few people are aware of the McIvor's gift.

The Observatory became a major attraction for the Davis Mountains and brought thousands of visitors to the unique "sky islands." The dense forests, spectacular canyons and sweeping mountain views soon became the new place to live for claustrophobic city dwellers and Don worried that if development continued at the current pace, the "dark skies" required for the Observatory would be lost.

He would sell a major chunk of land to get the money to pay the taxes and keep what he could for Scott and his family. But the stars would be saved.



photo courtesy the McIvor Family

Don and Violet Locke McIvor and their son Scott

Selling the Ranch - The Nature Conservancy

Don knew a little about The Nature Conservancy but undoubtedly, he didn't know enough. In the 70's and 80's he had received several awards for his conservation efforts but times had changed and TNC was no longer the "two man office out of Austin" as Don would say.

Today, The Nature Conservancy is a multi-billion dollar organization with tentacles that stretch around the globe, casing out and taking control of vast pieces of land, either through arranged purchases or conservation easements. That land is then "held in trust for the public," which makes the property vulnerable to a whole host of

Spring Works at the U-Up-U-Down ranch early 1900's



photo courtesy the McIvor Family



photo courtesy the McIvor Family

(Left to right) Julie McIvor holding daughter Locke Ann, Scott McIvor holding daughter Mae and Don McIvor, Christmas 2000 on the ranch.

adverse possibilities down the road including eminent domain and mitigation.

Don did not want to sell the land to developers looking to build sprawling subdivisions or resorts nor would he sell to a government agency wanting to turn the ranch into a public park and he knew TNC was interested in land like his so that was his first call.

He was put through to James King, the Conservancy's state director of land acquisitions at the time. Don was encouraged to learn that King was just as interested in preserving the rambling vistas of the Davis Mountains as he was. Before long, the two had become fast friends.

"What Don didn't know," says Julie, "is the whole friendship deal is a lot more than what it seems. The Conservancy does major research in each area where they have an interest, listing all the major organizations and individuals, called Stakeholders, who might have an influence, good or bad, on their 'project' there. The list is extensive and includes all ranges of community groups, public and private, political and religious. They keep a tally sheet where they

document everything they know and what they don't know about these Stakeholders. It's all very well orchestrated to help them gain the trust and confidence of the landowners they're negotiating with or hoping to negotiate with. They want to be your friend."

Don McIvor was easy prey. He needed the cash from the sale of his land and King was putting a deal together to buy it. Plus, according to King, Don was going to be a hero of sorts, leaving a legacy of astounding proportions to future generations. Why, he would be known as the "Father of Conservation."

As Julie says, "who would hear that and not want it?" And Don did want it. His family had been ranching in these mountains for over a hundred years and they loved this land and the community.

Eventually, King presented a plan to purchase 32,000 acres of the McIvor Ranch. Nearly 18,000 acres of the ranch would become a nature preserve and to pay for the deal, the other 14,000 acres would be sold to six private buyers. Interestingly, one of the buyers was a distant cousin to King and another was a major TNC donor. Each parcel

was sold with a conservation easement already in place, reassurance to Don that a hefty portion of his ranch would forever remain in its natural state.

That's not exactly what happened. Each of the new landowner's Conservation Easements were custom designed to suit the owners. All the parcels now have custom built homes on them and one in particular has a home, a barn, a workshop and an 18,000 sq. ft. indoor riding arena. The parcel purchased by one of TNC's major donors has all sorts of potential. It allows for the building of a main house, a manager's house, an artist's cottage, tennis courts, a swimming pool and a barn. Ironically, when Don decided to build a home on his land, he was met with staunch resistance from TNC and had to get special permission to proceed – but more on that later.

Once the sale was complete, Don was left with the ranch headquarters and 6,500 acres. All was good. By selling the land, he had made enough money to pay the estate taxes, preserved the dark skies for the Observatory and kept a decent sized place to hand down to Scott and Julie and their two girls.

However, TNC wasn't done yet. James King had another idea. If Don would donate a Conservation Easement on his remaining 6,500 acres back to the Conservancy, it would soften the capital gains tax burden from the sale of the larger part of the ranch. It was only a one time tax break but it sounded good to Don – and he trusted King. Surely he wouldn't advise him to do anything that would adversely encumber his remaining home place. After all, King had said the McIvors could continue to live and work the ranch just like they had been. What did he have to lose?

The Awakening

Don's first clue came a little over a year later when he decided to build a home at the base of Blue Mountain, a local landmark that was part of Don's remaining 6,500 acres. Soon after construction began, Don heard from his old friend, James King, now in a new position as program director for The Nature Conservancy in Fort Davis. It seems Don's Conservation Easement didn't allow for any additional buildings on this part of his property.

Don was confused. Had giving the easement to TNC transferred total control of the land to them as well? Don soon realized it had. In fact, the easement made him merely a tenant with TNC as a landlord. Though eventually the Conservancy granted Don an amendment to the easement and allowed his house to go up, the bitter taste of reality was there to stay.

The Fine Print

In the ten years since his dad unknowingly handed over control of his ranch to The Nature Conservancy through a conservation easement, Scott and his wife Julie have spent many sleepless nights worrying about the future of their ranch. While Don did have legal counsel when he signed the easement, the long term ramifications were never clearly explained. By the time the family got a clear understanding of what the documents meant, it was too late to do anything about it.

"What people don't realize," Julie says, "is that these easements and their restrictions are in perpetuity – that means forever. We really need to plant wheat in one of our fields but because the field was being rested and not in use

when the easement was signed, we can never use it for anything. That's hard. Knowing we could improve our production significantly if we were able to use our land. But we can't. If the restrictions and control had been made clear, the easement would never have been signed.

"People have to consider what they're leaving their future generations. Don't leave them with restrictions and constraints that you didn't have to live with. No one can predict what will happen in a year, ten years or fifty years. The market changes, business models change, everything changes and just like you had to roll with the punches and make it work, they will need the freedom to do the same."



photo courtesy the McIvor Family

Scott McIvor in the round pen starting a colt

PEOPLE HAVE TO CONSIDER WHAT THEY'RE LEAVING THEIR FUTURE GENERATIONS. DON'T LEAVE THEM WITH RESTRICTIONS AND CONSTRAINTS THAT YOU DIDN'T HAVE TO LIVE WITH. NO ONE CAN PREDICT WHAT WILL HAPPEN IN A YEAR, TEN YEARS OR FIFTY YEARS.



photo courtesy the McIvor Family

Locke Ann McIvor, left, and her sister Mae, photographed on the family ranch, September 2007

The McIvor's advice to anyone considering signing a conservation easement:

1. Get good legal advice from a property rights attorney. Do the research and find an attorney (preferably talk to several), who understands Conservation Easements and their long term effects. Call your state bar association for listings of attorneys who specialize in private property rights. If you belong to a property rights organization, ask them for recommendations or contact and join a property rights group. They can provide a wealth of information about these kinds of issues.
2. Talk to other people in similar situations (if you're a cattle rancher, try to find other cattle ranchers) who have done a Conservation Easement and are living with it. The more you can talk to, the clearer you'll be about what to expect. Don't rely strictly on contacts provided by the Land Trust you're working with. Ask around and find some landowners on your own so you will have more objective input.
3. Consider the implications of perpetuity. Whatever constraints the Conservation Easement places on your property remains in place for all of time. Really think about the long term effects of those constraints and the impact they will have on you and your heirs.
4. Consider this. When you give an easement on your property, it becomes public land held in trust by the Land Trust you grant the easement to. While it doesn't immediately give the public access to your land, it has become a public land. And it will remain on a list of public lands forever.



Dusti Scovel writes from her home ranch in Texas. She has written about ranching and rangeland issues for Range magazine and Stewards of the West. To learn more visit her website at www.dustiscovel.com

ALL RIGHTS RESERVED

Do you know what rights you actually retain when you sign an important document or contract? Here's a tip that could help later, if something goes wrong.

BY DANIEL MARTINEZ

ave you ever wondered about what “rights” you have when you sign a document? Say your getting a driver’s license.

Simple right? Just fill out a form at the DMV or on-line. OK, easy. Everything you say is true, right? Yup. Then sign here. Full stop. What just happened? Did you read – really read - everything on the application? Is everything clear? What actually is a driver’s license? Where does that permission to drive come from? Have you retained or “reserved all your fundamental rights,” after you signed the document? The larger question is, “Why should I want to reserve all my rights? The reason is so that you can continue work within the bounds of the law of the land – the Constitution – with regards to the document signed. Are you protected without that? Let’s look. Getting a driver’s license means travel. Under the Thirteenth Amendment, you have the right to travel. But you don’t have the “right” to drive. That falls under commerce. We are being granted the right to travel – *via* driving - by the state we are living in. Still the state must stay within the bounds of Constitutional law. What does that actually mean? The Constitution is the benchmark. It’s the highest law of the land. Everything flows down from there. So when a citizen states they are

“reserving their rights” upon signing a legal document – like a state driver’s license application or otherwise – the citizen is stating he is not waiving any of those fundamental, Constitutional rights – (remember - the law of the land) - by signing that document. Yes, you made a deal by signing the contract. And the law of merchants is a function of the law of contracts. That’s why under the United States Commercial Code it makes provisions in the law of contracts so you *can* retain your fundamental rights as an American citizen, but you must so state that intent, in writing. So unless you indicated that in addition to signing on the bottom line that you have “officially” retained your rights; you’ve entered into a contract with the only rights retained indicated in the body of the contract. That creates the presumption that you’ve waived all of your fundamental or Constitutional rights, in favor of the wording of the specific document in question. Is that what you want? Probably not. So, to aid you in your next contractual transaction, use the document shown here to indicate you are retaining all your fundamental rights under the Constitution. (A downloadable copy of this document is located on our website under “Downloads” – www.paragonfoundation.org) Remember, by signing any legal document or contract, you have reduced your universe of rights retained to whatever is written *in* that document. By taking this extra step using the form shown here and attaching it to important transactions, you can make sure your fundamental rights as an American citizen under the Constitution are not negotiated away unknowingly.

TO: Whom It May Concern

SUBJECT: General Reservation of Rights

Please be advised that My use of the phrase "All Rights Reserved without Prejudice" below My signature on this document means:

- (1) that I explicitly reject any and all benefits of the Uniform Commercial Code, absent a valid commercial agreement which is in force and to which I am a party, and cite its provisions herein only to serve notice upon ALL agencies of government, whether international, national, state or local, that they, and not I, are subject to, and bound by, all of its provisions, whether cited herein or not;
- (2) that My explicit reservation of Rights has served notice upon ALL agencies of government of the "Remedy" which they must provide for Me under Article 1, Section 207 of the Uniform Commercial Code, whereby I have explicitly reserved My Common Law Right not to be compelled to perform under any contract or commercial agreement that I have not entered into knowingly, voluntarily, and intentionally;
- (3) that My explicit reservation of Rights has served notice upon ALL agencies of government that they are ALL limited to proceeding against Me only in harmony with the Common Law and that I do not, and will not accept the liability associated with the "compelled" benefit of any unrevealed commercial agreements; and
- (4) that My valid reservation of Rights has preserved all My Rights and prevented the loss of any such Rights by application of the concepts of waiver or estoppel.

Sincerely yours,

[your signature here]

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THE LIVING WORDS *of the* CONSTITUTION

NICOLE KREBS

The Constitution was a grant of limited power from the people of the original confederation to the federal government to represent the States in those limited areas. Yet how well do we truly understand our Constitution? We felt that it would be beneficial to review this important document. Below you will find the first in a series focusing on each Article of the U.S. Constitution. It is our hope that the information provided will benefit you with any questions you might have regarding your Constitutional rights.

ARTICLE 1

Lawmaking powers are what the Founding Fathers regarded as the most considerable part of this new government. The House of Representatives and the Senate were given the sole power to make the laws, the duty to watch over the system and the power to introduce new laws when needed.

Article I, Section 1 states that all legislative or lawmaking powers established in the Constitution are given entirely to the Congress, which includes the House and the Senate, of the United States. No federal law shall be carried out unless a majority of the people's representatives has approved it. The Founding Fathers felt that the laws of the land should be minimal. James Madison wrote, "The powers delegated by the proposed constitution to the federal government are few and defined."

The Founders did not intend to make Congress an absolute power. They placed various checks and balances in the Constitution to guarantee that the people would not be prone to the cruelty and injustice they were forced to tolerate under the British Parliament. According to the National Centers for Constitutional Studies, the Founders "believed that it would be the Legislative branch, armed with the most important powers of government, which would pose the greatest danger to the separation of powers. For this reason, they divided the legislature into two houses and strengthened the Executive and Judiciary branches."

The terms of office and the criteria for holding an office in the House of Representatives and the Senate are discussed in Sections 2 and 3. Oliver Wolcott, signer of the Declaration of Independence and delegate from Connecticut stated: "The Representatives are to be elected

by the people at large. They will therefore be the guardians of the rights of the great body of the citizens. So well guarded is this Constitution throughout, that it seems impossible that the rights either of the states or of the people should be destroyed." If only he was right.

Article 1, Section 8, clauses 4-16 are the only powers granted to the Congress. The Constitution gives Congress the power to collect taxes, duties (tax on goods), imposts (customs duty), and excise (tax imposed on goods for a domestic market). It also gave them the power to use the money collected to pay its debts and for common defense. The money must be used in a way that benefits the general welfare of all the people. This section also gave Congress the authority to "borrow money on the credit of the United States."

In Clause 5 of Article I, Section 8, Congress was given the ability to coin money. After some counterfeit issues and the decline in the value of paper money, it was decided that only gold and silver coins would be considered "money". As we know, this provision of the Constitution, and several others, has been violated.

Establishing post offices, copyrights, and patents were also powers given to Congress. The first post office was located in Massachusetts in 1639. In 1790, the Congress passed the first copyright law. The first patent letter was signed by George Washington, Thomas Jefferson and Edmund Randolph and was issued to Samuel Hopkins for a process of making an ingredient in fertilizer, potash. Today more than 6 million patents have been issued.

Congress was given the ability to establish federal courts inferior to the Supreme Court. Today there are 94 U.S. District Courts. The districts, with their divisions, can be found in Title 28 of the U.S. Code, Sections 81-144. There



are 13 judicial circuits, each with a court of appeals. A Court of Claims was established in 1855, in it the “government consents to be sued.” (You can read more about the Court of Claims in the Winter 2006 edition of Paragon.) A Court of Customs Appeals and a Court of Tax Appeals also exist.

The House of Representatives and the Senate were empowered to “make all Laws which shall be necessary and proper” to carry out the powers given to them or any “other powers vested by this Constitution in the government of the United States”. Wilson Nicholas, governor and delegate from Virginia, stated, “This clause only enables them to carry into execution the powers given to them, but gives them no additional power.” In *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945), the Supreme Court defined ‘United States’ saying that it

“may be used in any one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory over which the sovereignty of the United States extends, or it may be the collective name of the States which are united by and under the Constitution.”

This definition is used when applied to federal law. Laws passed by Congress do not have general relevance to your state or to you as a state citizen, unless it is within those powers granted. Thomas Jefferson stated, “With respect to our State and federal governments, I do not think their relations are correctly understood by foreigners. They generally suppose the former subordinate to the latter. But this is not the case. They are co-ordinate departments of one simple and integral whole. To the State governments are reserved all legislative and administration, in affairs which concern their own citizens only, and to the federal government is given whatever concerns foreigners, or the citizens of the other States; these functions alone being made federal. The one is domestic, the other the foreign branch of the same government; neither having control over the other, but with its own department.”

Clause 17 of Section 8 gives Congress the exclusive jurisdiction and lawmaking power over a designated district (not to exceed ten miles square) which shall be the seat of government for the United States. Any legislative acts passed outside of these delegated powers are municipal law that applies to the 10 square miles of Washington, DC and its Territories, which are Puerto Rico, Guam, etc. This makes it clear that in order to exercise exclusive Legislative authority within the states, it needs the consent of the

Legislature of the State, acceptance of the United States Congress and it must be filed with the Governor of the State. This is codified in Title 40, US Code Section 255 and amended to Sections 3111 and 3112. According to FindLaw.com, “this clause has been broadly construed to cover all structures necessary for carrying on the business of the National Government. It includes post offices, a hospital and a hotel located in a national park, and locks and dams for the improvement of navigation. But it does not cover lands acquired for forests, parks, ranges, wild life sanctuaries or flood control.” The Constitution says that the state assumes title to all the lands that the federal government is not using for “the erection of forts, magazines, arsenals, dock yards, and other needful buildings.” Title 18 United States Code Section 7 is specific that the territorial jurisdiction of the United States extends only outside the boundaries of lands belonging to any of the 50 states.

Section 9 of Article 1 places limits on Congress. Clause 2 states that the Privilege of the Writ of Habeas Corpus cannot be suspended unless public safety requires it due to rebellion or invasion. Habeas Corpus, “have the body,” guarantees that

a person can only be arrested in accordance with the law, and not simply at the will of some tyrannical governing authority. It is a legal procedure in the form of a writ that demands that a person be brought before a magistrate and charged under due process, or else he be immediately released. It protects the people by preventing government from making random arrests. In 1798, Thomas Jefferson said to A. H. Rowan, “The Habeas Corpus secures every man here, alien or citizen, against everything which is not law, whatever shape it may assume.”

If Kit Laney (see the September/October edition of Paragon) had had a Writ of Habeas Corpus filed on his behalf the issue before the court would have been the lack of Due Process. According to Rule 3 of the Federal Rules of Criminal Procedure, “The complaint is a written statement of the essential facts constituting the offense charged. It shall be made upon oath before a magistrate judge.” No criminal complaint was filed under oath. Rule 4 (2) of the Federal Rules of Criminal Procedure discusses territorial limits and states, “the warrant may be executed or the summons may be served at any place within the jurisdiction of the United States.” Otero County, New Mexico is not a federal enclave.

According to Clause 3, “No bill of Attainder or ex post facto, Law shall be passed.” Black’s Law Dictionary defines



Photo courtesy iStockphoto.com/Bonnie Jacobs

“bill of attainder” as “legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial.” An act is a “bill of attainder” when the punishment is death and a “bill of pains and penalties” when the punishment is less severe; both kinds of punishment fall within the scope of the constitutional prohibition.

Acts of attainder were banned under the U.S. Constitution after the death of Parker Wickham. Wickham was known for his pro-Loyalist views during the American Revolution. On October 22, 1779, New York’s legislature passed an act of attainder that required him to relinquish his property without compensation. He was banished from the state under threat of death. Wickham was forced to move to Connecticut, where he died shortly thereafter. He insisted he was innocent of the charges, but was never granted a trial.

The U.S. Congress cannot pass or impose and the U.S. Forest Service cannot enforce the burden of financial penalties for not abiding with the Code of Federal Regulations against a natural person without the need for a judicial hearing. The USFS stole Dan Martinez’s cattle (see the Winter 2006 edition of Paragon) and enriched themselves without a judicial hearing. They violated state law and the Constitution of the United States of America, the very Constitution they took an oath to uphold. This is perjury of Oath of Office, a felony as per Title 18 of the United States Code.

Clause 3 was added to the Constitution for two reasons. The first was to strengthen the separation of powers. It prohibited the Congress from performing judicial functions. The second reason was to incorporate due process. Due process safeguards all of the rights of individuals, not just some of them. The Fifth and Fourteenth Amendments reinforce due process.

Also in Black’s Law Dictionary, “ex post facto” is defined as “a law passed after the occurrence of a fact or commission of an act, which retrospectively changes the legal consequences or relations of such fact or deed...” “An “ex post facto law” has been defined as “Every law that makes an action, done before the passing of the law, and which was innocent when done, criminal and punishes such action.”

Dan Martinez questions, “If the Guadalupe Hidalgo Treaty and Kearny’s Code recognized all these property

rights and the customs and laws of the times and recognized those rights and the Acts of Congress under the Territorial Jurisdiction of the time before statehood and the Supreme Court of the United States recognized and granted these rights, can the U.S. legislature pass a law that would take these rights away from the property owner? This would violate the ex post facto doctrine in the U.S. constitution under Article 1, Sections 9 and 10. My contention is any law passed after the fact would violate the Constitution. For example, my vested property rights were statutory grants 30 plus years prior to the formation of these forest reserves. The Constitution did not grant to these federal agencies powers of which pertained to the people with the inherent political power. The Constitution did not grant these federal agencies any legislative power.”

Our Constitution, in Article I, Section 10, states that “no State shall enter into any Treaty, Alliance, or Confederation; grant letters of Marque and Reprisal; coin money; emit Bills of Credit; and make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto law, or law impairing the Obligation of Contracts, or grant any Title of Nobility.” If a person enters into a contract by his own free will with full disclosure and knowledge without fraud, coercion, intimidation, etc., there is no law that can impair that obligation. The United States Commercial Code and the Commercial Code of the respective states govern the law of contracts and commerce. So, if a federal agent tells a vested property owner that he has to sign a contract and permit the federal agent to regulate his property and if the property owner doesn’t, the agent will give that permit to someone else or steal his property and enrich himself (Federal Agency), is this a valid contract entered into by his own free will with full disclosure and knowledge free of fraud, coercion and intimidation?

The Constitution was written in the common language so it says what it means and means what it says. Thomas Jefferson stated, “Laws are made for men of ordinary understanding, and should therefore be construed by the ordinary rules of common sense.” The Founding Fathers believed that to remain free, the *people* must understand the thoughts and principles that their government is based upon. When they understand this, they will be able to protect themselves from those in power that are trying to break down their constitutional protections.



Relevant Cases:

*Post Office and Locks and Dams - James v. Dravo Contracting Co., 302 U.S. 134, 143 (1937).

*Hospital - Battle v. United States, 209 U.S. 36 (1908).

*Hotel on National Park - Arlington Hotel v. Fant, 278 U.S. 439 (1929).

Lands acquired for forests, parks, ranges, wild life sanctuaries or flood control - Collins v. Yosemite Park Co., 304 U.S. 518, 530 (1938).

Bill of Attainder - United States v. Brown, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed. 484, 492; United States v. Lovett, 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252.



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

Cattle 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 stat, 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.***



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a producer meeting near you.





photo by David Shecklein

Guide to Winning at Life Found in the Code of the West

What is the “good life”? For someone like Jim Owen, who has enjoyed a successful, 40-year career as a Wall Street “rainmaker,” author, and frequent speaker on investment topics, you might assume the good life would mean a comfortable retirement focused on relaxing or perfecting his golf game.

As it turned out, the idea of slowing down didn’t fit Owen at all. Four years ago, dismayed by a rash of corporate scandals and the shift in business values they reflected, he felt inspired to launch a whole new career. Now, instead of practicing his putting, he spends much of his time traveling the country and delivering a message of inspiration and hope to audiences from all walks of life.

“THE CODE OF THE WEST
WAS LESS ABOUT RULES
THAN IT WAS ABOUT
CHARACTER.”

His story is one of a personal journey that, frankly, began in disillusionment. “I had always been proud to be a part of the investment industry. But when the scandals started erupting, one after the other, with some of the most venerable names in the industry being tarnished, I just felt sad,” Owen recalls. “How could we expect clients to entrust us with their hard-won assets? Clearly, something in our business was broken.”

Pondering why his industry had taken such a wrong turn, Owen realized the malaise he perceived extended far beyond Wall Street. “The more I talked with others about my concerns, the more I realized how many people felt the same way,” he says. “So many of those I encountered told



BY WILLIAM C. REYNOLDS

“WE DON’T NEED ANY MORE CELEBRITIES. WE NEED MORE EVERYDAY HEROES...MORE PEOPLE WHO CHOOSE TO LIVE EACH DAY WITH HEART.”

me they, too, were sick of a culture fixated on materialism and self-gratification. They echoed the deep yearning I felt for a simpler time when a handshake was enough to seal a deal - a time when we knew that just because something was legal didn't mean it was right.”

So while scaling back his day job as a Managing Director of Austin Capital Management, Owen funneled his passion and energy into a second career as an “ethics activist.” He became a man with a mission—one aiming to help Americans realize that the game isn't about winning at business; it's about winning at life.

The question was how to bring his message home in a way that diverse audiences could relate to and embrace. Owen realized that throughout human history, every culture has looked to its heroes as models of its values and aspiration. “When you think about it, whom do we really have to look up to today?” Owen asks. “Politicians, athletes, entertainers, business executives...so many of them have let us down. Today we have lots and lots of celebrities, but very few heroes.”

It was when Owen thought back to his own childhood heroes that he was struck with inspiration. “When I was a kid, my heroes were cowboys – the

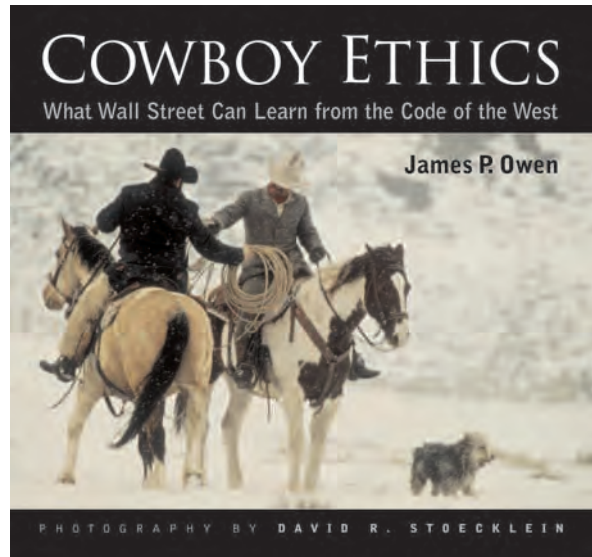


photo by David Stoecklein

cowboys of the silver screen. Those celluloid cowboys had a big impact on my life and on the values I still hold today,” he says. “It wasn't just because they were strong and brave. It was because they were unwavering in the principles of honor, loyalty, and courage they lived by each day. This is what has made the cowboy one of the most enduring icons of American culture.”

To get at the roots of the cowboy's phenomenal, worldwide appeal, Owen began reading every book on cowboy history, literature, and poetry he could find, devouring more than 100 volumes in all. He also revisited all the great cowboy movie classics, such as *Red River*, *High Noon*, and *Shane*, as well as modern-day masterpieces of the genre including *Monte Walsh*, *Lonesome Dove*, and *Open Range*.

The more Owen delved into the Cowboy's Code, the more fascinated he was to learn that it had never been written down, even though every cowboy knew and understood what it was. He spent more than a year distilling his research into his own interpretation of the Code of the West, which he labeled “Ten Principles to Live By.”

“The Code of the West was less about rules than it was about character,” he explains. “Operating far from any sheriff or courtroom, cowboys had to rely on a self-imposed code of honor. A real cowboy was someone whose integrity and bravery you could count on no matter what.”

Along the way, Owen also found opportunities to visit working ranches and meet modern-day cowboys. “Even though most cowboys today have cell phones and pickup trucks as well as chaps and spurs, the important things haven't changed,” Owen said. “Cowboys and stockmen still know and live by their code.”



photo by Robert Dawson

Jim Owen



Owen translated his newfound passion into a book, *Cowboy Ethics: What Wall Street Can Learn from the Code of the West*, centering on his ten cowboy principles. Richly illustrated with dramatic photographs of contemporary cowboys in action, the book has found an enthusiastic and diverse audience, with some 70,000 copies sold to date.

Code of the West

Live each day with courage.
 Take pride in your work.
 Always finish what you start.
 Do what has to be done.
 Be tough, but fair.
 When you make a promise, keep it.
 Ride for the brand.
 Talk less and say more.
 Remember that some things aren't for sale.
 Know where to draw the line.

As steeped as he has become in cowboy lore, Owen takes care to emphasize that “you don't have to stop a stampede or drive cattle across a raging river to be a hero.” In fact, he dedicated the book to his own personal hero – his father, a family dentist in Lexington, Kentucky, whom Owen describes as “a modest man, but a man of unshakable principles...exactly the kind of person you'd want to have as a neighbor or a friend.”

“I think people like my father are just what we need in this country today,” says Owen. “We don't need any more celebrities. We need more everyday heroes...more people who choose to live each day with heart. You may not



photo by David Stocklein

LIVE EACH DAY WITH COURAGE

“A man wanting in courage would be as much out of place in a cow-camp as a fish on dry land. Indeed the life he is daily compelled to lead calls for the existence of the highest degree of cool calculating courage.”
Texas Livestock Journal (1887)

There is an old saying that “a cowboy's a man with guts and a horse.” No one lacking in bravery could last very long on the range. Trailing beeves, as the cowboys called it, was dangerous enough on a good day. Cowboys encountered stampedes, quicksand, torrential rivers, clouds of alkaline dust that burned the lungs, hostile Indians, and other life-threatening dangers.

Yet cowboys cheerfully braved all these perils so they could sleep under the stars and earn seventy-five or eighty cents a day. Even so, their demonstrations of grit earned them no special recognition or praise from the boss, or even from their fellow cowboys. The virtues of fortitude and courage were part of the cowboy's stock-in-trade – something to be remarked upon only in their absence. Cowards were not to be tolerated, because one coward could endanger the whole group.




photo by David Stocklein

need heart to win at business, but you absolutely need it to win at life.”

Owen hopes that this notion of the “everyday hero” will inspire Americans to think deeply about the principles that anchor their own lives. With his book's publication in late 2004, he began reaching out to groups all across the country with a heartfelt talk and multimedia presentation entitled *Cowboy Ethics: It's About Winning at Life*. Initially he focused on major Wall Street firms and industry associations, but soon discovered that the business community's interest was just the tip of the iceberg. He began receiving speaking invitations from universities, civic and church groups, and school districts all across the nation.

To date, Owen has spoken to more than 100 groups ranging from 25 to more than 800 people in size, spending a week or more a month on the road. “Some of my friends and colleagues can't understand why I keep up this pace,” he says. “The truth is that it's the most satisfying thing I've ever done. When I hear feedback from parents who've sent the book to their children or grandchildren, or businesspeople who use it as a gift for their best clients, or the teacher who is using *Cowboy Ethics* in the classroom...well, for me, that's real satisfaction.”

Among high points on his speaking tours, Owen lists talks before a number of universities and school districts. “The University of Oklahoma business school was one of my favorites, because so many of the students had grown up in agriculture and on ranches. It was refreshing to meet



Real courage is being scared to death



so many young people who still have the spark of idealism. These kids were exceptionally polite, thoughtful, and not the least bit cynical,” he says.

After Owen appeared before the Rotary Club of Golden, Colorado, club members decided to incorporate Cowboy Ethics into a local project. Rotary International gave the project its top Ethics Program award out of 32,000 worldwide clubs, and is now considering it as the basis for an international goodwill program.

Perhaps Owen’s most memorable appearance to date was at a weekend leadership retreat held at Lake Placid, New York, for officers of the Tenth Mountain Division, the most deployed unit in the U.S. Army, under Brig. Gen. Michael Oats. “For these soldiers, most of whom had already served two tours of duty in Iraq or Afghanistan, honor and duty were clearly the most important things in life. It was a humbling experience to meet them,” Owen recalls. When one of the senior officers asked whether

and saddling up anyway.

If you suspect that the courageous cowboy is only a Hollywood myth, read the words of John R. Erickson, a fine Western writer who has also lived the cowboy life, from his book, *Some Babies Grow Up To Be Cowboys* (1999).

"The heroism of the working cowboy isn't a joke... it isn't something that has been cooked up by an advertising agency, and it isn't something that cheap minds will ever understand. Cowboys are heroic because they exercise human courage on a daily basis. They live with danger. They take chances. They sweat, they bleed, they burn in the summer and freeze in the winter. They find out how much a mere human can do, and then they do a little more. They reach beyond themselves."

This is not to say that cowboys never knew fear ~ only that they were able to put their fear aside when there was work to be done.



There is more to courage than jumping into a river to save someone's life. It is also being willing to speak up and say that something isn't right - even if that means going up against partners, colleagues, or superiors.



photos by David Stoecklein

Owen might be interested in speaking to soldiers in Iraq, his response was immediate. "I told him I'd have my bags packed and be ready to go anytime. Regardless of any opinion one might have about our Middle Eastern policy, I would feel privileged to go to Iraq and visit our courageous troops," he says.

So what's next for Jim Owen? Since starting on his journey, he has raised his sights and now thinks of himself as a "social entrepreneur" who, in his own small way, is

striving to help unite a troubled and fractured nation. “So much of our political discourse centers on the things that divide us that we forget about the important things we hold in common,” Owen says. “I believe Americans today have a real hunger for shared values. Maybe we can’t agree on Iraq or stem cell research. But can’t we agree that

we should all treat others the way we want to be treated ourselves?”

Owen is highlighting this theme of “shared values” in a new book entitled, *Cowboy Values: Recapturing what American Once Stood For*. Combining a thoughtful look at the state of our country today with photographs chosen for their emotional punch, *Cowboy Values* explores the

qualities that made America great. “While *Cowboy Ethics*

was about individual character, this book is about our national character and the role we all play in shaping it,” Owen explains. To be published by Globe Pequot Press in the spring of 2008, the new book will undoubtedly give Owen a springboard for a new and even more intensive round of speaking engagements.

Encouraged by the overwhelmingly positive response to his book and its message, Owen has founded The Center for Cowboy Ethics and Leadership - a nonprofit corporation dedicated to the belief that “everyone needs a code... a creed to live by.” The Center is the vehicle for a variety of projects aiming to bring the basic, timeless values embodied in the

Code of the West back to the fore of American life. Currently, the Center is working with school districts to develop curriculum and supporting materials for character development programs for children in all grades from kindergarten through high school.

When asked how long he plans to continue on his new career path, Owen replies that he sees no end in sight. “I feel a personal responsibility to speak out and give voice to those who have similar feelings, but haven’t quite been able to put them into words,” he says.

“It’s easy to feel powerless in the face of so many problems that seem insurmountable, whether it’s global warming or the mess in Iraq or our health care system,” Owen concludes. “But each of us has the opportunity and, to my mind, the obligation, to contribute something to the world in whatever way we can. Throughout my career, writing and speaking have always been my forté, so it feels natural to put my energies in that direction.

It feels good to know I’ve got a way of giving back. Everyone has some skill or talent they can use to make a difference. This is what *I* can do.”

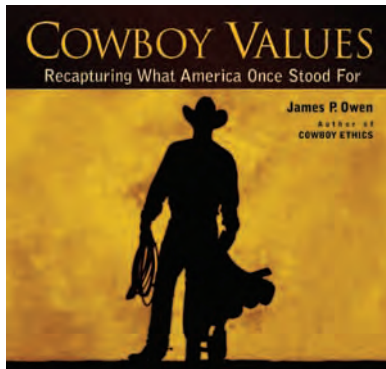



photo by Robert Dutton

trust loyalty
character
honesty integrity
integrity courage

The CODE of the WEST

- 1 LIVE EACH DAY WITH COURAGE
- 2 TAKE PRIDE IN YOUR WORK
- 3 ALWAYS FINISH WHAT YOU START
- 4 DO WHAT HAS TO BE DONE
- 5 BE TOUGH, BUT FAIR
- 6 WHEN YOU MAKE A PROMISE, KEEP IT
- 7 RIDE FOR THE BRAND
- 8 TALK LESS AND SAY MORE
- 9 REMEMBER THAT SOME THINGS AREN'T FOR SALE
- 10 KNOW WHERE TO DRAW THE LINE

photo by David Stocklein

OUR CONSTITUTIONAL RIGHTS: ANOTHER KIND OF “CODE TO LIVE BY”

How does the notion of Cowboy Ethics relate to the work of the Paragon Foundation? Not surprisingly, when we interviewed author Jim Owen, we found he has strong views on this question, too.

o my mind, the Paragon Foundation’s mission and activities are a great example of Cowboy Ethics in action. Ever since I got involved in researching and writing about the cowboy code, I have been especially attuned to issues that are black and white—meaning there is no ambiguity about what is right and what is wrong.

“I believe that what the Paragon Foundation is doing perfectly fits that description. There’s no arguing with the idea that Americans have inalienable constitutional rights we must defend at all costs. Back in the dawning of America, our Constitution was created to provide a framework for our country and safeguard our liberty through every challenge we might face. But these days, our constitutional rights and protections are too often taken for granted. Just as many people forget the importance of having a code of behavior to live by, too

many Americans neglect to understand and uphold their rights under the Constitution.

“This is where the Paragon Foundation comes in. In a variety of ways, Paragon is actively educating and empowering people to become more effective citizens. What’s more, it is pursuing that mission in ways that fit both the spirit and the letter of the Cowboy Code. Just as my goal is to spread the word about Cowboy Ethics and get people thinking about the values this nation is built upon, the Paragon Foundation is enlisting citizens in the effort to protect our rights. I see these as two complementary efforts that go hand-in-hand. Both are aimed at preserving the qualities that represent the very best of America.

“The work of the Paragon Foundation speaks to the very core of our heritage as Americans and I am pleased to support it in any way I can.”

*We can all be heroes
in our own lives.*



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Recent changes in law make disputes a reality

With the recent changes that govern private and federal lands, the possibility of a property right dispute becomes more of a reality every day. There are many issues surrounding the ownership of specific property rights and/or water rights that are associated with private and federal lands.

Over 40 years experience

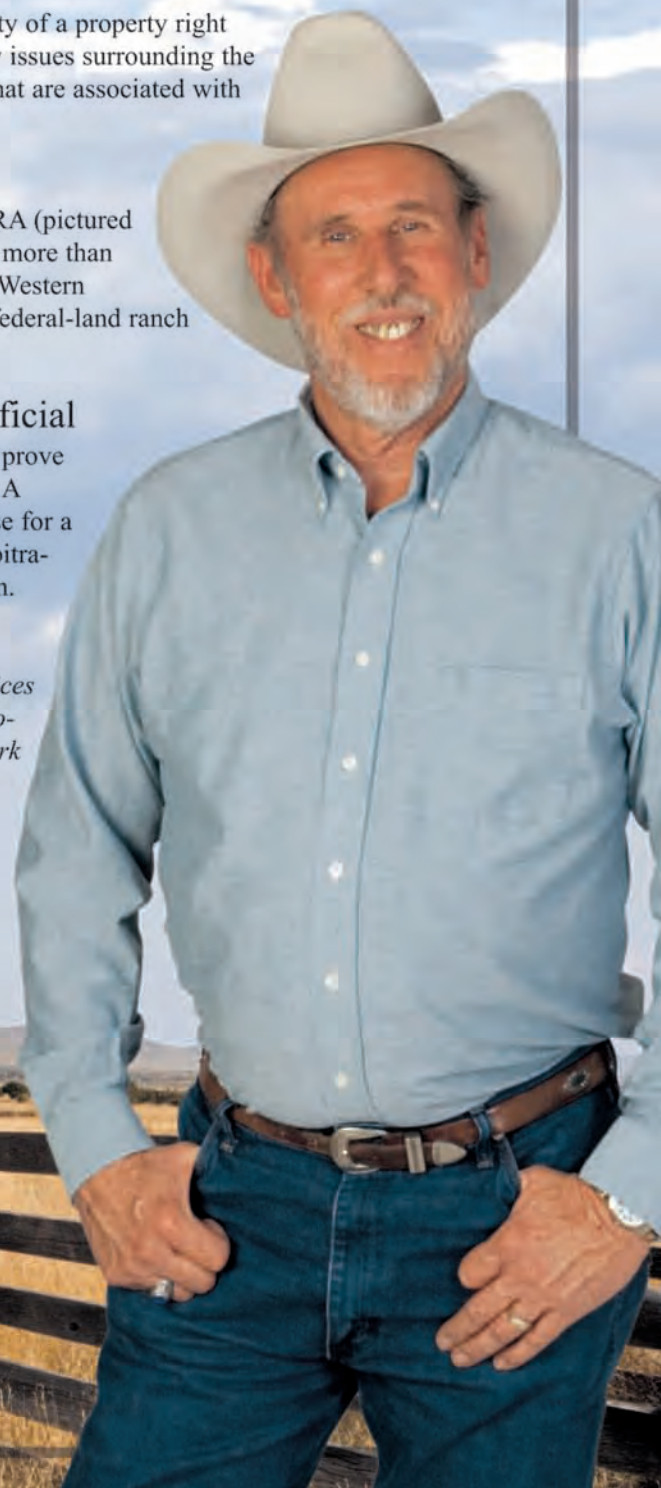
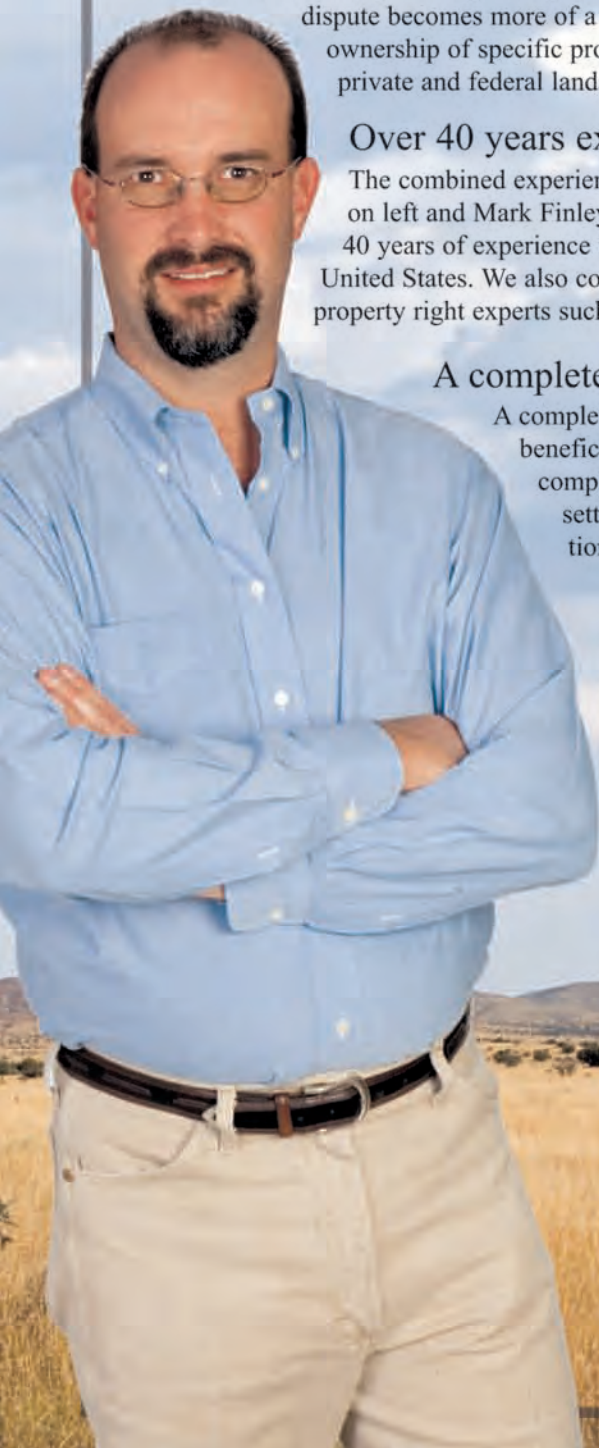
The combined experience of James M. Jones, ARA, RPRA (pictured on left) and Mark Finley, ARA, RPRA (right), total up to more than 40 years of experience in the agricultural industry in the Western United States. We also collaborate with nationally-known federal-land ranch property right experts such as Dr. Angus Macintosh.

A completed appraisal can be beneficial

A completed property right appraisal could prove beneficial to you and your legal counsel. A completed appraisal could also be of use for a settlement conference, mediation, arbitration, depositions and trial preparation.

"We utilized your appraisal services for the Sacramento Grazing Association in New Mexico. Your work was outstanding and we would recommend Ag Network USA to anyone in need of property rights appraisal."

– Francis Goss



A Promise Kept

HELEN CHENOWETH-HAGE: A REMEMBRANCE

BY WILLIAM C. REYNOLDS

evada desert driving can be hypnotic - flat highways that seem to go on forever in an unchanging vista. Many people find it soothing in its consistency – along with their love of the arid warmth. Helen Chenoweth-Hage had a love for the high desert, its ranches and ranchers. She should know, she was married to one. They were symbols of America at its best – hard working individuals making a living in an unforgiving environment. Self-reliant, capable, with strong family values, all dedicated to the land they loved and worked. Dedication meant a lot to Helen as was her respect for the work ethic of ranching families. And she might have been thinking on just that, that one day, the 2ND of October, 2006. Or, she might have just been enjoying the ride with her grandson and daughter-in-law when the car they were driving suddenly, went off the road and overturned on an isolated highway near the town of Tonopah in central Nevada. She was thrown from the car and killed while her beloved grandson and daughter-in-law suffered only minor injuries. For such a strong and significant personality – not to mention a loving mother, wife and grandmother - to be lost in such a random way is, in a word, tragic. Hers was a life of commitment and accomplishment – a life dedicated to keeping promises – to the people she loved, worked for, cared about and most importantly, to herself.

As the former U.S. representative from Idaho's 1st district (1995-2001), Helen Chenoweth-Hage found the term "Congresswoman" a little more of a mouthful than she liked and preferred being called simply "Congressman."

Her insistence of the gender-specific title was played up in the press but it was simply her choice. No big deal. As was her choice to pledge that she would only run for three terms. She believed she should serve, do her job, and go home to be productive. It was, as was her way, a promise kept. A big deal.

She was born Helen Margaret Palmer on January 27, 1938 in Topeka, Kansas. As a child she spent most of her youth on her father's dairy farm in Grants Pass, Oregon. She was a busy child and loved music and horses and was quite the young athlete. She later attended Whitworth College in Spokane, Washington where she met her first husband Nick Chenoweth. The two were married in 1958 and had two children. Michael and Margaret were born in Orofino, Idaho where Helen developed and managed a medical clinic. It was there she undertook and developed a physician recruitment practice where she recruited doctors for underserved rural communities in the West.

After a divorce in 1975, she moved to Boise and worked for the Republican Party working her way to become the Executive Director of the Idaho Republican Party. It was there she served as (former) Congressman Steve Symms'



photo courtesy Jim Keen

“NOW, I COULDN'T CARE LESS ABOUT WHAT CHURCH YOU GO TO, OR WHETHER YOU GO TO CHURCH AT ALL, BUT I DO CARE THAT, AS A PEOPLE, WE MUST FALL TO OUR KNEES AS GEORGE WASHINGTON DID AND OTHER GREAT LEADERS DID, IN TIMES OF PERIL AND IN TIMES OF PROSPERITY, AND NOT FORGET THE GOD WHO CREATED THIS GREAT NATION.”

HELEN CHENOWETH-HAGE WAS LAID TO REST IN MERIDIAN, IDAHO ON OCTOBER 9, 2006.

District Director until his election in 1978. With that experience, she went on to create a successful consulting business becoming an important lobbyist in Boise, Idaho's state capital.



photo courtesy Jim Keen

In 1994, she entered and ultimately won the Republican nomination for Idaho's 1st Congressional District, pledging as part of her platform that she would serve no more than three terms, if elected, in the United States House of Representatives. It was a promise she would keep, on both counts. She defeated two-term Democratic incumbent Larry LaRocco by almost 11 points in a movement that enabled the Republicans to take control of the House for the first time in 40 years. While Chenoweth's victory was part of the rising Republican tide, it was still a surprising win considering her opponent had won re-election in 1992 by almost 21 points. Helen Chenoweth became the second woman to represent Idaho in the United States Congress and one of few Congressmen (or Congresswomen) to be elected by her peers to a Chairmanship (House Subcommittee on Forest and Forest Health) after only one term.

As a freshman Republican in 1995, she gained a reputation as one of the most conservative members of the House, recognized for strongly defending private property rights, veterans' rights and school prayer. That conservatism brought criticism from the other side of the aisle as she was referred to many times during her tenure as a "poster-child for the militias." The *Los Angeles Times* had a field day with that description when she gained national attention in her visual opposition to listing Idaho salmon on the endangered species list by serving canned salmon at 'endangered salmon bakes' fundraisers. Her response to critics was "the only endangered species (in Idaho) is the White Christian landowning male."

Yet with all the controversy, she was a beloved figure in Idaho politics throughout her career. At the end of her third Congressional term she followed through on her

promise to only serve for three terms. Even her critics, and there were quite a few, would recognize her display of personal integrity, not letting the lure of the power cancel her promise. Ironically, she felt regret in limiting herself to three terms, calling the idea of term limits, bad policy. But true to herself, she had made a commitment and honored it by not running for reelection in 2000. In 1999, she married rancher and author Wayne Hage and moved to his Nevada ranch, where the two continued to write and speak on private property rights issues.

Even after her return to private life, she continued to make headlines. In 2003, she was preparing to board a flight back to her home in Nevada. As she was going through security, she was selected by a Homeland Security agent for a hand search before she was permitted to board the plane. Surprised, she requested to see a copy of the regulation granting Homeland Security the authority to search her – without apparent cause. When the request was denied, she asked again and again was denied an answer. At that point she did what too few American citizens do when their rights are being refused: She turned around, politely picked up her bags, walked out of the terminal, rented a car and drove home to Nevada. When pressed on her decision by the media, she responded, "Our borders are wide open and yet they're shaking down a 66-year old white grandmother they greeted by name. It's time the American people say no to this kind of invasion. There shouldn't be that kind of search without reasonable cause."

Helen Chenoweth-Hage was not one to shy away from a fight, when it was something she believed in – especially when it involved the rights of American citizens acting within the parameters of the Constitution. She was many things, to many people. Love her or hate her – no one who knew her doubted her commitment. She served her country with honor and integrity and then went home to love her family. She was a real American and she will be missed.



photo courtesy Jim Keen

Some thoughts on my friend, Helen.

BY GB OLIVER

was going back and forth to Washington, D.C., - as I seem to be doing more and more of lately – and I was leaving one of the House hearings on forestry. And the fellow who oversaw the Committee stopped me and he said, “Mr. Oliver, you’ve been to a lot of these haven’t you?” And I said, “Yes, sir. I sure have.” He said, “It’s kind of frustrating, isn’t it?” And I said, “Yes, sir. It sure is.” And he said, “Could I suggest that you go see Congresswoman Chenoweth, out of Idaho? She’s one of the few stake holders in Washington D.C. who will tell you like it is.”

And, that’s how I met Helen. She was known as one of the most tenacious people in Washington, D.C., both for standing up for things that were constitutional issues and for things that represented her constituents. She didn’t fall prey to party lines or bend to what the party leadership told her to. When she believed in something, that was it. And when she believed something was wrong, she didn’t care whom she went up against. It was something to see.

She knew how to work, that’s for sure. She worked on the draft of Speaker Newt Gingrich’s Contract with America back in 1994. For the first six or seven weeks, she worked seven days a week and never went anywhere. Finally, she found herself with a Sunday afternoon off. So she took the time to go out and sightsee a little bit in Washington. She went to several of our important monuments and found near each was a sign that said, ‘World Heritage Site.’ She didn’t know what that meant, so she went back to her office, got on the computer and started looking up World Heritage Sites. She ended up on the main United Nations website and found out that a World Heritage Site is somehow connected to the United Nations. The deeper she dug though; she found the more questions she had. So, the next Monday she started asking questions. Nobody could tell her anything other than every monument has that little designation it. Not the right answer for Helen, so she continued to stir up the troops and request hearings be held. Well, the other shoe, she so found, was about to drop.

Out of nowhere, Senator Trent Lott invited the Idaho freshman to his office. At first she worried about everything from what to say to what to wear. At the time, Trent Lott was the hammer in Washington, D.C. so when she arrived at his office, she was surprised to find him quite gracious. He offered her something to drink. He sat her down on the couch. He then got up and he shut the door. And then the hammer came down. He said, “Little lady, we’ve had just about all of you we’re going to take.” She said she just sat there as he went on. “We went along with your little fiasco where we let you gut the FBI and BATF over the Ruby Ridge deal and we let you get away with that. But as far as this World Heritage Site dust-up, I don’t ever want to hear about it again. Now you go back to your little office. You keep your head down and you do exactly what the party’s leadership tells you. You understand me?” And she said with that, he just got up and walked out.

Well, she nearly exploded. She got up and walked out the door and when she started down that hall leaving his office, both those senators from Idaho flanked her down that hall and said, “Helen, you’ve got to back off on all this stuff, you know? If you get on the wrong side of Trent Lott or Pete Domenici, Idaho will never get another dime. They can cut the money off. There would never be another dime going there.” And she said, “I don’t give a damn about them, we’ll do just fine.” And that’s just the way she was. She never quit fighting those battles. After that the Republican National Committee didn’t put any money to speak of in her campaigns. But it didn’t matter. The people of Idaho stood behind her and she was elected to three terms. She didn’t get any help from the RNC yet she got some \$10 and \$25 checks from all over the United States because citizens found out just what we found out, that she was the only one in Washington, D.C. to tell you what was really going on. Back then, those were the most hotly contested races in the history of Idaho - and she won. She lived up to her word of only three terms even though people in Idaho begged her to run for a fourth term. She said, “No, that was my agreement with myself, and I keep my promises.” And it was no big conspiracy; she was simply going home and then work with her daughter in Boise. But her death took all that away. Helen’s untimely death was a loss on so many levels, for her beloved family and for the nation who lost an honest and giving States-person. She was absolutely one of the toughest people I ever ran into in my life, but she was always a lady. She was an inspiration. She was my friend. She gave one the feeling that America was going to be all right. And you know what? We will be.



photo courtesy Scott J. Ferrell/Getty

ROBERT DAWSON'S WEST















ROBERT DAWSON, PHOTOGRAPHER

Robert Dawson's romance with the west started as a young boy growing up in Texas and has taken him to photograph some of the most beautiful and wildest places in America. His talent in working with natural light and composition are sought out by major clients wishing to capture a unique angle of the West that will compliment their advertising campaigns. Dawson is a contributing photographer for *Living Cowboy Ethics*, *Western Horseman*, *American Cowboy* and *Farm & Ranch Magazines*.

Along with having six coffee table books published showcasing his work, Dawson is producing a series of posters with Bentley Publishing Group, Inc., greeting cards with Leanin Tree and a series of fine art tapestries with Pendleton Woolen Mills. Dawson's donations of photographic prints have raised over \$15,000.00 for Agriculture in the Classroom in 2006 and, in 2007, in partnership with Primedia Publishing he has donated over \$4,500.00 of his work to *Riding for the Children*, a benefit for the Linsenhoff UNICEF Foundation.

His latest books, *Living Western Horsemanship*, *Personal Narratives by Leading Horseman of the American West*, the sales of which will benefit the Future Farmers of America and *The Ultimate Level of Horsemanship*, *Training Through Inspiration* with World Champion trainer Al Dunning, can be found in bookstores this Christmas season and Spring 2008. When not on location he spends most of his time working horses at home in Enterprise, Oregon. To see more of Dawson's work please visit his web site at www.dawsonphotography.com.



— James P. Owen





THE TAVAPUTS RANCH

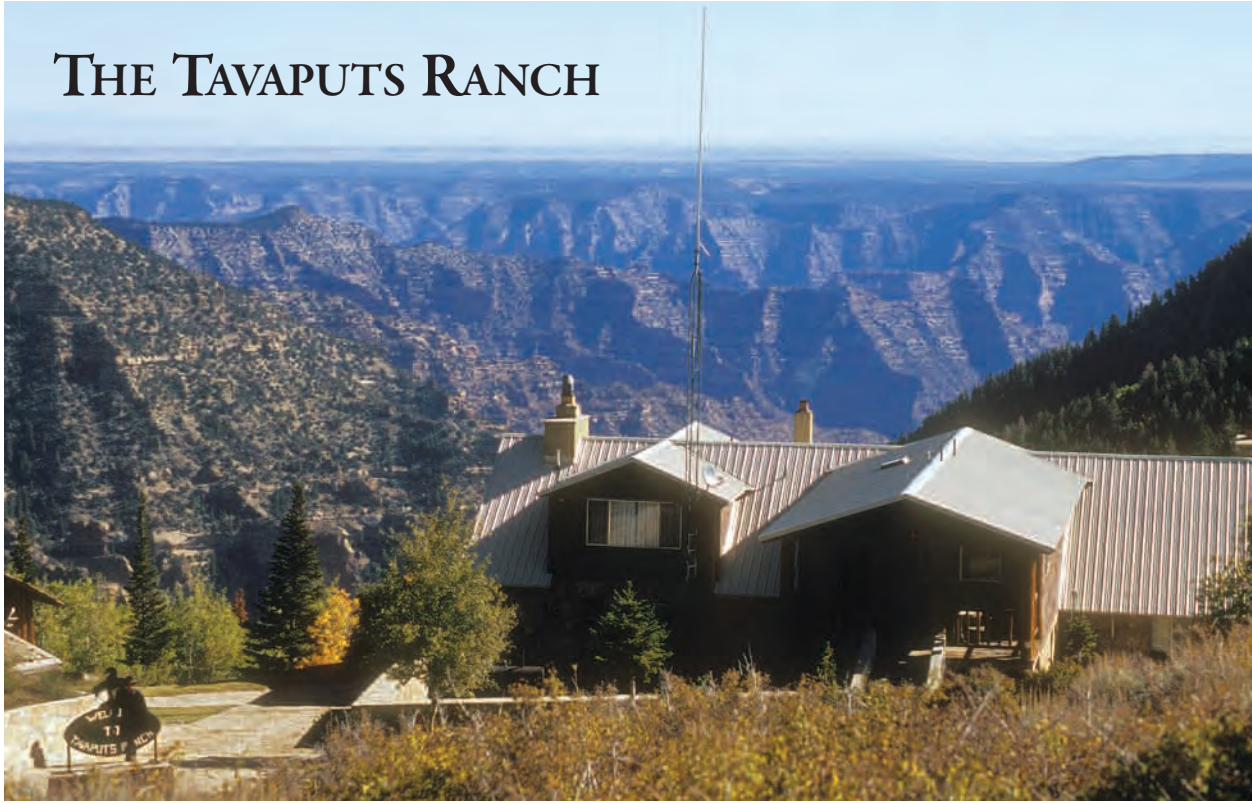


photo courtesy the author

A victory in the new “Range Wars” is all about stewardship and doing your homework.

BY MARK BEDOR

It's a Western movie we've all seen. The powerful cattle baron trying to force the small rancher to sell the homestead, warning of trouble if he doesn't. Today there's a new, real life twist to that scenario. Environmental extremists working inside government agencies, like the BLM (Bureau of Land Management) and the Fish and Wildlife Service (FWS) are using their regulatory power to try to force Western ranchers off public land, and even to sell their original homestead.

"I've seen it happen a number of times," says Dr. Roger Banner. "It's sad to say that. But it's true." The Utah State University rangeland scientist was an expert witness in just such a case, when the BLM tried to cut the winter

grazing permits of the Tavaputs Ranch (formally known as T.N. Ranches) by one-third. The impact on the cattle operation outside Price, Utah would have been devastating. "The easiest way to describe it to you is, we're gonna cut your wages by one-third, and you're gonna have to live on

that," explains Butch Jensen, who owns the ranch with his wife Jeanie. "Because... you take away one-third of your livestock... where you gonna go with 'em?"

Dr. Banner says the trouble for Tavaputs began soon after the ranch refused to sell its original homestead. The 160 picturesque acres along the Green River in Utah lie at the bottom of the truly spectacular Desolation Canyon, a 5,000-foot red-rock walled natural wonder. The river front property is a



photo courtesy the author

Butch Jensen leads a mule on a fall ride on the Tavaputs Ranch.

favorite stopping point for summer rafters floating down the river. The Jensens have no grudge against rafters. In fact, their Ranch, a 15,000-acre area on the Tavaputs Plateau overlooking the river, takes guests in the summer, and partners with a local rafting company. Their “saddle and paddle” packages offer horseback riding on the ranch, followed by a rafting cruise down the river.

But when they refused to sell the homestead, the BLM suddenly accused the Jensens of overgrazing their allotments. “I can’t prove it and Butch can’t prove it,” says Dr. Banner. “(But) it just seems a little too closely related not to have been going on.”

Tavaputs grazes cattle on their own land in the summer, and leases more than 250,000 acres of winter range. Ranchers who have their BLM grazing leases cut have the right to appeal those decisions to a Federal Administrative Law Judge, and that’s exactly what the Jensens did. They hired Karen Budd-Falen, a well-known Cheyenne, Wyoming lawyer. She and her husband Frank Falen specialize in these kinds of cases. And their six-attorney law firm has found it has more work than it can handle. “I think the Jensens are representative of what’s happened all across the West,” says Karen, a fifth generation Wyoming rancher. “Their case is not isolated... which I think is kind of a sad commentary.”

Dr. Banner and Southern Utah University Range Management, Professor Dr. James Bowns were called as expert witnesses during the Jensen’s trial. They consult free of charge on cases like these within the state of Utah. “I would like to make sure that people understand that people like Roger and I are not hired guns... that we just blindly defend the livestock people,” says Dr. Bowns. “But I know my feeling is, we level the playing field... because the rancher doesn’t have the technical training to deal with the agencies without people like Roger and I intervening.”

“We’re not opposed to the BLM,” adds the 75-year old Doctor of Range Ecology. “We’re not necessarily in favor of the livestock. What I want to see is good land management ... when that happens, then livestock are okay on the range.”

But Dr. Banner says science apparently had little to do with the BLM’s decision to cut the Jensen’s grazing allotment. “I think there were other issues that drove that case that weren’t necessarily biological,” the Professor says with a weary laugh. “More social than anything else.”

“They’re the biggest operator in the area, and one of the best managed ranches,” Banner continues. “And I think they (the BLM) were thinking if they could do this to the Jensens then everybody else would fall in line.”





photo courtesy the author

Other ranchers in the area were targeted for cuts as well. But the Jensens fought back. And while the case cost the family at least \$30,000, overturning the BLM decision turned out to be a slam dunk. First, the agency was using a discredited technique for evaluating rangeland known as “ocular reconnaissance,” a subjective, visual examination of range conditions that Dr. Bowns says is so obsolete, so much so, he doesn’t even mention it in his classes. “It’s been discredited in the scientific literature for years,” commented the Ph.D. “And yet (the BLM) still used it to establish their base numbers.”

“And they weren’t even using it very well,” recalls Banner with a laugh. “Some of their figuring wasn’t even correct. It became pretty clear that it was kind of a trumped up deal.”

And Bowns and Banner found that the BLM’s conclusions were just flat wrong. “When I looked at the range, I couldn’t see that those reductions were justified,” recalls Dr. Bowns. “What we wanted them to show was that the range was actually deteriorating... which would indicate that there were maybe too many animals, wrong season of use, or something like that. And the analysis that we saw, we didn’t agree was adequate to make those decisions.”

The court case revealed the BLM didn’t even do the studies and necessary paper work required to cut a

questioned grazing allotment. Staffers even failed to fill out the necessary forms. “The BLM has to jump through certain procedural hoops when they make a scientific determination regarding forage or riparian or any other uses on the land,” explains Karen Budd-Falen. “And on cross examination, the BLM admitted it did not do all of those studies, it didn’t do all of the tests, it didn’t fill out the forms right. It left half of the forms blank!”

The Tavaputs prevailed in this precedent setting case.



photo courtesy the author

Butch Jensen stands next to an original homestead cabin at Tavaputs Ranch.

Not only were their leases renewed, but also the BLM dropped similar action it was taking against neighboring ranches. Several BLM staffers involved in the case were later reassigned. “Makes a big difference,” Dr. Banner commented on the impact of this trial. “I think it really showed some people will stand up ... to protect their property and (fight) slanderous assertions about the way they have managed (their rangelands). But not everybody has the wherewithal to defend themselves. It’s almost like you’re guilty until proven innocent.”

Ranchers are fighting battles like this one all over the West. Karen Budd-Falen knows of a number of situations where employees of the BLM are working directly with environmental groups to try to revoke grazing permits on public land. “I can absolutely guarantee you it is happening,” says the attorney. “Not just in Vernal, Utah, but in other places across the West. No BLM employee



photo courtesy the author

Butch Jensen and his son Monte examine an ancient Indian pictograph on Tavaputs Ranch.

Jensen didn’t do enough of his own monitoring. “Not to the extent we should have been,” he admits. “The BLM has their data... and when you go to a trial... you could have *your* data. And I’ll tell ya, that would carry a huge amount of weight.”

“You’ve got to really pay attention to what’s going on on your allotment (lease) when environmental groups get interested party status on your grazing allotment,” warns Budd-Falen, who grew up on a ranch. “I can remember as a teenager when my Dad would have an issue with the Forest Service or the BLM. They’d just come out, and they’d sit at the kitchen table, and my Dad and the BLM guys would get in a big argument about... whatever the issue was,” the cowboy lawyer recalls. “But at the end of the day, the issue was over. The BLM guy at the local level could come to a compromise, and my Dad would come to a compromise... and then the guy would stay for dinner. I think I would have starved to death doing this kind of law 25 years ago,” she muses. “And now we have a full time law firm and this is all we do.”



photo courtesy the author

would admit to that, although Banner says many are open about their anti-grazing views. “They are imbedded in these agencies, people with agendas,” charges the Professor. “This stuff goes on all the time. I mean, it’s a rough world out there. People really gotta be watching and they really do need to gather their own data and do their homework, because you can get kind of backed in a corner if you don’t have something to refute their assertions.”

Public land ranchers need to do their own monitoring of the lands they lease, so they have the data to fight back against baseless accusations. It can be as simple as taking an annual photograph of what Dr. Bowns calls a “key area”; land that is frequented by livestock, but which doesn’t endure the heavy traffic of a salt lick or a watering hole. “If everything looks proper there (the key area), then we assume the allotment as a whole is being grazed properly,” explains Bowns. “That’s the concept that we’re dealing with.”



photo courtesy the author

Butch Jensen and sons Tate and Monte at a river front campfire at Tavaputs Ranch.

Ranchers – and large landowners in general - must be much more aware and much more involved than ever before, advises Karen. Even if the bureaucracy is not actively working against ranchers, it's simply much more difficult to deal with. Lawsuits from environmental groups have forced government staffers to justify their every move, resulting in mountains of time-consuming paperwork, and decisions must be reviewed up the chain of command. The days when a local BLM field staffer had the authority to quickly and efficiently solve disputes at the kitchen table are long gone. Budd-Falen says today's ranchers need to stay involved in the process every step of the way, or risk losing their livelihood. The bureaucracy is simply too large.

Ranchers are fighting back by organizing, splitting the workload, and getting involved in the legal system. It's not something anyone enjoys. But there's really no choice.

"Quite frankly I think it's really sad," laments the lawyer. "Because most ranchers just want to be left alone with their animals and their kids and their little community, and just

be able to run a good operation and raise good cattle. And I don't think that's enough anymore."

That's all the Jensens want to do. "We've actually got a pretty good relationship now again with the BLM," says Butch, six years after the trial. "We wouldn't want to do anything with an article to stir (things up). I wouldn't want it to come across that we are still beating the drum on the thing."

But while their battle may be over, the war rages on. And the cowboys are not winning. "I think it's getting worse," says Budd-Falen. "And I'm really concerned with the next election, it's gonna get even worse."

"Could be a disaster," agrees Dr. Bannon. "Could go real radically environmental. And that could create some real confusion. The key to the whole deal, no matter what – be the best steward you can be," advises the scientist. "And try to document it in the best way you can."

And be sure to vote.

FIVE WAYS TO FIGHT BACK

1. Do your own monitoring. Photograph key areas of your lease.
2. Learn about good stewardship and make necessary changes.
3. Get involved with local rancher/agriculture groups and keep aware of what's going on in your area.
4. Do your homework. Make sure you know, what *they* know.
5. Stay involved in the political process.



photo courtesy the author

ABOVE ALL: Information and data are power. Emotion is a good pump primer but a lousy offense. Come from knowledge, not from anger.



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

PARAGON FOUNDATION MEMORIALS

In Memory of Louis Lynch of Deming, New Mexico

From Edward and Eunice Nunn
of Deming, NM
From Jean, Bebo, Maddy & Linda Lee
of Alamogordo, NM
From Virginia Brownfield of El Paso, TX

In Memory of Betty Nunn

From Edward and Eunice Nunn
of Deming, NM

In Memory of Nellie Mullins of Ruidoso, New Mexico

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

In Memory of Wayne Hage of Tonopah, Nevada

From Jane & Jonna Lou Schafer
of Dell City, TX
From Frances & Jimmy Goss of Weed, NM
From Edward & Eunice Nunn of Deming, NM
From Duane Sandin of Yakima, WA
From Lincoln National Forest Allotment
Owners Association, Cloudcroft, NM
From the Derry Brownfield Show
of Centertown, MO

In Memory of Viola Jeffers

From Stella Montoya of La Plata, NM

In Memory of Rusty Tinnin of Bell Ranch, New Mexico

From Stella Montoya of La Plata, NM
From J. Diann Lee

In Memory of Jim Jennings of Roswell, New Mexico

From Charles Cleve of Roswell, NM

In Memory of Milton Wakefield of Roswell, New Mexico

From Charles Cleve of Roswell, NM

In Memory of Lee Robins of Deming, New Mexico

From Edward & Eunice Nunn of Deming, NM

In Memory of Rene McLane of Deming, New Mexico

From Edward & Eunice Nunn of Deming, NM

In Memory of Wilson & Susie Mae

From Pop & Donnie Snow of Dell City, TX

In Memory of Panzy Lee

From Pop & Donnie Snow of Dell City, TX

In Memory of Larry Smith

From Pop & Donnie Snow of Dell City, TX

In Memory of Charlie Schultz

From Pop & Donnie Snow of Dell City, TX

In Memory of Willard Myres

From Pop & Donnie Snow of Dell City, TX

In Memory of Clark Lewis

From Pop & Donnie Snow of Dell City, TX

In Memory of Kendel Lewis

From Pop & Donnie Snow of Dell City, TX

In Memory of Mike Jones

From Pop & Donnie Snow of Dell City, TX

In Memory of Charlie Lee

From Pop & Donnie Snow of Dell City, TX

In Memory of Bill & Panzy Jones

From Pop & Donnie Snow of Dell City, TX

In Memory of Roy Rasco

From Pop & Donnie Snow of Dell City, TX

In Memory of Alton & Laura Jones

From Pop & Donnie Snow of Dell City, TX

In Memory of Laheeta Harvey

From Pop & Donnie Snow of Dell City, TX

In Memory of Lincoln Cox

From Pop & Donnie Snow of Dell City, TX

In Memory of Bessie Walker of La Luz, New Mexico

From Pop & Donnie Snow of Dell City, TX

In Memory of Jose Ramon Velasquez of Blanco, New Mexico

From Jennifer Truby of Aztec, NM

In Memory of Herscel Stringfield

From Lincoln National Forest Allotment
Owners Association, Cloudcroft, NM

In Memory of Helen Chenoweth-Hage of Tonopah, Nevada

From the Derry Brownfield Show of
Centertown, MO
From Junior & Betty Stoots of Tularosa, NM
From Jane & Jonna Lou Schafer
of Dell City, TX

In Memory of Wesley Tibbetts of Miles City, Montana

From Harold & Norma Peabody of Terry, MT

In Memory of Charles Coody of Barry, Texas

From Jane & Jonna Lou Schafer
of Dell City, TX

In Memory of E. V. "Hig" Higgins

From Joe & Diane Delk of Mesilla Park, NM
From Jack & Jean Darbyshire of Anthony, NM

In Memory of Earlene Smith of Dexter, New Mexico

From Charles Cleve of Roswell, NM

In Memory of Andy Hinton of Mt. Pleasant, Texas

From Gertrude Delk of Hanover, NM

In Memory of Tom & Evelyn Linebery of Kermit, Texas

From Rita Neal of Hobbs, NM

In Memory of Gordon Booth of Alamogordo, New Mexico

From New Mexico Precision Shooters, Inc.
of Alamogordo, NM

In Memory of Larry Wooten

From Charles Cleve of Roswell, NM

In Memory of Edwin Hyatt of Deming, New Mexico

From Gertrude Delk of Hanover, NM

In Memory of Roger Read of Las Vegas, New Mexico

From Bob & Dorothy Jennings of La Plata, NM

In Memory of Lydia Verploegen of Havre, Montana

From Peggy Verploegen of Havre, MT

In Memory of Andrew Lewis

From Virginia Brownfield of El Paso, TX

In Memory of Edwin Hyatt of Deming, New Mexico

From Edward & Eunice Nunn of Deming, NM

In Memory of Bill Cowan of Tucson, Arizona

From Edward & Eunice Nunn of Deming, NM

In Memory of Frank Sultimier of Corona, New Mexico

From Edward & Eunice Nunn of Deming, NM

In Memory of Laurance & Carrie Regnier

From Bud & Cathy Daniel of Falsom, NM

In Memory of Laurance Daniel

From Bud & Cathy Daniel of Falsom, NM

In Memory of Abelardo Martinez of Safford, Arizona

From Margaret Schade of Safford, AZ
From Fern Engquist of Safford, AZ

In Memory of Ben Cain of T or C, New Mexico

From The Lee Family of Alamogordo, NM
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 Mexico

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



OUT THERE



photo by Bill Reynolds

On the OW Ranch, Decker, Montana, May 2000



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. This first image is a moment of rest during a day's branding. 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

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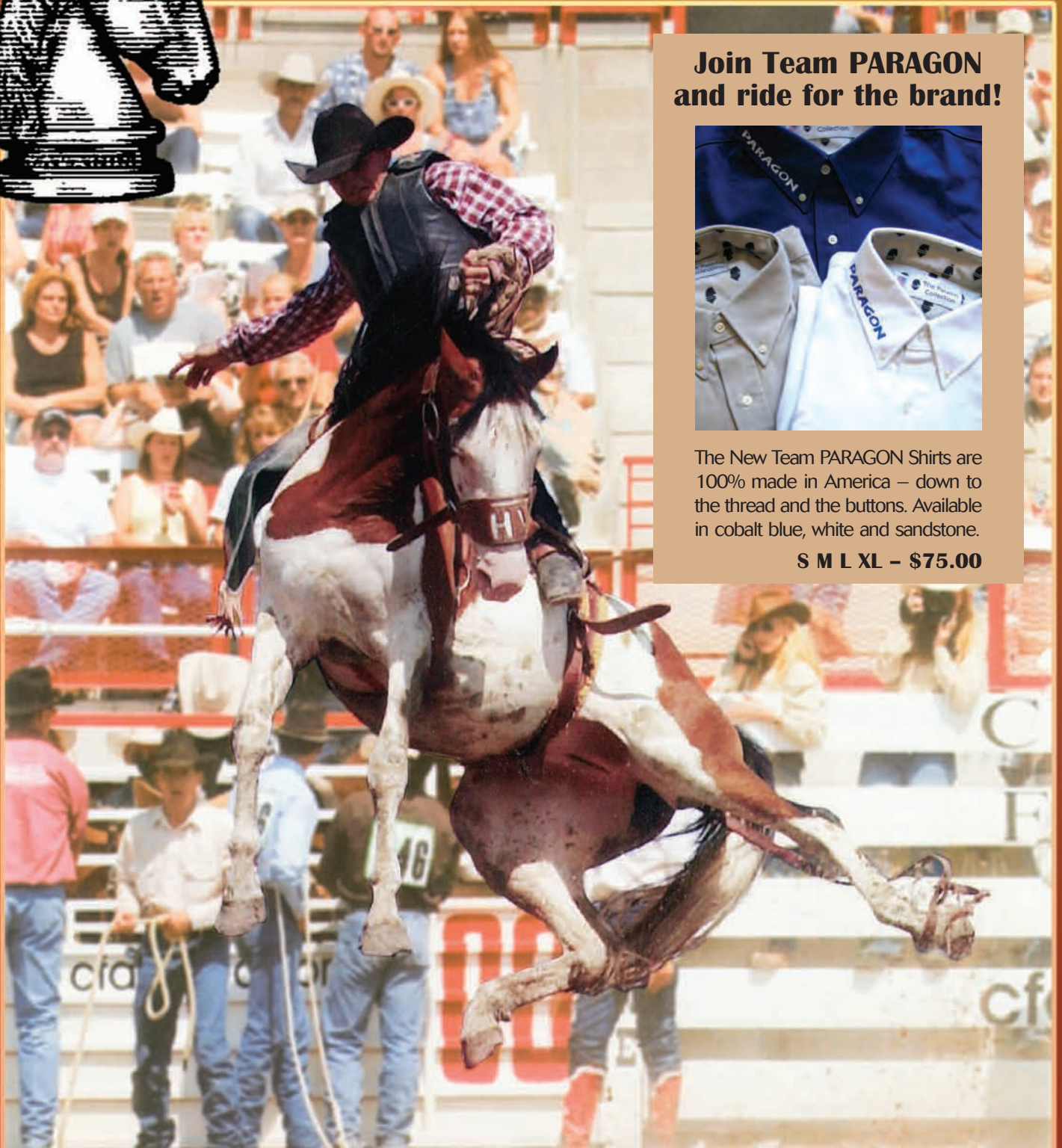


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