



Written by [John F. McManus](#) on January 12, 2016

Standoff in Oregon Centers on Land Ownership and Control

Understanding the resistance to federal agencies currently shown in headlines and newscasts nationwide should begin with a reading of the U.S. Constitution. A good look at the venerable document will lead to the conclusion that the federal government's numerous bureaus and agencies are illicitly controlling vast parcels of land, mostly in the 12 western states. They are doing so without constitutional authority. The amount of federal land holdings in 12 western states adds up to 47 percent of their total area. Federal control over parcels of land in the eastern states exists as well, although ownership in the east is not nearly as widespread. In states east of the Mississippi River, the federal government possesses only four percent of the land.



Today, vast swaths of western land are under the control of the Bureau of Land Management (BLM), the National Park Service, the Forest Service, and the Fish and Wildlife Service. In these federally dominated areas, ranchers have traditionally been permitted, after paying a fee, to lead their cattle to grazing areas. But permission to do so has always been arbitrary and subject to suspension at any time. After many years of sending their cattle to graze on federal lands, Nevada's Bundy family faced not only cancellation of grazing permission but also the taking of their cattle by federal authorities. This led to a headline-grabbing confrontation in 2014. BLM personnel eventually backed off and Bundy-owned cattle are again grazing on the BLM land.

Currently, the situation in Oregon involves the Hammond family ranchers who claim BLM agents are unjustly harassing them. Their problems began in 2005 when they set what is called a "backfire" to protect their home and buildings from an advancing out-of-control blaze started by lightning. Their action succeeded when the two fires met and each petered out for lack of burnable material. Two members of the Hammond family were nevertheless prosecuted and convicted of eco-terrorism and sent to prison.

The new Oregon confrontation includes local individuals plus similarly fed up ranchers, loggers and farmers from surrounding states. Nevadan [Ammon Bundy traveled to Oregon](#) to support to the Hammonds and has become the spokesman for the previously unorganized group. The protesters have seized control of a structure owned by the federal government in the Malheur National Wildlife Refuge, close to the Hammond property. They intend to stay there until the BLM leaves and lets the people use the land as they once did. How this confrontation will end isn't known.

Ammon Bundy has told reporters that the region, like others in surrounding states, suffers from



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economic decline because of federal control of valuable land. In a widely quoted statement, he claimed: “It is our goal to get the logger back to logging, to get the rancher back to ranching, to get the miner back to mining, and the farmer back to farming.” All of the protesters rely on a reading of the U.S. Constitution.

The Constitution’s Article I, Section 8, states that the federal government is awarded jurisdiction over the District of Columbia, and over other lands “for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.” That’s all! Whenever the federal government has a need to take land for such purposes, the Constitution further requires that it be “purchased by the consent of the legislature in which the same shall be.” Huge parcels of western land haven’t been purchased and no consent for their taking has ever been given by the state legislatures.

The confrontation in Oregon has potential for stimulating similar action throughout the west. There are many increasingly irate citizens whose main issue isn’t grazing on federally owned lands or wisely setting a fire to protect property. Their issue is control and ownership of land, one of the fundamental rights enjoyed by a free people.

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