



## Bureaucrats “Giddy” With “Newly Minted Power”

Black-clad federal SWAT teams could soon be descending upon your farm, ranch, home, school, or place of business. Case in point: Iowa farms. On November 29, 2012, Chuck Gipp, director of the Iowa Department of Natural Resources (DNR), told a budget committee his department needed \$1.3 million for hiring 11 new agents to inspect the state’s livestock facilities, pursuant to federal regulations. The federal Environmental Protection Agency (EPA) had given the Iowa DNR 60 days to implement EPA-ordered inspections. EPA is threatening to take over enforcement if Iowa does not satisfactorily comply with its edicts in the time allotted.



“EPA has said if we don’t have the staff, they could develop SWAT-like teams to do (inspections) for us,” [Gipp said](#). “We’d prefer, and our people we regulate prefer, to have DNR staff there to get people into attainment.”

Are Iowans so unfamiliar with agriculture that they must be directed by federal bureaucrats in Washington on the proper methods for disposing of common barnyard substances? Are federal SWAT teams really needed to check on local cow pies? The political classes in Washington apparently think so, even though the pioneers and farmers of the Hawkeye State managed to transform the Iowa prairies into the “Food Capital of the World” without the EPA’s tutelage. Like other states in this American Republic, Iowa bears a proud motto: “Our liberties we prize and our rights we will maintain.” The EPA’s threat, along with many other federal mandates bearing down on the states, will test whether any resolve remains behind those fine words.

### Persecuting the People

The threat of invasion by federal SWAT teams to enforce an out-of-control regulatory bureaucracy is not an empty one, as many recent news stories attest. Here are just a few cases:

- On the morning of August 3, 2011, a SWAT-style task force of agents for the federal Food and Drug Administration (FDA), Department of Agriculture, Centers for Disease Control (CDC), and Los Angeles County Sheriff’s Office conducted an [armed raid on Rawesome Foods](#), a buying club for natural foods, including raw milk. James Stewart, the founder of Rawesome Foods, was thrown in jail and the club’s inventory of milk and cheese was destroyed or confiscated. Similar fates were meted out to Amish farmers in Indiana and Pennsylvania, and to food co-op members in Michigan.
- On May 2, 2012, two EPA agents and an armed police officer showed up unannounced at the front door of Larry Keller’s home in Asheville, North Carolina. “The agents presented very official looking badges and asked if we could sit and chat awhile,” [Keller recounted](#). “We moved to the back porch and took our seats with the exception of the armed officer who stood by the door to the house the entire time.” They were paying him a visit because a couple of weeks previously he had sent a one-sentence e-



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mail to the EPA asking how to contact EPA Regional Administrator Al Armendariz (photo above). Like tens of thousands of other Americans, including congressmen and even the liberal-left Washington Post, Keller was upset by Armendariz's notorious boast about using the EPA's regulatory powers to "crucify" the oil and gas industry. Keller wanted to exercise his right under the First Amendment to tell Armendariz he didn't appreciate his despotic views. The agency responded by trying to intimidate him. As it turned out, the negative reaction to Armendariz's statement was so widespread that he was forced to resign from the EPA shortly thereafter.

- At 6:00 a.m. on June 7, 2011, Kenneth Wright was awakened by a federal SWAT team from the Office of Inspector General (OIG) of the U.S. Department of Education, accompanied by local police, breaking down the front door of his home in Stockton, California. Wright, who has no criminal history, said he was coming downstairs in his boxer shorts when an officer grabbed him by the neck and led him outside on his front lawn. "He had his knee on my back and I had no idea why they were there," [Wright recounted](#). The federal agents also woke his three young children, ages three, seven, and 11, and put them in a Stockton police patrol car with him, while they searched his house. "They put me in handcuffs in that hot patrol car for six hours, traumatizing my kids," Wright told a local news station. It was reported that the paramilitary-style raid had been ordered due to defaulted student loans of Wright's estranged wife, who, incidentally, no longer lived at the Wrights' residence and was not there at the time of the raid.

- In 1996, a federal SWAT team consisting of almost two dozen armed agents from the EPA, FBI, and other agencies, with M-16 rifles and police dogs, raided Canal Refining Co. in Church Point, Louisiana. According to the Washington Legal Foundation (WLF), the [EPA falsely accused Hubert P. Vidrine, Jr.](#), the plant manager, of storing hazardous waste and lying about it; prevented employees from using the restrooms for several hours; prevented those same employees from calling their homes and daycare centers to make plans to have children picked up; falsely told the employees that Vidrine had been poisoning them and giving them cancer; and threatened them with imprisonment if they did not provide damaging evidence against Vidrine. Seven years later, on September 17, 2003, on the eve of trial, federal prosecutors filed a motion to dismiss the indictment against Vidrine. The charges were dropped, but Vidrine's name had been dragged through the mud, and he had been forced to spend \$180,000, his entire retirement savings, to defend against the bogus charges. With legal help from the WLF, Vidrine sued the federal government for malicious prosecution and other abuses. In November 2011, U.S. District Judge Rebecca Doherty awarded Vidrine \$1.677 million in damages, including the costs of his criminal defense, lost income, and loss of earning capacity. Judge Doherty determined that the government had never possessed even "probable cause" to charge Vidrine with a crime. The judge also charged that Keith Phillips, the EPA agent who headed the government's case, was "giddy" with "newly minted power" and had "set out with ... reckless disregard for the processes and power which had been bestowed on him, to effectively destroy another man's life."

- In 1978, Wayne and Jean Hage purchased the huge Pine Creek Ranch in Nevada's arid Nye County. A few months later they were visited by agents of the National Park Service, who wanted the Hages to sell the ranch to the Park Service for about half of what they had just paid. When the Hages refused to sell, the harassment began. The U.S. Forest Service and Bureau of Land Management started sending threatening letters, then citations and fines, falsely accusing them of trespass and attempting to provoke the Hages to a physical confrontation. Some 30 Forest Service riders, armed with semi-automatic weapons and bulletproof vests, descended on Hage's ranch and took his cattle at gun point. The Hages sued for these and other criminal acts, but the harassment continued year after year as their



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cases wound through the legal system. Even after the Hages won court judgments, the government appealed and continued the abuses. In June and August of this year, Judge Robert C. Jones, chief judge of the United States District Court of Nevada, issued a stinging condemnation of the “abhorrent” actions of federal agencies in the Hage case and recommended criminal prosecution of USFS and BLM officials under RICO, the federal racketeering law. Judge Jones found “the government and the agents of the government ... entered into a conspiracy, a literal, intentional conspiracy, to deprive the Hages of not only their permit grazing rights ... but also to deprive them of their vested property rights under the takings clause.” The federal bureaucrats had used illegal means in an attempt “to kill the business of Mr. Hage,” said the judge. Judge Jones’ opinion, more than 30 years after the harassment began, was a welcome vindication for the Hage family. However, it came too late for Wayne and Jean Hage, both of whom had already passed away.

- On August 24, 2011, armed agents of the U.S. Fish and Wildlife Service raided the manufacturing facilities of the Gibson Guitar company in Nashville and Memphis, Tennessee. Initial reports stated that Gibson was being charged with illegal importation of rare and endangered wood for frets on its world-renowned guitars. “At issue,” reported Reason.com “is not whether the wood in question was endangered, but whether the wood was the correct level of thickness and finish before being exported from India.” “India is wanting to ensure that raw wood is not exported without some labor content from India,” said Gibson CEO Henry Juskiewicz. The company protested that it had made good faith efforts to comply with arcane and confusing regulations and vowed to fight the charges. “Gibson is innocent and will fight to protect its rights,” Juskiewicz said. “Gibson has complied with foreign laws and believes it is innocent of any wrong doing. We will fight aggressively to prove our innocence.” However, on August 6, 2012, Gibson settled out of court and agreed to pay a \$300,000 penalty, forfeit claims to about \$262,000 worth of wood seized by federal agents and contribute \$50,000 to the National Fish and Wildlife Foundation to promote the conservation of protected tree species. “We felt compelled to settle as the costs of proving our case at trial would have cost millions of dollars and taken a very long time to resolve,” [Juskiewicz said](#) in a press statement, adding, “This allows us to get back to the business of making guitars.”

### **Realism and Retribution**

Sadly, for every victim of regulatory oppression like Hubert Vidrine or Wayne Hage who fights the federal regulatory leviathan and ultimately wins, there are many more who fail, or who, like Gibson Guitar, count the costs and decide it is not worth the time, irritation, and financial commitment to “buck the system.” More’s the pity, since tyranny thrives when the will to resist fails.

*Photo of former Obama EPA Regional Administrator Al Armendaritz: AP Images*

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