



Written by [Steve Byas](#) on February 14, 2017

BLM Agent in Bundy Case Accused of Misconduct

Federal Judge Gloria Navarro has denied motions to dismiss charges against 17 defendants in the Bundy Ranch standoff trials, but she has ordered prosecutors to turn over an investigative report that could severely damage the government's case.

"The OIG (Office of the Inspector General in the Department of the Interior) Report details several violations of federal ethics regulations, misuse of government property, misuse of a government position, and 'a lack of candor when interviewed,'" Navarro wrote in a ruling this past week. "At a minimum, [defendants] may use this alleged misconduct on cross-examination to impeach [the agent]."



Las Vegas attorney Bret Whipple represents cattle rancher Clive Bundy in the case. He charged that Daniel Love (shown), an agent prominent in the Bundy case, is the same agent mentioned in the report. "I'm sure it is him," Whipple said late last week. "If it is Dan Love.... He is the primary figure in the government's case. He put together the plan."

Whipple added that the report indicates that Love has no regard for the rule of law. Federal investigators claim that the agent, widely believed to be Love, wrongly used his influence as a federal agent with the BLM to gain benefits at Burning Man (a popular annual event, which draws thousands of attendees), and then intimidated other BLM staff to keep quiet about his misconduct.

Burning Man, held in the Black Rock Desert in northern Nevada, celebrates art, among other things. The highlight is the burning of an effigy — thus Burning Man.

Nevada Assembly Woman Michele Fiore said of BLM agent Love: "Scoring a few tickets and having sex with his girlfriend in a BLM trailer at Burning Man is the least of his offenses. This man is the same guy who threatened to use lethal force against American citizens and elected officials — myself included — during the protest at Bundy Ranch. ... This guy actually disobeyed the direct order of our state attorney general and beat people up and arrested them when he had no authority to do so.... At this point I think the right thing to do in this situation is, to let our men who have been wrongfully accused of threatening the BLM, out of jail and put Daniel P. Love, the real criminal, in jail for a very, very long time."

According to the inspector general's report, the BLM agent, which Bundy's lawyer insists is Love, was supposedly on duty for 24 hours of official work, for three consecutive days, but was also in attendance at the Burning Man event. Investigators claim that the agent intimidated co-workers to not cooperate with investigators, coaching them to say, "I don't recall" when asked questions.

One co-worker claimed that the agent said, "You know, if you don't side with me, grenades are going to go off and you'll get hit."

Michael Richardson, a spokesman for the BLM, stated, "The Bureau of Land Management takes



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allegations of misconduct seriously. These types of allegations do not align with our mission or the professionalism and dedication of our 10,000 employees doing essential work for America's public lands each and every day."

Sarah Gordon, an associate professor of law at the University of Nevada, Las Vegas, opined that Love's behavior will certainly impact the outcome of the case. "This stuff," she said, "suggests that he's willing to cheat and lie for his job." While she does not think it "kills" the case for the federal government, it certainly makes it much more difficult. "Anytime a witness is on the stand," she noted, "you can cross-examine them and ... try to impeach him. They can ask him about things that [could] show that he's dishonest."

There are 17 defendants in the case in which the government has charged multiple offenses, including conspiracy and obstruction of justice.

Clive Bundy's multi-year feud with the federal government in a dispute over grazing lands on federal land ended in the famous 2014 standoff. Beginning in the 1990s, Bundy refused to pay the BLM for his cattle grazing on "public lands" near his ranch in Bunkerville, Nevada, located about 80 miles north of Las Vegas. The BLM ordered Bundy to remove his cattle, finally winning a court order in 2014 to seize the rancher's cattle as payment for more than a million dollars in back fees.

Love led BLM agents in rounding up 1,000 head of Bundy's cattle. Bundy reacted by using social media to ask for help to defend his land rights against the federal government. Several militia groups, bearing rifles and handguns, showed up from several western states, including Arizona, Idaho, Montana, and Nevada. After a six-day standoff, BLM withdrew from the area, arresting no one.

Bundy continued to use the public land to graze his cattle.

This was followed by a siege on the Malheur National Wildlife Refuge in Oregon in 2016 by Bundy's sons, Ammon and Ryan. Arizona rancher LaVoy Finicum was killed in the confrontation, and the government made several arrests. However, a federal jury acquitted Ryan and Ammon Bundy, along with five other defendants.

While Clive Bundy was not involved in the Oregon episode, he was arrested for the 2014 incident in Nevada, when he went to visit his sons. Fourteen others were also charged in that standoff, and all are being held without bail in Nevada.

While the alleged misconduct of Dan Love may result in more not guilty verdicts, there are deeper issues at play, largely ignored by the major media.

Article I, Section 8 of the U.S. Constitution limits the ownership of land by the federal government. Congress is given power to obtain ownership of land outside of the federal district in Washington, D.C., but only for the purposes of "forts, magazines, arsenals, dock-yards, and other needful buildings." But, to do this, the Constitution requires the Congress obtain a "cession" from states, with the "consent of the Legislature of the State in which the same shall be."

While this was generally the case with the original 13 states, and the states admitted into the Union in the early years of the federal republic, states added later, mostly west of the Mississippi River, have seen large amounts of their land retained by the federal government, in violation of this provision of the Constitution.

States were to be admitted on an "equal footing" with the original 13 states, meaning the full sovereignty of their lands as provided in the Constitution. Sadly, the federal government acts as a



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distant landlord, holding up to 90 percent of the land in the western states.

Even before the adoption of the Constitution in 1789, the Congress operating under the Articles of Confederation provided for land to be transferred to states and individuals as quickly as possible with the Northwest Ordinance of 1787. Under its provisions, states created out of that land found north of the Ohio River, east of the Mississippi River, and west of the Appalachian Mountains were to enter the Union as equals.

So, the land policy of the U.S. government, with the Bureau of Land Management, violates two cardinal principles of our federal republic: the sovereignty of the states, and the private ownership of property. In the case of Clive Bundy, he has said he would be willing to pay grazing fees to the state and local government, but he rejects the notion that the federal government has any right to own land (except for the narrow purposes found in the Constitution).

States have not “consented” to this violation of their sovereignty — a policy largely begun at the instigation of President Theodore Roosevelt, and continued to the present day.

President Barack Obama, for example, used the “Antiquities Act” to issue executive orders to seize millions of acres of land in several western states. The Obama White House justified this action by asserting, “In addition to permanently protecting incredible natural resources, wildlife habitat and unique historic and cultural sites, and providing recreational opportunities for a burgeoning region, the monuments will support climate resiliency in the region.” This executive order will place these areas “off-limits” not only to economic activities such as mining, oil and gas exploration, grazing, and timber harvest — but also recreational uses such as camping, hiking, hunting, fishing, horseback riding, and off-road vehicle usage that the public has enjoyed for years.

When Congress adopted the Northwest Ordinance of 1787, they made a conscious decision that the United States of America, begun as colonies of the British Empire, would not have colonies of its own. Yet, today we have a situation in which western states do exist in a semi-colonial status.

It is to be hoped that the Bundys and the others being prosecuted — one might even argue, persecuted — by the federal government are found not guilty in court. Agent Love’s alleged misconduct increases the chances of an acquittal. But Americans should not be content until the federal government and its agents respect and follow the Constitution of the United States, which, after all, they are pledged to uphold.

This would require the federal government give up its lands and turn them over to the states and their citizens.

Photo of Daniel Love: AP Images



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