

THE DEWEESE REPORT

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OPPORTUNITY

By Tom DeWeese

There is no question that election day, 2008 was a dismal one for those who believe in limited government, free enterprise and individual liberty – the principles of freedom upon which this nation was founded. There is carnage on the battlefield; despair in our hearts; and fear for our future. What does the future hold? Where do we go from here? Can we survive?

Well, call me Pollyanna, but I see opportunity – lots of it. The fact is the American electorate did not reject the principles of freedom as they elected Barack Obama. They rejected the failed policies of George W. Bush. Period. The issues of limited government, free enterprise, and individual liberty

weren't on the table. Neither McCain nor Obama mentioned them.

Barack Obama ran a brilliant campaign. He used the word “change” and that word means many things to many people. There is one solid truth in the election results. The American people wanted change. The big question is whether average Americans and Barack Obama mean the same thing when they say “Change.” I think not.

I do not believe that the American people rejected the principles of freedom in exchange for the change Obama is prepared to give them. Americans rejected the cost and pain of endless wars and a world that has come to hate us for it. They rejected an economy that collapsed on their heads. They rejected \$4.00 per gallon at the gas pump. They rejected open borders for illegals. They rejected the massive spending and intrusive government brought on by Republican rule. They rejected polices that have created a nation of fear with our personal privacy open to government surveillance. They rejected a failing medical system of skyrocketing costs and reduced level of care. And they rejected gross bailouts for the guilty. In short, Americans rejected George W. Bush and all the big government he stood for.

According to a post-election analysis from the National Taxpayers Union

(NTU), “voters chose prudent stability – not radical change – when it came to matters affecting their pocketbooks.” Financial security was a big issue. “In most ballot measure contests, Americans rejected higher taxes, opted to keep existing tax limits in place, and imposed accountability measures on elected officials. Furthermore, in Congressional races there may be less evidence of a stampede toward bigger government than many pundits would have us believe,” said NTU spokesman Pete Sepp. The same trends were found in State and local issues as voters showed no support for a wave of new tax and spend policies.

It is clear, Barack Obama and his fellow Democrats did not get a mandate to impose Socialism on America. And that gives those of us who advocate limited government opportunity to hold the line and even make progress in the fight for freedom. While being ignored and marginalized by the Bush Administration for eight years, we have the real answers to the crisis now facing the new Obama Administration. We have nothing to be ashamed of. No reason to hang our heads. The greatest threat we face is our natural masochistic tendency to take the blame for something we didn't do.

Barack Obama won, and he did it with an arrogance that assures Americans he has the answers to fix the country. The mess of America is now his mess. Of

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course he will fail because his polices are the same big government intrusions that brought us to disaster in the first place. And the blame will shift to him. In four years it will be Obama's failed economy; Obama's misery on society; Perhaps "Obamavilles?" At the very least Barack Obama is a Socialist. American is not.

And that's exactly why the opportunity to expand the cause of freedom and succeed is ours for the taking. Our assets are huge. First we have the new, energized legions of Ron Paul's revolution chomping at the bit to get in the fight, many who have never before been involved in the political process. We have the massive forces of Americans who stood up and fought illegal immigration amnesty. A full 80% of the American people opposed that legislation and still do. In addition, a vast, angry majority of Americans opposed the bailout of Wall Street, and still do. As the crisis deepens they are becoming increasingly angry at politicians – including Barack Obama – who voted for it against their wishes. Gun advocates are on alert and ready to charge. Abortion opponents are as well. Even business, not always an ally of limited government, understands the stakes and may well become a valuable force against socialist-driven regulation policies.

The greatest obstacle we face may be the increased Democrat majority in Congress. Yet, here too, the threat may be overblown. We must not forget that a full 30% of Democrats in the House voted with us to stop some very dangerous global warming legislation based on the UN's Kyoto Accord. That legislation was introduced by Democrat Barbra Boxer and supported by Democrat House Speaker Nancy Pelosi. But they couldn't get it passed, even with all that firepower. Nor did all the Democrats support illegal amnesty legislation.

Just because someone like Obama is elected does not mean his agenda is a done deal. We do not live in a vacuum. Actions are more important than words. No politician, not even Barack Obama, is going to take actions that will endanger their position. Politicians hate defeat. No matter how much they want

to move forward, they will back off in the face of major opposition. The illegal amnesty legislation is the prime example. And had there been more time in the bailout debate, we would have won that battle too. Our job is to build that opposition, again and again.

However, our forces must be very careful to not just focus on Congress and the White House. That has been our mistake throughout recent history. In so doing, we have taken our eyes off the long-term strategy – local organization.

First, now that George Bush is gone and John McCain lost, we have a real opportunity to fix the Republican Party, just as Ron Paul has advocated. Had McCain won, the neocons would have been even more solidly entrenched and the Republican Party would have continued to be the party of big government, globalism, public/private partnership monopolies, and endless wars for democracy. Republics don't do that.

Local activists fighting in the trenches must have much more influence on the Party. The old order leadership and politicians who present fuzzy or wrong policy must be replaced. We must present an agenda that doesn't leave any doubt as to where we stand. Our troops must take over local leadership, run for office on the local level, from dogcatcher to county commissioner. To accomplish that means we must also become precinct captains and ward leaders. We must be in positions to decide who the candidates will be. That can only be accomplished if we can also guarantee successful get out the vote drives. That can only be done through effective local organizations.

Our Republic was created to give local government more power than Washington and so our revolution must begin in the communities. We must be driven to succeed. That is exactly what the Democrats did. After losing control of the Congress for the first time in 50 years in the 1990s, and seeing the election literally taken from them in 2000, Democrats thrived on an anger and determination that simply could not be stopped this year. The attitude was aptly

THE DEWEESE REPORT

Vol. 14, No. 12 December 2008

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ISSN 1086-7937
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summed up by comedian Jimmy Kimmel in a headline on the cover of a magazine last month when he said, "Come on, vote Obama and finish this." It was destiny. The Democrats practically willed it so. So must we. It starts at the local level with local involvement as preparation for the national elections. Our lack of attention for local involvement must change.

A major reform that must be made before the next election is the Republican primary system. The winner-take-all format is the reason John McCain won. He simply won a few primaries by very thin margins. But no other candidate got any delegates from their votes they received, no matter how close the tally. McCain took them all. That was the reason for Romney's sudden and unexpected early departure from the race. It was the reason Ron Paul could have no impact on the Republican National Convention. The Democrats have no such system. They give each candidate the percentage they earned in the vote. That is the reason Hillary Clinton could hang in there until the end, almost stopping Obama in a last minute surge. Had she desired, there could have been a heck of an old-fashioned floor fight at the Democratic convention because she had the delegates to wage it. The winner-take-all Republican primary system must be changed.

As many are helping to reform the Republican Party, third parties must take the same steps to organize on the local level. Again, they spend all of their effort running candidates for president, while making little effort to elect local candidates. Then, when the national election comes around, they begin to prepare about four months in advance, trying to organize, recruit workers, or even get on the ballot. It's much too late at that point. It must be done now. And it does not dilute the pot to have strong third party candidates running against Republican (Cont'd on Page 4)



RESISTANCE TO REASON
REVEALING FACTS OF THOSE WHO HAVE DECLARED WAR ON LOGIC

RECIPE FOR DISASTER: Get Ready for the Energy Meltdown

Almost 50 % of our nation's energy comes from coal. Barack Obama, pandering to radical environmentalists intends to handcuff the nation to "alternative" sources of energy. They don't exist today in a usable form, but that doesn't matter. Political correctness to deal with global warming (which is now basically proven to be natural, not man-made and therefore not fixable by man) will drive Obama's energy policy.

Obviously Obama believes it's perfectly natural and acceptable for government to destroy industry for political whims and bad science and pandering. After all, government learned all its skills dealing with the tobacco industry.

Get ready for much more than \$4.00 per gallon at the pumps.

"Let me sort of describe my overall policy. What I've said is that we would put a cap and trade system in place that is as aggressive, if not more aggressive, than anybody else's out there.

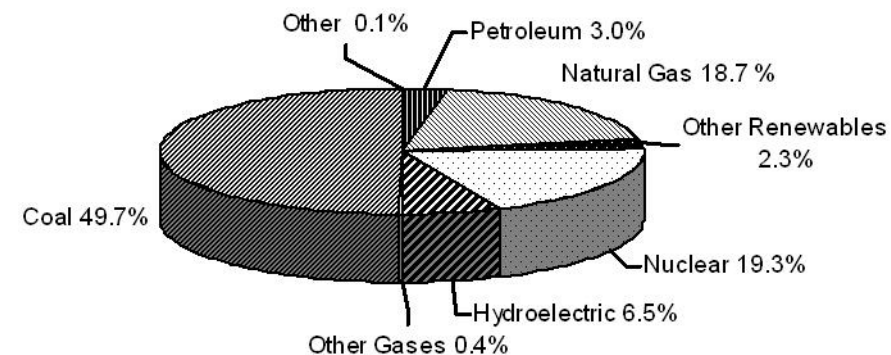
I was the first to call for a 100% auction on the cap and trade system, which means that every unit of carbon or greenhouse gases emitted would be charged to the polluter. That will create a market in which whatever technologies are out there that are being presented, whatever power plants that are being built, that they would have to meet the rigors of that market and the ratcheted down caps that are being placed, imposed every year.

So if somebody wants to build a coal-powered plant, they can; it's just that it will bankrupt them because they're going to be charged a huge sum for all that greenhouse gas that's being emitted.

That will also generate billions of dollars that we can invest in solar, wind, biodiesel and other alternative energy approaches.

The only thing I've said with respect to coal, I haven't been some coal booster. What I have said is that for us to take coal off the table as a (sic) ideological matter as opposed to saying if technology allows us to use coal in a clean way, we should pursue it."

----- Barack Obama, January 17, 2008
interview with the San Francisco Chronicle



OPPORTUNITY.... (Cont'd from pg 4) candidates. It drives the debate. And wouldn't it be great to have two or three candidates advocating limited government and lower taxes. Imagine what that would do to the Democrat's campaign message. In fact, there is a growing crop of conservative Democrats popping up across the nation. It wouldn't hurt to get involved and help them.

Local activism should also focus on obtaining statewide ballot status for "None-of-the-above" as a means to officially reject bad candidates. I have written extensively on this issue and it should be seriously considered as an organizing theme over the next several years.

Finally, we must learn to frame our message differently to appeal to a broader audience. I am not saying we must compromise any of our principles – I'm suggesting that we put it in new packaging that the average American can understand. Most Americans have little knowledge of what our Founding Fathers stood for or of the difference between a Republic and Democracy. We have to find a new way to say it.

It may surprise many Conservatives to know that most Americans don't really know the difference between a liberal and a conservative. They make pick the label and vote Democrat because they learned it in school. Today's classrooms are little more than liberal factories, teaching only that Conservatives are mean and nasty people who want to pull the bread out of the mouths of babies.

Most Americans are honest, compassionate people who want to help the downtrodden and do some good in the world. They also have homes, families and jobs and they want them to be secure. How they vote becomes a matter of perception. A problem exists and Americans want it solved. Liberal politicians use a few words in a sound bite to proclaim "fix it now!" Conservatives spend ten minutes explaining the economic fallacies of the liberal's

solution. Who are they going to listen to?

The fact of the matter is, as we well know, liberal solutions actually cause more pain and misery in the long run. America's standard of living is being reduced as government control of the economy tightens. Government health care intervention is actually the cause of rising costs and diminished quality of care. We know full well that government intervention as a solution actually creates massive problems, only to have more liberal solutions imposed to fix the problems they created. Massive government bureaucracies expand to more spending, higher taxes and very little progress in fixing the original problem. But you can't say all of that in a sound bite.

Another lesson I've learned from talking with liberal friends is that they speak in terms of programs, while we pontificate in terms of philosophy. Their's is just a matter-of-fact outlook with the attitude of "Well, let's solve this problem." Conservatives run from government like the plague, shouting something about Jefferson as we flee. We leave the battle ground to the liberals, spawning yet more programs.

We need to change how we present our ideas. Liberals talk of compassion while actually imposing damaging policies that take away hard-earned income, while placing the poor in group categories, robbing them of their individuality. Yet, they get away with it because they have "compassion."

Our ideas have true compassion, advocating that everyone has equal opportunity to achieve their own for prosperity, hopes and dreams. We need to say that, but we must express our concern in terms of compassion. For example, recently I was discussing the Trans Texas Corridor (TTC) with a liberal friend. She had actually worked on a "program" dealing with transportation in which she encountered pieces and parts of the TTC. I mentioned the growing opposition to the

corridor and she asked if the opposition was a result of some mismanagement she had encountered when working on the project. No, I explained, people are about to lose their homes through eminent domain just for the benefit of big corporations. She then understood our opposition immediately. It would have done no good to discuss the violations of our national sovereignty or the encroachment of government where it didn't belong. But she understood the plight of the "victims." Oh, she said, someone must do something to help them! Compassion.

Such is the way we need to sell our solutions to the average, perhaps self-described liberal American. We must condemn government redistribution programs in terms of compassion for the poor. Such programs are robbing them of their dignity, forcing them into life-long bread lines. Instead we must explain how to provide opportunity for them to build a life of their own. That solution of course, is private property ownership. It's not just a rich man's "capitalist" solution to line his own pockets – but one of compassion for the victims – a way for them to achieve hopes and dreams. It worked for me during my debate at Cambridge speaking to a sea of students educated on liberal claptrap.

The point is this. Today is not the time for despair or defeatism. We are free of the chains of the defeated, discredited neocons and their global agenda. Americans rejected it. But they have not rejected ours. Now we are free to finally restore our Republic, if, as Ben Franklin admonished, we can keep it. I would clarify to say, if we want to keep it, it's ours.

Today, while Obama and his ilk celebrate their victory, believing they are on the verge of "shaping a generation of globally-conscious leaders," actually they are about to show the nation such blather doesn't work. It's on their shoulders now and it's the beginning of their end. It's the beginning of our opportunity.



ABSOLUTES....!

Obama Wants a Climate Czar... but Al Gore has No Consensus

By Tom DeWeese

Former Vice President Al Gore had quite a year. He produced an Oscar-winning film warning of the coming global warming Armageddon. The film and his activism led to a Nobel Prize. Flush from those victories, Gore "took the Hill," as he testified before a hushed hearing room in his old Senate haunt, predicting more dire consequences if global warming isn't stopped. All of that was followed by mass rallies across the nation, with energized college students; editorials and magazine covers, and even legislation in Congress to curtail the use of carbon fuels. Gore concluded his triumphant moment in the spotlight with a major address in Washington on July 17, 2008, in which he boldly laid out his plan for a "wrenching transformation" of society he deemed necessary for man to survive.

That was the highlight of his life and probably his last hurrah, because ever since, an inconvenient truth found in science is showing (as I've reported over and over on these pages) that global warming is not man-made. In addition, scientists are finding more global cooling than heating – and that too is not man-made. To add insult to injury for poor Al, the legislation in Congress was defeated with the help of 30% of Democrats. Now scientists around the world have begun to speak out against Gore's zealotry. In short, Al has no scientific consensus.

In his dramatic road show, Gore warns, "The leading experts predict that we have less than 10 years to make dramatic changes on our global warming pollution lest we lose our ability to ever recover from this environmental crisis." Of course, Gore has been warning of a "10 year tipping point" for several years.

In fact, the UN started to warn of a 10-year countdown in 1989. That's when the United Nations Environment Program (UNEP) warned that entire nations could be wiped off the face of the Earth by rising sea levels if the global warming trend was not reversed by the year 2000. Coastal flooding and crop failures would create an exodus of "eco-refugees," threatening political chaos.

Twenty years later – and as Al continues to issue the same tired warning, there has been no chaos, no flooding and no eco-refugees. However, what has occurred is an outpouring of dissent against the theory of human caused global warming fears.

Here is just a sample of the headlines in the global warming story in 2008:

- **RUSSIAN SCIENTISTS CHALLENGE CLIMATE CHANGE CONSENSUS - Russian scientists 'reject the very idea that carbon dioxide may be responsible for global warming' - The Hindu – India's National Newspaper: July 10, 2008:**
- **'Considerable presence' of global warming skeptics exist, science group admits – July 16, 2008 – Australian Herald**
- **India Issues Report Challenging Global Warming Fears – July 9, 2008**
- **Team of 13 International Scientists Write Letter To UN Sec. Gen. – IPCC 'Must be called to account and cease its deceptive practices' - 14th of July, 2008)**
- **Australian scientist reverses view on man-made warming! Now says 'new evidence has seriously weakened' the case - (By Mathematician, Rocket Scientist & Engineer Dr. David Evans, who did carbon accounting for the Australian Government) – July 18, 2008)**
- **Nobel Prize Winner for Physics Declares Himself Dissenter 'I am a skeptic' – July 2, 2008**
- **Top UN IPCC Japanese Scientist Turns on IPCC. Calls Warming Fears: 'Worst scientific scandal in the history' – June 27, 2008 - By Dr. Kiminori Itoh, an award-winning PhD** (Cont'd on Page 8)

...THESE THINGS REALLY ARE HAPPENING!

GLOBAL WARMING.... (Cont'd from pg 12) environmental physical chemist who specializes in optical waveguide spectroscopy from the Yokohama National University, also contributed to the 2007 UN IPCC AR4 (fourth assessment report) as an expert reviewer.)

- **New scientific paper shows CO2's effect on temperature was overstated 500-2000% - Published in Physics and Society journal of the American Physical Society – July 2008)**
- **Atmospheric Scientist Dr. Roy Spencer, formerly of NASA, presented 'smoking gun' analysis showing UN IPCC models ,significantly overstated climate sensitivity to human climate forcings' - June 17, 2008**
- **Arctic ice INCREASES by nearly a half million square miles over this time last year - July 18, 2008**
- **New Study Exposes UN IPCC as 'single-interest organization' with echo chamber process – July 15, 2008 – By Climate data analyst John McLean**
- **Atmospheric Physicist James Peden Dissents from man-made CO2 Fears – 'The so-called Greenhouse Effect is a Myth' – Peden is formerly of the Space Research and Coordination Center in Pittsburgh and Extranuclear Laboratories in Blawnox, Pennsylvania, studying ion-molecule reactions in the upper atmosphere.)**
- **South African Scientist: 'There is no evidence man-made CO2 causes climate change' – By Dr. Kelvin Kemm, formerly a scientist at South Africa's Atomic Energy Corporation.**
- **Climatologist dismisses extreme weather predictions due to man-made warming as 'complete nonsense' – Climatologist Stewart Franks**
- **Another Scientist Smacks Down Fear Mongers: Midwest Floods and 'Completely Unjustified' Climate Change Fear Mongering – June 22, 2008 - By Mike Smith is a certified consulting meteorologist and a Fellow of the American Meteorological Society He is CEO of WeatherData Services, Inc., an AccuWeather Company, based in Wichita.**
- **Another scientist Dissents: MIT's Rose: Cooler heads needed in global warming debate (By Robert Rose is a professor of Materials Science and Engineering at MIT with approximately 50 years of experience teaching various scientific disciplines at the graduate and undergraduate levels)**
- **Veteran UN Climate Scientist Resigns Science Group in Protest: "AN ORCHESTRATED LITANY OF LIES" By UN IPCC Chemist Dr. Vincent Gray**
- **Prominent scientist refutes his own theory, finds warming does not increase hurricanes – July 15, 2008 - Dr. Kerry Emanuel, an MIT professor of atmospheric science**
- **Another prominent hurricane expert reconsiders view: New study says global warming not worsening hurricanes – May 19, 2008 - By Meteorologist Tom Knutson of the National Oceanic and Atmospheric Administration's fluid dynamics lab in Princeton, N.J.**
- **Arctic ice has actually increased by nearly a half million square miles over this time last year- July 18, 2008**
- **Earth's 'Fever' Breaks: Global COOLING Currently Under Way**
- **UK Scientist Calls Man-Made Warming Fears 'Dangerous Nonsense of the Age' – July 17, 2008 - By Biogeography Professor Philip Stott, emeritus of the University of London**

- **Oceans Cooling! Scientists puzzled by "mystery of global warming's missing heat"- Marc 19, 2008**
- **Climatologist Dr. Roy Spencer, formerly of NASA, found not one peer-reviewed paper has 'ruled out a natural cause for most of our recent warmth' – March 20, 2008**
- **UN IPCC in 'Panic Mode' as Earth Fails to Warm, Scientist says – March 25, 2008**
- **Scientists find dust free atmosphere may be responsible for up to .36 F rise in global temps – March 3, 2008**
- **Analysis in peer-reviewed journal finds cold periods – not warm periods – see increase in floods, droughts, storms, famine – April 24, 2008**
- **MIT Climate Scientist Dr. Richard Lindzen's March 2008 presentation of data from the Hadley Centre of the UK Met Office found the Earth has had "no statistically significant warming since 1995."**
- **An International team of scientists released a March 2008 report to counter UN IPCC, declaring: "Nature, Not Human Activity, Rules the Climate"**
- **Emitting MORE CO2 may 'be good for life on Earth', says climatologist Dr. Roy Spencer, formerly of NASA in May 2008.**
- **New Report finds global sea ice GROWING: 'World sea ice in April 2008 reached levels that were 'unprecedented' for the month of April in over 25 years.'**
- **Former Colorado State Climatologist Pielke Sr. Rails Against 'Abuse of the scientific method' in global warming study**
- **Swedish scientists: 'No concrete global warming proof in polar region' – June 21, 2008**
- **Study: 'Absolutely no evidence of warming for all of Antarctica' – July 1, 2008 – Study conducted by Vesa Laine of the Finnish Meteorological Institute in Helsinki; the work was funded by the Academy of Finland and the Finnish Funding Agency for Technology and Innovation**
- **Flashback: 'Global Warming Will Stop,' New Peer-Reviewed Study Says - Global Warming Takes a Break for Nearly 20 Years?**
- **Cooling Underway: Global Temperature Continues to Drop in May - 'Significantly Colder' - 16-month temperature drop of -0.774°C!**
- **Alaska sees 'longest stretch of no-nineties in the Alaska climate record, since 1904' – June 25, 2008 - By Geophysical Institute, University of Alaska Fairbanks**
- **Peru declares state of emergency due to record-breaking cold spell – 61 children die – June 19, 2008**
- **Meteorologist says Man-Made Global Warming Movement 'Rapidly Running Out of Gas' - In past year (By Meteorologist James Spann) - June 17, 2008**

And yet, Al Gore and his legions continue to pass global warming off as the greatest threat ever to man's survival. Not only have they called for "Nuremburg-type trials to silence skeptics – but even for civil disobedience "to prevent the construction of new coal plants that do not have carbon capture and sequestration."

Why does he continue the campaign in light of so much proof to the contrary? Why does new President Barack Obama want to create a cabinet position for a "Climate Czar" even though there is so much proof that man-made global warming is little more than a hoax? Because the issue is not, and never has been about saving the planet. It is about enforcing a new economic "ecologarchy" that seeks to control our every action from the top. We used to call it socialism, now we call it going green.

INSIDER'S REPORT

Real ID News Conference Statement

Statement by

Tom DeWeese - President - American Policy Center

October 29, 2008

There is great fear in this country. Particularly fear of illegal immigrants and terrorists. The fear is certainly justified. And that fear has brought a demand for action.

The American people have made it abundantly clear that they want our borders secured, taxpayer services stopped, visas controlled, and meaningful action taken by government to assure the flood of illegals into this country dries up.

To date the government has refused to take such specific action, including building the wall Congress authorized. Illegals staying in this country on expired visas are a national joke. We now have too few border guards with no power, being protected by soldiers with no guns. Larry, Curly and Moe couldn't have planned our immigration enforcement any better.

Yet, we have an abundance of proposed programs for amnesty, cheap college tuition; welfare and social security payments; free hospital care; free public education; etc, etc. And the government can't figure out why we still have a problem.

And, oh yes, there are those terrorists. Don't know where they are. Lost 'em.

Of course, in all its wisdom, the government has figured out that the real problem is Americans have too much freedom and too much privacy. It's just not efficient for government to find the bad guys when Americans are free to travel where ever they like; make purchases; read library books; or apply for a job, without the government knowing about it.

So, as Americans have demanded that something be done – we've certainly gotten action. We've gotten a giant strainer system into which all Americans are herded in order to sift out the bad guys. To make the system more efficient, we are now all guilty until proven innocent.

The new system requires the creation of data banks with detailed personal information, finger prints, facial scans, retinal scans, and RFID chips, all tied together with a central identifying number.

And if you don't have the proper government-issued documents containing all of this information – Homeland Security Secretary Chertoff assures us that you will be denied access to society. Specifically, you will be denied access to air travel; denied government services and licenses, unable to open a bank account, get a loan or perhaps even to get married.

But - we are assured, this is not a national or international ID.

As a wise man once said, if it talks like a duck and walks like a duck – it's a duck. The REAL ID, and several of its companion bills including the SAVE Act and E-Verify are starting to sound a lot like an Aflack commercial.

"If this nation cannot expend the resources necessary to secure our borders militarily from Mexican drug cartels, human traffickers and gangs; if we cannot keep repeat, illegal alien, violent criminals in prison or deport them; if we cannot deny the illegals already known to us social services, welfare and education; if we must harass even well-known Americans every time they enter a government-subsidized building or board an airplane; if we cannot do more than vomit teddy bears and flowers every time one of our embassies, ships or vehicles are blown up by foreign terrorists, then what on earth does our government expect to accomplish with yet another bureaucratic, privacy-invading monstrosity like Real-ID?" --Beverly K. Eakman, Author and Columnist

SPOTLIGHT ON TYRANNY

Special Alert on Conservation Easements

U.S. Set to Take Coloradans Land Without Compensation

By Fred Kelly Grant



At this very hour, Colorado landowners are fighting to prevent the United States federal government from taking their land. Ignored by the mass media, hundreds of farmers and ranchers in southeastern Colorado are facing loss of their property at the hands of the IRS. They are victims of "conservation easements" promoted by federal and state governments, land trust companies, and conservation groups.

As landowners dedicated to preserving the open, agricultural use of their land, lured into the "easements" by both the U.S. and Colorado governments, they have been betrayed by those they trusted.

A "conservation easement" is an easement in name only. It is an agreement by a landowner to give up the right to develop his or her land for residential, commercial or industrial use. He/she agrees to keep the land in agricultural use FOREVER, and in return is rewarded either with cash payment for the development value, or income tax relief to the amount of the appraised value of the development rights.

The federal government and the state of Colorado offered inducements for execution of the "easements" by which the landowners donated their land to various land trusts to be held for agricultural use IN PERPETUITY. They accepted the following offers of income tax relief, conditioned upon execution of the easements: federal income tax deductions, and tax credits from Colorado income tax, or the right to sell such tax credits to third parties or the State itself.

In reliance on commitments from the two governments, the landowners donated their land to various land trusts, mainly for two reasons: they wanted to preserve their land as agricultural land forever, and they faced cash flow problems which could be helped by the tax relief. So, they gave away the value of development rights in exchange for tax relief. In most cases, the development rights were far more valuable, money wise, than the assessed land value. But, the

landowners placed their desire for continued agricultural use above the interest in a future much higher profit.

The landowners followed the rules. They engaged consultants to help them put together the donation package. They hired appraisers certified by the state of Colorado as honest, ethical, and competent. They had certified public accountants review the appraisals and their financial situations. They hired lawyers to make sure the law was followed in the transactions.

They asked that all this professional help assure them that the Land Trust company, which would own the easement, was trustworthy.

But, after two to three years, one of the donee Land Trusts invited the IRS to review the easement appraisals. That invitation didn't worry the landowners because they had obtained professional assistance and had been assured they were following the rules.

But, suddenly the IRS announced disqualifications of "easements," claiming that the appraisals of development rights were highly over stated. The State of Colorado called into question the licenses of several appraisers (all appraisers who have sought full reinstatement have been successful), and the mass media began to talk of a "scandal," and "sham" appraisals, and cast the landowners as greedy people looking for windfalls. The media reached its libelous conclusions without reviewing the files and determining the facts. But, what's new? As Will Rogers said, "If you don't read the newspaper you are **uninformed**, if you do read the newspaper you are **misinformed**."

In one case, for example, the appraisal of the development rights was challenged by an IRS employee who claimed that the appraiser did not use any comparable realty values in the vicinity. The statement is either an outright lie, or the grossest negligence in history. Within a quarter-mile of the appraised land is a subdivision of high scale homes, and within a half mile is a subdivision of even a higher

EASEMENTS.... *(Cont'd from page 11)*

scale homes situated on a finely groomed golf course.

The appraised land is within two miles of the city limits and a regional hospital. The landowner has water rights that accompany the appraised land, and the land has available water access, which would serve residential parcels very efficiently. Whether the IRS conclusion is a lie may rest on the fact that the federal employee judging the appraised value is not an appraiser, and has been exposed to land appraisal training for a **solid two hours**.

The IRS has demanded payment of back taxes, plus penalties and interest. In some cases, the demand is higher than the value of the landowners' property, now that the "easements" have devalued the property. The third parties who bought state tax credits have demanded return of their money. The state of Colorado has turned its back on the landowners, which it lured into the conservation easements. The Governor's office turns back requests for assistance with the spurious claim that the matter is a "federal" issue. The Secretary of Agriculture, who lives among the troubled landowners, ignores the problem.

The landowners cannot borrow money to satisfy the "return" demands. The banks will not lend money because of the conservation easements, which devalue the land.

The landowners cannot sell their land, or any portion of their land. Buyers are not willing to take on the restrictions and devaluation of the land resulting from the conservation easements. One of the ranchers had a sale in place for a portion of his property. The sale price would have allowed him to replace at least 75 percent of his imminent loss, but the buyer backed out because of the conservation easement.

As the federal and state governments pursue destruction of these landowners, they continue to promote conservation easements. Land Trust companies and conservation groups continue to promote conservation easements, and the Congress created tax incentives in the new Farm Bill that will lure other landowners into reliance on a government, which has proved unreliable.

Colorado at this moment faces a huge federal take-over of private land, which will remove thousands of acres from the tax rolls of the counties. And, the problem in southeastern Colorado is only the tip of the iceberg. There are over 1,800 of these conservation easements throughout Colorado. In the blink of an eye, Colorado can be victimized by massive federal take-overs.

The problem facing Coloradans and Colorado is the beginning of what can be, and will be, a national crisis resulting from transfer of private ownership of land to the United States Government. Counties will suffer from loss of tax revenue; the landscape will suffer from negligent management by federal agencies; the species in the ecosystems will suffer from negligent management; and the law will suffer from a blatant disregard for the constitutional limits on federal government ownership and requirements that property is not taken without just compensation.

All the horrible results from imposition of conservation easements, which private property organizations including Stewards of the Range and the American Land Foundation have emphasized, have come to fruition in southeastern Colorado. They lay ahead for unsuspecting landowners across the Nation.

WHAT YOU CAN DO TO HELP

As the governments and Land Trusts turn their backs on the landowners, all individuals in the nation can help. You can call, fax and email your Representatives and Senators who are seeking re-election. You can ask them what they are doing, or will do, to protect private landowners as they protected big business in the massive "bail out" of Wall Street. You can tell them that your vote depends on their willingness to help. You can demand of incumbents that there will be field hearings to determine the truth as to the inadequacy of the IRS reviews. You can demand that they hold field hearings to inquire into, and "fix", the fraud that is evident on the part of the promoters of the conservation easements.

If you live in Colorado, you can call, fax and email the Secretary of Agriculture and the Governor, demanding that they "fix" the problem caused by fraud perpetrated on the landowners. And, you can write letters to the local and regional newspapers and television stations demanding that they determine the facts, rather than relying on press statements by leaders of the Land Trusts who are complicit in the threat to the landowners. The landowners are ready and willing to show the press the facts as they did to me.

Fred Kelly Grant serves as president of Stewards of the Range and has practiced law for over 50 years. He, along with Stewards of the Range and American Land Foundation are assisting landowners nationwide on property rights issues. www.stewards.us

