

Idaho's Elk Ranch Tragedy

When dozens of elk escaped from his ranch, Rex Rammell thought he faced the task of recovering his herd. Instead, he witnessed the state-sponsored slaughter of his elk.

by Dennis Behreandt

The Chief Joseph Idaho ranch in eastern Idaho lies in the shadow of both Yellowstone and Grand Teton National Parks amid the unparalleled natural splendor of the Rocky Mountain West. The ranch, owned and operated until recently by veterinarian Rex Rammell, has been home to a herd of hundreds of prized Rocky Mountain elk. In August, a bear, no doubt seeking an easy meal among the ranch's herd, dug under the fence that separated Rammell's elk from the wild elk that roam the Idaho wilderness. Shortly after, nearly 100 elk from Dr. Rammell's herd escaped through the damaged fence.

The story of the escaped elk should have ended with Dr. Rammell recapturing his wayward herd, as would have happened with any other escaped livestock. Instead, the escaped elk became the object of an unprecedented property rights struggle that pitted an embattled rancher against a state government eager to assert its "right" to destroy property at the whim of the governor.

Open Season

According to Idaho state officials, the elk that escaped from the Chief Joseph Idaho ranch represented an unprecedented threat to the health and genetic purity of the wild elk herd living in the region. Most of the elk that escaped were cows and state officials worried that, with the approach of the rut, they would interbreed with wild bull elk. "Time is of the essence, we have to try to get these animals back," Steve Schmidt, regional fish and game director, told the *Los Angeles Times* in late September. According to Schmidt, Rammell's elk "are a huge unknown to us. Any introduction of new genes might have unknown consequences. The risk is large because we are not only talking about Idaho's elk herd, but now we are also talking about elk who have the potential to mix with Yellowstone Park elk and elk from Wyoming. We have dreaded this day."

Heavily armed: Idaho Fish and Game officer checks his military-style assault rifle while hunting for elk that escaped from the Chief Joseph Idaho ranch. According to rancher Rex Rammell, the officer had just killed four of his elk right outside the pen being used to recapture the animals.

AP

Photos courtesy of Rex and Lynda Rammell

The persecution of Rammell really was nothing more than a ploy to make game farms look bad in order to justify getting rid of them. Columnist Jim Gerber wrote in the *Idaho Falls Post Register*, “This is about making a politically correct statement that we do not like game farms.”

Others worried that the escaped elk would spread disease to wild populations. “The higher density that these animals are kept in tends to lead to higher risk of disease,” said Barry Reiswig of the U.S. Fish and Wildlife Service’s National Elk Refuge in Jackson, Wyoming. “You don’t know what diseases these animals may have. They are supposed to be tested and the data presented to health authorities, but we know that that may or may not happen.”

The escape of Rex Rammell’s elk and the unsubstantiated fears the escape engendered among state officials created the perfect opportunity for the state to flex its muscles and assert its dominance over otherwise privately held property. On September 7, Idaho Governor Jim Risch signed an emergency executive order authorizing the destruction of the escaped elk. “There is a crisis facing our elk herds in eastern Idaho. Because of the escape of domestic elk that was not reported as

required by law, we now have these farm-raised elk mingling with our wild elk herds,” said Risch. “The Executive Order I have signed authorizes the employees of Fish and Game and the Department of Agriculture to immediately harvest these domestic elk. The order will also allow the Fish and Game Commission to put into place emergency rules

to authorize licensed hunters and private property owners to take these elk without a tag. This emergency action is being taken to protect our wild elk herds in Idaho. There is a serious risk of disease and an altered gene pool from these domestic elk and I am authorizing these activities to begin at the earliest time possible.”


As a result of Governor Risch’s action, a full-scale public hunt for the escaped elk was authorized. It couldn’t have come at a worse time for Rex Rammell. The rancher said he had already recaptured 40 of the escaped elk by the time Risch called for open season on the elk, and he thinks he’d have been able to capture the rest in as little as one more week. But the arrival of armed state agents and private hunters in the area near the Rammell ranch scattered the already jittery animals. “Everything was very much in control until Risch’s executive order, and then it became chaotic,” Rammell said. “I’ve been working my butt off to catch these elk.”

Property Rights

The opportunity to bag an elk out of season proved enticing to many big-game hunters, and many traveled from out of state to stalk Rammell’s elk. One of those who went to Idaho looking to bag an elk was Don Dunbar. Being a rancher and big-game hunting guide in Wyoming, the opportunity to get one of Rammell’s elk initially seemed irresistible.

“I started out with the idea of being able to harvest an elk cheaper because out-of-state permits are really high,” Don Dunbar told *THE NEW AMERICAN*. “I started out thinking that I would be able to get my elk a little cheaper than usual. Then I realized about half way up there, ‘wait a minute, whose elk are these?’ The more I looked into this, the more disgusted I was and then I saw the contradictions.... The short version is: my conscience started bothering me. I knew I would feel guilty about killing that guy’s elk.”

Dunbar, who has become a staunch supporter of Rex Rammell, found the issue intriguing and began to research the subject. “I pulled it up on the website of the Idaho Fish and Game and there were some contradictions. [Governor] Risch said that he had insisted on hunter participation ostensibly to get as many people as possible to go out and kill these elk of Rammell’s. Their battle cry was ‘they’ve got disease, they’re genetically impure, they’ll spread genetics that are wrong to the wild elk.’ Nothing could be further from the truth. This particular herd, 12 years ago, was



Depredation hunt: A dead elk is dragged behind an Idaho Fish and Game truck. The elk were killed during a “depredation hunt,” authorized by Idaho governor Jim Risch, supposedly to keep them from spreading disease to the wild population.

purchased right straight from the Yellowstone Park herd. Their genetics are identical. The only difference being that if one of these elk that Doctor Rammell has raised sported a little bit bigger antlers than the other ones, he might breed that one back to a cow to get a calf that would have larger antlers, or trophy antlers. That's what all the hunters like."

On the issue of disease, Dunbar found that the escaped elk were more likely to catch a disease from wild elk than to transmit disease into the wild population. "Every one of the animals that has died of natural causes or was harvested has had their brains tested for chronic wasting disease," Dunbar said. "They've all been negative. They've been vaccinated for tuberculosis which elk are also prone to. None of these elk are diseased nor ever have been. The irony is these elk are subject to the wild elk spreading disease to them."

Under Idaho law, the state can authorize a hunt for escaped elk after seven days, though such a hunt clearly infringes on the property rights of ranchers. "State law is very clear about the authorization of the state to take action when domestic elk herds escape," said Brad Hoaglun, spokesman for Governor Risch. "It's not ambiguous at all, and the governor acted well within his authority." Rammell disagrees. "Domestic elk by Idaho statute have been given absolute property rights," the rancher said at a news conference on September 20. "Also by Idaho statute, domestic elk are classified as livestock. Therefore, with exceptions of their idiosyncrasies — like the high fence — they are to be treated like any other livestock operation regardless of what side of the fence they are on."

State Representative Lenore Barrett sides with Rammell. "We've never had this particular situation before," Barrett told *THE NEW AMERICAN*, adding that Governor Risch's response was "knee jerk." According to Barrett, "the whole thing was bogus from the get go. The bogus part is the genetics and the disease." The persecution of Rammell really was nothing more than a political ploy to make game farms



Photos courtesy of Rex and Lynda Rammell

Confrontation: An Idaho Fish and Game officer shakes his finger at Rammell during an encounter near the ranch. "I've upset a lot of people and I've got some serious enemies," Rammell told *THE NEW AMERICAN*. "They don't even recognize that people have any rights."

like Rammell's look bad in order to justify getting rid of them. "In fact," wrote columnist Jim Gerber in the *Idaho Falls Post Register*, "this is not about a threat to our elk herd. This is about making a politically correct statement that we do not like game farms."

Of Western states, only Idaho and Utah still permit ranches like Dr. Rammell's, and there is pressure on both states to outlaw them. Wyoming officials, in fact, tried to get Idaho to do just that. "I was offended that the Wyoming governor contacted Governor Risch and tried to get Idaho to do away with game farms," Rep. Barrett told *THE NEW AMERICAN*.

A Tragedy

So far, the only danger posed by the escaped elk has been the danger to Rex Rammell and his family. Dunbar, who says he has befriended the embattled veterinarian, said Rammell has even received threats. In one case, the rancher had a confrontation with a neighbor who was hunting near the ranch. When Rammell told the hunter, a neighbor, that he was hunting too close to the ranch, a brawl erupted. According to Rammell, the man pulled a gun and threatened to kill him. Rammell says he reported the incident, but instead of prosecuting the man who pulled the gun, the police are charging Rammell with a crime. "I've been punched, kicked, had a gun pulled on me, and my elk have been killed," Ram-

mell told *THE NEW AMERICAN*. "Now I'm being prosecuted."

Just as disheartening, for Rammell, has been the economic damage the state has done to him by its unrestricted hunting for his elk. The unlimited hunting of his elk has cost him, he says, \$60,000 or \$70,000 so far.

According to Dunbar, one of the state's fish and game officers "shot one of these elk while it was attempting to come back through the gate being herded by Dr. Rammell. He dropped the elk right in the gate. It was trying to come back and eat the grain, to feed." The loss of another elk was more than Rammell could bear, said Dunbar: "Poor Dr. Rammell, veterinarian, his life's work, sat down on this elk and began to cry. They then arrested him and charged him with obstruction of justice because he wouldn't get off the elk and hauled him into jail."

"They literally shot these elk with grain in their mouths," Rammell said. "They were pretty nasty to me, so I called them every name in the book. I said, 'You're not going to take another of my d*** elk in front of me,' and I went and sat on that dead cow." The state-sponsored hunt, which destroyed the property of a law-abiding citizen, will put Rammell out of business. "I'm not going to have any elk when this is over," Rammell said. ■

See Dr. Rammell's first-person account on page 20.



American Liberty at Risk

Embattled rancher: Rex Rammell stands near his elk at his Chief Joseph Idaho ranch. An Idaho executive order signed by Governor Jim Risch has put Rammell out of business.

Elk rancher Rex Rammell watched Idaho's state government trample his private property rights, and he is issuing a wake-up call to all Americans that their freedoms are imperiled.

by Rex Rammell, DVM, MS

Imagine an America where anything unpopular is against the law. Not necessarily because it is causing harm, but because a group is offended. Someone could start the criticism with lies, wave the rally flag, and ride a wave of emotion to get the majority against the activity until the law was changed to prohibit it. Imagine all the things which could become unpopular, and consequently unlawful, if the majority ruled.

Fortunately, America has a Constitution with a Bill of Rights. The Founders realized that majority rule must be limited to preserve individual liberty. "A Bill of Rights," wrote James Winthrop, "serves to secure the minority against the usurpations and tyranny of the majority." Unfortunately, we are gradually losing our rights

to ambitious bureaucrats in government who think nothing of using the power of government to destroy people. I know, because it happened to me.

I am a veterinarian who specializes in raising elk for my livelihood, on my 248-acre ranch near St. Anthony, Idaho. All my elk are tested yearly for both TB and brucellosis. Any elk that dies on my property, whether naturally or by hunting, has its brain tested for chronic wasting disease (CWD). I have faithfully followed those state-issued requirements. The last thing I want is a disease harming my animals and destroying my livelihood.

Ranch elk genetics all originate from Yellowstone National Park elk. In order to reduce populations, the park gave elk to individuals and state Fish and Game departments beginning in the 1930s. Unlike wild elk where inbreeding of fathers

to daughters and brothers to sisters occurs, elk ranchers carefully breed their animals for desirable traits and to prevent inbreeding. I breed for trophy antlers. Others breed for meat. Like any business, we follow the capitalist system of supply and demand, using what fits our individual operations.

Elk ranching is unpopular with a certain group of people. These animal rights activists believe elk ranches are reprehensible, akin to raising mink in cages for fur. To rally the majority, these activists create imaginary horrors of disease and genetic pollution. The misinformed believe their lies. The real truth is these people will stop at nothing, including violating private property rights, to gain their cause.

Idaho Governor Jim Risch believed the lies. Through an unconstitutional delegation of executive authority, and motivated

by illegitimate reasons, he ordered elk that escaped from my ranch to be killed, violating my private property rights. There was no public-health emergency granting him authority to order my elk killed. Fortunately, with the help of my family and friends, 50 elk have been recaptured. If not for the actions of the government, we would have caught them all. To date, 32 head have been slaughtered, four with grain in their mouths at the opening of my capture pen. I was arrested trying to stop Idaho Fish and Game Department's employees and hired guns from killing my elk as the elk returned to my private land. I find it a paradox that I was arrested trying to protect my property from government theft.

Idaho code, 25-3705A(3) reads, "Any domestic cervidae [members of the deer family — deer, elk, moose], that have escaped the control of the owner ... for more than seven (7) days, taken by a licensed hunter ... shall be considered a legal taking." This statute was actually sought in good faith by the elk ranchers should a hunter accidentally kill an escaped ranch elk. We never agreed that the law should be perverted into allowing an open season on escaped elk. But that is just how Governor Risch used this law.

By statute, ranch elk are deemed livestock with absolute property rights, whether inside or outside the fence. Anyone who lives around livestock knows that it is not uncommon for cattle, horses, sheep, and other livestock to get out of their enclosures. When that happens, it's normal for neighbors to assist in getting them back inside their fence. No federal case is made of it. Elk ranchers have the same rights as cattlemen or horsemen when their animals escape. Escaped livestock do not suddenly become public domain, but remain the property of their owners. Governor Risch's cattle, for example, recently escaped their pasture but none was shot. Yet, the governor ordered both Idaho Department of Fish and Game and private hunters to kill my elk when they escaped. Moreover, he excused them from liability.

This isn't just about elk ranches but American liberty. It's about the future of basic inalienable rights for all Americans. Government will trample on these rights if we allow it. Today it is Rex Rammell's fight. Tomorrow it will be yours! ■

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