

**Criminal Activities by Federal Bureaucrats
And Others Involved in the Introduction,
Protection and Spread of Wolves
In the Lower 48 States.**

By

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For

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Abstract: The period 1967 to 1999 saw the passage of 3 Endangered Species Acts and a tightening of federal authority over a host of plants and animals formerly under the jurisdiction of state governments. Mr. Beers' was employed by the US Fish and Wildlife Service in many capacities and locations during this period. He explains the growth of federal power, the shift in the sort of employees and agendas responsible for the federal growth, and the resulting subversion of state fish and wildlife agencies and any respect for law by increasingly powerful bureaucrats. The introduction, protection, and spread of wolves by federal decrees during this period are detailed and major violations that occurred are explained. The violations include the theft of \$60+ of excise tax money by federal bureaucrats from state fish and wildlife programs to introduce wolves, Non-governmental organization entanglements with federal bureaucrats and federal funds, quid pro quo arrangements with state bureaucrats, failure to audit state fish and wildlife programs in order to maintain state compliance with illegal federal actions, failure of federal bureaucrats to describe and forecast the impacts and costs of introduced wolves, and the cover-up of millions of dollars of state misuse of federally-collected excise taxes.

The following two-hour verbal presentation is divided into three parts. This is so that the listener or reader understands three things.

First, is the US Fish and Wildlife Service (USFWS) time of employment of the author and his competency concerning this subject. This is important for you to appreciate the competency of the author to speak about federal environmental/animal rights policies, federal bureaucracies and their operation, the changing nature of federal and state fish and wildlife programs, and the impacts that these changes are continuing to have on our American society.

Second, are the political, scientific, and legal changes of the past 40 years and how their cumulative impacts have led to the corruption and disregard for both US law and the US Constitution described in the third part.

Third, is a description of law violations by both those immediately involved in the introduction, protection, and spread of wolves in the Upper Great Lake States, the Carolinas, the SW States, the Upper and Central Rocky Mountain States and the resulting and ever-widening range of associated bureaucrats', agencies', and associated "partners'" activities continuing in disregard of federal laws.

Descriptions and explanations of the growing danger of wolf attacks; the purposeful lack of information about wolves as carriers of diseases that infect and kill humans, livestock, and wildlife; the annihilation of big game animals, big game hunting, and hunting revenues to state wildlife agencies; the widespread destruction of pets and working dogs; and the ruination of the tranquility of rural life where wolves exist are topics that are being addressed in detail elsewhere. This presentation is intended to describe criminal activities by federal and state bureaucrats, lobbyists, and radical organizations associated with the establishment, protection and spread of wolves in the Lower 48 states. It is my belief that understanding this aspect of the wolf issue will enable all of us to better understand and work more effectively to solve the myriad problems that government bureaucrats, activist organizations, and politicians have caused by illegal actions disguised as wolf introduction and protection.

Part I – My Background

I have a BS in Wildlife Resources from Utah State and an MA in Public Administration from the U of No. Colorado. I worked for the Utah Fish and Game while in college and spent 3 ½ years in the US Navy as a Line Officer on a ship in the western Pacific and as a Courier Officer stationed in the Aleutians at the Adak US Naval Communication Station.

I was hired by the USFWS in 1967 as a Wetlands Biologist in Devils Lake, ND. In 1969 I was transferred to the Minneapolis Police Dept, for 5 months of law enforcement recruit training and then became a US Game Management Agent stationed in the USFWS Regional Office in Minneapolis. In 1970 I was transferred to Grand Island, Nebraska as a US Game Mgt. Agent and then in 1972 I was transferred to New York City where, in two years as the only USFWS Agent stationed in NY City, I “made” two very large and publicized endangered species cases that involved both notoriety and large fines – the Vesely-Forte international fur smuggling case and the Cartier Jewelry endangered species sale case.

In 1974 I was transferred to Washington, DC as a USFWS Special Agent where I concluded several NY cases that required trips to Canada and Europe as well as cooperation with foreign law enforcement agencies and agents.

I remained in Washington for 25 years and served in a series of USFWS positions. After two years as an Agent, I became a Program Analyst and then spent a year as a Budget Analyst. This was followed by a year working on Capitol Hill, first in the House and then in the Senate as a Congressional Fellow. Upon return to USFWS I served as the Animal Damage Control Program Coordinator and then I spent 7 years as the Chief of Refuge Operations overseeing Refuge operations, maintenance, law enforcement, budget development, and information management. In the early 1990’s I was moved to the role of Administrative Officer over the Environmental Divisions of the USFWS, including the Endangered Species Office.

In the early 1990’s I was offered the position of Wildlife Biologist overseeing the use of excise taxes collected on arms and ammunition (Pittman-Robertson funding) that were, by law, intended only for designated state fish and wildlife agency activities. These funds were generally in the neighborhood of ¼ Billion per year and were, by law, distributed to each state annually based on population, size, and hunting license sales. The law clearly states they (the

funds) were only to be used by state fish and wildlife agencies for wildlife restoration programs and that the USFWS was to audit each state's use of the funds every 5 years. A small percentage (8% max but never more than 5% until the late 1960's) was reserved for the USFWS to "administer" the disbursement, oversight, and 5-year audit of the funds. Truthfully 3 to 4% of the receipts were sufficient for the federal "administrative" role called for in the Act. Other than this, the funds could be used for NO other purpose.

My duties included a unique assignment. European Union (EU) bureaucrats and politicians had generated a regulation (due to "lobbying" by US/International environmental and animal rights organizations) that would bar the importation of all furs into Europe from countries that "did not ban the leg hold trap". Europe was the largest customer for furs and the US was the largest exporter of furs followed closely by Canada and Russia. Leg hold traps to this day are indispensable furbearer and predator harvest, management, and control tools. The EU regulation was a thinly-veiled attempt to undermine and destroy the fur business, trapping (for all purposes), state furbearer management, and any effective predator control activities in the United States.

Since the states have primary jurisdiction (not yet subjected to federal takeover) over furbearers, most predators, the tools to manage both, and also since states are prohibited by Article I, Section. 10. Of the US Constitution of entering "into any Agreement or Compact with...a foreign Power", I became the state fish and wildlife agencies' de facto representative in State Department and US Trade Representative delegations ostensibly trying to frustrate the EU regulation. On numerous trips to Europe it was generally the case that I was the only real advocate for protecting US States' right to manage their furbearers and the tools for trappers as well as maintaining the foreign business interests of American furriers. This eventually caused me great problems.

It was in the midst of the Clinton Administration. The second Director of the USFWS appointed by Clinton (the first one had resigned due to a fatal illness) was holding "secret" meetings with various environmental and animal rights groups that were strongly and historically opposed to USFWS activities (HSUS, API, AWI, Greenpeace, etc.). Receipts and disbursements from the excise taxes on arms and ammunition were not increasing dramatically despite a large spike in sales due to fears of the Administration implementing draconian gun controls similar to such fears recently evident in first year of the Obama Administration. I was being called at home at night to be told by friendly fellow employees that my name and swearing were heard in the Directors Office during the "secret" meetings. A former employee of mine, that attended one

such meeting, cautioned me to “be very careful” because these groups “really hated” me and “they are truly evil people”.

In 1997 we (the US, Canada, and Russia) succeeded in getting the EU to back down on banning the import of furs and I was told without fanfare that I was being transferred to Boston (the end of the earth in USFWS unless you are from New England) to an unspecified job at an unspecified grade level (this, while I was putting 3 kids through college and my wife and I were each working 2 jobs). Such a job action (station transfer from an existing job without cause when that job and similar jobs were available in the same location and a possible downgrade (loss in pay and retirement) when all my performance evaluations were satisfactory and above was only possible if I consented and I did not consent. This made me a pariah at work (other employees shunned me and even jumped off elevators or went “up” “down” escalators rather than be seen with me). The hostility of the Director and her assistant in charge of excise taxes became more and more apparent.

I hired a lawyer and one Sunday a USFWS large unmarked envelope was placed in my front door without any notice or noise. Addressed to me inside (after I opened it under very heavy cover in my driveway having been threatened by animal rights radicals) was a memo from the USFWS telling me that if I didn’t either consent to the Boston move or retire by Wednesday I would lose my pension for 5 years and my government health care forever. Another memo (strangely addressed to a “Mr. Brown”) said I (he?) could not enter the USFWS building without permission and an escort. The next day (Monday) I stayed home on advice of my lawyer and discovered that the police had been notified that I was being fired and may be violent. At that time I was working an extra job to get my kids through college as an armed personal guard and security officer. For this “other” job I had gun permits in Virginia, Maryland, and for DC: I still shudder when I consider what the police would have been prepared to do had I gone to work that day and ignorantly made any protestation or move deemed threatening to police prepared for a “dangerous and armed” employee. Police had checked everyone entering the front doors all morning and the underground parking lot that Monday morning, even asking carpoolers “is Beers in there?”

The next day my lawyer told me it was all a “mistake” (according to the top USFWS managers) and that I should call a certain Department of the Interior solicitor before reporting back to work. The next morning I called the solicitor (and was kept on “hold” for 25 minutes). He asked me how I was and if there were “any hard feelings?” Wondering what the purpose of such idle chitchat was, I answered honestly that “you place a large envelope in my door on a Sunday morning while I am being threatened by animal rights radicals for doing my job; you scare my

wife half to death by illegally threatening to withhold my pension for 5 years and my employee health insurance forever; you call the police and say I am dangerous and you are firing me thereby causing everyone in the building to suspect I am sticking up 7-11's or beating my wife; and you have the audacity to ask me if there are any hard feelings, are you that stupid or what?" There was a 10 second pause and he blurted out, "we'll get this all taken care of so you just stay home 'and go fishing' until we call you". Thus began 10 months at home (with little fishing truth be known) on full pay, accruing leave, and the beginning of an unforeseen professional path that I could have never imagined.

I was home for about a week when I was contacted by staff from the US House of Representatives Natural Resources Committee. They had heard about my situation and we had a long talk about what it was about. In the course of that conversation there was mention of the strangely changing levels of Pittman-Robertson (excise taxes) going to state agencies. Shortly thereafter I was again contacted by them and asked to come up to their offices. They had requested the receipts and disbursements (including those within USFWS for the "up to 8%" administrative fees) for the P-R excise taxes for the past 2 completed budget years. USFWS had told them it was not possible to break out those expenditures in USFWS books (this was a lie) and thus they (USFWS) had sent up 19, 2' high, boxes of computer printouts of ALL USFWS expenditures for the past 2 years. Even GAO auditors could not make heads or tails of the complex budget mishmash of certain funds for certain purposes, earmarks, old funds/new funds, Divisions, Regional Offices, field stations, employees billing to various funding sources, etc., etc, that make up the highly complex USFWS budget and expenditure records. Since government agencies are NOT audited routinely and since GAO "auditors" (like USFWS "biologists", National Forest "foresters", and Bureau of Land Management "range managers") were increasingly anything but what their title and agency implied, the Congressional staff asked me lots of questions about the computer printouts. As an aside, months later I was told that when USFWS decided to answer the Congressional request for excise tax expenditures, there were lots of laughs as the boxes were assembled to the effect that "they'll (Congress) never be able to make heads nor tails of these records".

I volunteered to go through the printouts. Using colored magic markers, colored pens, and my budget experience I spent long days for more than 2 weeks in those Congressional offices going through those 2 years of records and discovering, marking, and explaining the millions of dollars in excise taxes (over and above the legitimate excise tax "administrative" expenses) being used to do 2 things that Congress had refused to fund or authorize (introducing wolves into Yellowstone and opening an environmental liaison office in California). Additionally, millions were being used to pay increased bonuses to USFWS employees in Washington, Regional Offices, and field stations that had no role in "administering" the excise taxes but many of whom

would have been aware of the “funny” and prohibited use of excise tax money for the California Office and the Wolf introduction that had been turned down by Congress.

The General ACCOUNTING Office (later renamed the General **Accountability** Office as a rare and honest expression of what was going on bureaucracy-wide throughout the federal government) was called in by the Committee Chairman and reported back (after I met with them several times about certain matters since USFWS offered them no help) in an Audit Report to the Committee that “\$45 to 60 Million of excise taxes had been spent by USFWS over and above the maximum allowed administrative withholding in the two years examined”. Two packed (with spectators and press) hearings were held. When the USFWS Director failed to show at the second hearing, the Chairman cancelled it and said she was to report to a rescheduled hearing in 2 days!

No explanation was made other than the Director claiming that her solicitor had told her she could use those funds however she wanted. Representative Chenoweth of Idaho, God rest her soul, sent the packed Hearing Room into gales of laughter when she then asked the Chairman if the Congress could ask the USFWS Director to spend these funds on the “Star Wars” anti-missile defense that Congress was having so much trouble reaching a non-partisan agreement on and that the President opposed.

The results of all this?

- The California Office was going to be investigated and probably closed by a Congressional action until USFWS moved the recently hired daughter of Senator Ted Stevens to administer the office.
- The wolves? Well, I needn't tell this group about that.
- The state fish and wildlife agencies from whom the funds were stolen NEVER asked for them to be replaced. Shortly thereafter, the State Fish and Wildlife Agencies' national lobby office in Washington, DC began receiving several million dollars of excise taxes annually and increased their staff and offices accordingly.

- National hunting and fishing organizations remained silent as state and federal bureaucrats with whom they “schmoozed” told them it was all much adieu about nothing.

- Arms and ammunition manufacturers, fishing equipment manufacturers and tackle outlets, and others that paid the excise taxes were also silent mainly because collection of import duties and excise taxes were increasingly “small potatoes” to federal collectors in Customs generating an undefined magnitude of smuggling and under-reporting that had grown as oversight and audits of that function by USFWS had all but disappeared in recent years.

- The all but defunct 5-year audit cycle of state use of the excise taxes by USFWS mandated in the law were fired up and a large audit firm was hired to do the audits. Within 2 years (less than ½ way through the 5-year cycle) they were fired (for being “behind schedule”) in reality because they had already found over \$130 Million in excise tax misuse by state fish and wildlife agencies and they (the auditors) were not amenable to covering it up. USFWS then “hired” the US Department of the Interior INSPECTOR GENERAL (appointed by Justice and confirmed by the Senate to oversee, among others the USFWS) to audit state programs with \$3M per year of the excise taxes. Today, the \$130+M are forgotten and the current IG is way more “behind schedule” than the former auditors were when they were fired. As another aside, that former IG is now Vice President Biden and President Obama’s IG or “Czar” “overseeing THE Stimulus Funding”!

- Presidential and Congressional elections (when Bush beat Gore) were conducted with neither the Republicans that controlled Congress or the Democrats that controlled The White House tarred by the scandal of the stolen excise taxes or the loss of millions of dollars of hunting and fishing improvements.

- When the leading critic of USFWS thievery (Congressman Pombo) became Chairman of the Committee after the election, he was defeated in the next election by a very dirty campaign conducted by a coalition of environmental groups led by The Defenders of Wildlife (DOW). The very same DOW that the USFWS Director (when the funds were stolen to introduce wolves) went to work for after a short, high-paying stint with The Wildlife Federation and the very same DOW that the same Director had commissioned to compensate livestock

owners for stock that it could be proven were killed by wolves and the very same DOW that is currently (2010) spearheading an environmental lobbying coalition that is reportedly spending millions to defeat former Congressman Pombo who is seeking reelection in another California District.

- The hunters and fishermen of the United States probably lost as much as \$70 or \$75M worth of hunting and fishing improvements (the \$60M figure did not include any fund transfers to the Canadian Wildlife Service or Provincial agencies for salaries, travel and equipment like helicopters, etc. used in the capture and transportation of wolves from Canada for Yellowstone). The misuse of funds by state agencies that arose during the period of no State fish and wildlife audits probably persists and is probably worse today as sham audits and failure to prosecute diversions of the funds at the state level remain the rule in the absence of any real oversight by USFWS. The magnitude of these losses to US hunting and fishing opportunities are probably staggering, annual amounts.

Oh yes, and me? After 10 months “fishing” at “home”, I was notified to “come into USFWS” to receive a “settlement” to retire immediately. Conditions in the settlement included a restriction on my mentioning or writing for three years anything about the circumstances of any matter that could be construed to have had any bearing on my settlement or retirement under pain of returning all funds offered or paid to me over the next three years. Thus I began a decade of writing and speaking about environmental, animal rights, and Constitutional matters all around the country. Today I am a friend to some and a devil to others. Former coworkers turn their backs at funerals while I am treated with gratitude and respect by those that ask for my help or for me to speak to their groups.

Part II - Factors that created the situation where wolves became a deadly societal and Constitutional menace.

I began writing this presentation on 22 April 2010, the fortieth anniversary of Earth Day (and the 140th anniversary of the birth of Vladimir Lenin). The St. Paul newspaper on that day trumpeted this secular feast day as coming “from rebellious roots” and “activists who had organized anti-war, civil rights, and feminist rallies in the 1960’s”.

The current wolf problems and the degeneration of federal and state fish and wildlife agencies began in the late 1960's and sprung from those same "roots". Serious criminal actions and disdain for American citizens by government employees and politicians that I will speak of shortly can likewise trace their beginning and evolution to this period. The growth of lawlessness and corruption I will describe is similar to the unforeseen, steady degeneration of government and ethics caused by Prohibition in 1920's Chicago. Let us begin to chronologically consider this 40 year period and what has happened to bring us to the absurd wolf situation we face today.

1966 - The first Endangered Species Act (ESA) is passed by Congress. Only US animals are mentioned. The Federal function is simply to "List" "species" so that purchase of habitat from willing sellers can be requested. The only wolves officially recognized in the Lower 48 are in Minnesota and federal intrusion on Minnesota's jurisdiction over Minnesota wolves begins.

1967 – The ESA is amended to allow "Listing" of foreign species. Jim Beers reported to the Minneapolis Regional Office and then to Devils Lake, ND as a new USFWS employee (wetlands biologist) after completing a tour of active duty in the US Navy.

1968-1972 – USFWS in Washington DC, first under Johnson and then Nixon (who ironically was purposely and publicly excluded from the first Earth Day Bacchanalia by Democrat politicians and organizers) **began to see an opportunity for exploitation to begin expanding their power and budget in the environmental and animal rights movement.** For instance, why not "get" a treaty about the "new" Endangered Species so federal agencies can take and exercise unchallenged authority over any "Listed" species just like the Migratory Bird Treaty with Canada had given USFWS such power over migratory birds? Why not sign Migratory Bird Treaties with Japan and the Soviet Union to get federal hegemony over not only pelagic (ocean-going) birds but also all the hawks and owls plus the cormorants and pelicans that had been purposely and with good reason left off the Canada Treaty? Why not claim federal authority over all marine mammals whenever they are in any US-controlled waters? Of course marine mammals not only include those high-seas species like whales and porpoises but also the resident marine mammals that spend all or most of their time in state waters and lands (and were therefore under primary state authority) like polar bears, sea otters, manatees, seals, sea lions, and walruses? But where to get such Treaties to use as a basis for putting Endangered Species and Marine Mammals under unchallenged federal authority like Migratory Birds? Thus was born the US/European campaigns at the UN for a "Convention" (i.e. a "Treaty" according to US Courts) to "regulate Endangered Species". Primary authority for the federal government over all Marine Mammals was also sought through either a Treaty or Convention of some sort. It was

during this period that the term “charismatic megaspecies” or “megafauna” (i.e. eagles, wolves, elephants, baby seals, sea otters, etc.) came into vogue as propaganda “poster children” for all of the new laws and federal power being planned by federal agencies, national and international environmental/animal-rights organizations, and federal politicians. By 1971, even wild horses and burros on federal land (today they would be vilified as “Invasive Species”) were not only claimed by federal power expanders, a multi-million dollar annual program of federal capture, maintenance, auction, and permit oversight for “excess” animals is a forgotten but expensive and never-ending cost for a government takeover of a state responsibility much as wolf “control” has become.

(1969) Jim Beers becomes a US Game Management Agent enforcing federal laws in the Upper Midwest while stationed in Minneapolis and then Grand Island, Nebraska. (1972) Jim Beers is transferred to New York City and makes large Endangered Species cases.

1972 – A Migratory Bird Convention (Treaty) with Japan was negotiated and all US hawks, owls, cormorants, and pelicans are wrenched from state authority and placed under US federal control. The publicity for the treaty features the wonderful benefits of “protecting” pelagic birds like albatrosses and petrels while the other birds go under federal control with little or no awareness at first by state governments or rural Americans that were soon affected.

The Marine Mammal Protection Act was introduced and passed swiftly by an environmentally and animal-rights oriented Congress and electorate soaked in films of Canadian immature seal harvests and Japanese whalers taking whales. One of the more honest sponsors of the bill was an Arkansas Senator seeking environmental votes for his reelection. His private remark to the effect that “the best thing about those (sic Marine Mammal) critters was that there weren’t any within a thousand miles of all my (Arkansas) voters so no one will get upset whatever happens” is a rare peek into the political “concern” of elected officials in those (and these) days. The basis for this seizure and preemption of state authority by Federal politicians and bureaucrats (both for such mammals when they occurred in state waters and for those that resided within states year around like manatees and sea otters was a hodgepodge of legal claims based on an International Whaling Treaty and the assumed reluctance of any state (Alaska, the most harmed, was in the midst of negotiations for The Alaska Native Claims Settlement Act with federal and Native forces so even Alaska’s resistance was muted) to openly oppose federal protection to “save” these “charismatic” animals. While the new Act promised to allow active management of these animals when “Optimum Sustainable Populations” (OSP) were achieved, such was never to be the case. Exactly like the Wolf “Targets” stated in introduction documents and promises of “Delisting” at Level X and “returning management to “approved” states with “approved” plans: federal authority reinforced with lawsuits, threats, and gutless state governments and citizen organizations will last forever or until the animals disappear because they are invariably hiding larger, powerful agendas from fund raising , careers, and reelections to

complete control of American lives, lifestyles, and freedoms by an all-powerful central government.

The Equal Employment Opportunity Act was passed and thus began the eventual elimination of educational requirements and quantifiable prerequisites for federal jobs like wildlife biologist, forester, range manager, and accountant. The need to “diversify” the federal workforce and the desire of federal managers to be promoted and rewarded for hiring, promoting, and transferring government-preferred groups based on sex or “race” was far-reaching. Eventually entrance exams and rankings for federal employment based on a test score, government-wide rankings, college grades, educational requirements, and work experience were eliminated. The thing to note here is that from this point forward, not only were “biologists”, “foresters”, and “range managers” increasingly less educated, less experienced, and less knowledgeable about biological “management” – new hires of all “races” and either sex could be and were increasingly ideologues opposed to animal use and ownership, wildlife management, forest management and use, range managements and use, rural lifestyles, ranching, farming, guns, fat in your diet, and state and local government jurisdiction. The best analogy would be to imagine a Defense Department after the prolonged hiring, promotion, and transfer of Conscientious Objectors who then hired and transferred others of their warrior persuasion ad infinitum.

1973 – The UN Convention on International Trade in Endangered Species (termed a “comprehensive multilateral treaty’ by lawyers) was signed (after intense US drafting and lobbying) by the US and a coterie of European countries and “developed” nations. Almost within days after US Senate ratification and Presidential signature on the “Convention”, a revised Endangered Species Act (on steroids regarding new federal authority, property rights, and a wide range of other Constitutional assaults) was introduced in Congress to be passed quickly with nothing but adulation and signed by President Nixon (as Watergate was coming to a boil).

1974 – A Migratory Bird Convention with the Soviet Union was signed and ratified to further solidify any question of the new federal authority over what was now all but a few remaining resident birds like grouse, pheasants, and quail.

Jim Beers is transferred to Washington, DC as a USFWS Special Agent.

1975 – 30 April, the fall of Saigon marked the end of the protests against that war. This acted to accelerate social changes in US society with the redirected activities of social radicals from war protest to social protests and activism.

1978 – The Civil Service Reform Act changed the very nature of federal agencies. Top positions were no longer “career” employees (biologists, agents, foresters, auditors, etc.) promoted up through the agency; instead they became “professional” managers that turned out to be “code” for political persons and their relatives and friends needing a job. Such “professional managers” were touted as “more responsive” to the President and Congress and less “protective” of the agency. This vastly **increased the political element in every agency** while further eliminating requirements (other than political) for the promotion, hiring, and transferring of career employees into policy positions. This **political takeover of “science”** in agencies like USFWS affected grants and research and University Departments as money poured into Endangered Species projects and subspecies, races, and populations were “discovered” as qualifying for funding and government power increased accordingly. Large annual federal employee bonuses were instituted for the first time further making the agencies into politically responsive diversity centers where “science” and the awarding of increasing federal grants and contracts for everything from endangered species to land acquisition and land management were political tools for expanding federal power and the reelection of federal politicians.

In these late 1970’s “new” USFWS powers led to speculation and precedents of an enormity unimaginable 15 years earlier. For instance, the Bald Eagle was protected since 1917 by the Federal Bird Treaty with Canada; in the 1940’s a Bald Eagle Act was passed to give them “more” (actually duplicative) protection. Yet, as a truly “charismatic” species they were the numero uno “charismatic species” “Listed” in each ESA. (While the 1st Endangered Species Act was passed, I was taking a photo of about 25 bald eagles at one Aleutian Island dump, wondering how they could be nationally “endangered”.) Never was it imagined that such “Listing” would eventually authorize the federal government to declare a large area around some tall and/or dead tree on Private Property as a zone of no use or disturbance for the landowner or others **WITHOUT COMPENSATION!** Yet that became common once the CITES was signed and the new ESA was passed to “be the supreme Law of the Land” (as a “Treaty”) per Article VI of the Constitution. Suddenly, the 5th Amendment “nor shall private property be taken for public use without just compensation” no longer limited USFWS on their endangered species mission. Suddenly, States Rights that were never given to the federal government (the 10th Amendment provides that “powers not delegated to the United States... are reserved to the States respectively, or to the people” were being exercised by the federal government at the expense of State governments and the people. Up until then, migratory birds protected by treaties and in need of habitat were only able to get such habitat if Congress authorized funding and a

“WILLING SELLER” was involved. Private Property with “Endangered” Red-cockaded Woodpeckers or Spotted Owls became subject to “taking” by government through prohibiting logging or disturbance, without compensation. The Constitution states the government can only “take” private property for a “public use” and that it must compensate the owner. Where is the “use”; why is there no “compensation”? When the government no longer must compensate owners whose property they “take” and the law looks the other way, what limit is there to government power? It is my opinion that this began the slide toward toleration of the Kelo Decision and public acceptance of succeeding central government decrees.

“Science” became a propaganda tool of the alliance of bureaucrats and activists bent on creating central government controls that enriched the bureaucrats and imposed activist demands on all citizens. Just like the recent “Global Warming Science” scandal, “science” supportive of government and ideological goals is twisted and tortured privately for hidden purposes. For instance, biological classifications heretofore unknown and indefensible like certain “subspecies”, “races”, “populations”, “population segments”?, and “distinct population segments”?, became unchallengeable legal bases for private property takings, public land closures, and budget expansions. “Secret” Appropriations were made to search for a bird last seen 70 years ago (the Ivory-billed Woodpecker) on the word of “experts” to close public lands, but private lands, and threaten wildlife uses like hunting and fishing –for a bird that is still extinct. Wolf justifications like “gene pool” and “balanced ecosystem” were legally accepted justifications while in reality being meaningless terms. The “scientific” justifications of imposing wolves, by setting the precedent of the current wolf problem, has established a legal precedent for free-roaming buffalo on The Great Plains as a prelude to a “Wildlands” “Buffalo Commons” as desired by activists and many bureaucrats. What is the difference between free-roaming wolves and free-roaming buffalo: between forcing ranchers out of business and eliminating elk hunting in the West and driving farmers out of business and eliminating pheasant hunting on the Great Plains? What is the difference between using the (false) “scientific” claim that “wolves only inhabit 5% of their former range and using this same precedent for buffalo or jaguar or grizzly bears? This is how the failure to confront self-serving “science” has led to a bureaucratic nightmare of apparently unsolvable proportions. Just like there has not been any prosecution of “Global Warming” “scientists” and bureaucrats for falsifying “science” so too are these endangered species “scientists” and bureaucrats held blameless, because their “science” that they impose on the rest of us is merely smoke and mirrors that can be so binding on us is not something they can be held responsible for when it is shown to be bogus and their actions shown to be reprehensible.

This period was also when the first mention was made by USFWS bureaucrats of the “need” for Federal legislation redefining federal jurisdiction over “Navigable Waters of the

United States” to mean ALL WATERS AND THEIR WATERSHEDS which quite literally means 99.9% of ALL LAND in the United States. Consider that the origin of such federal jurisdiction over “navigable waters” for 200 years is based on an extrapolation of wording in Article III, Sec. 2 of the Constitution granting the Supreme Court “judicial power” over “all cases of admiralty and maritime Jurisdiction”. “Admiralty” in the late 1700’s was commonly UNDERSTOOD to encompass “navigable waters”. Today we have bureaucrats, associated lobbyists, and politicians proposing their own (Constitution-violating) explosion of this sound federal, Constitutional commercial navigation responsibility to mean ALL wetlands, creeks, bayous, streams, runs, rivers, intermittent wetlands, lakes, ponds, impoundments, etc. and their watersheds being legislatively wrenched from State jurisdiction and private property owners. Consider that we have been paying the salaries of federal bureaucrats while they plot and scheme to destroy our Constitution and our rights just as federal Regulations for years have nullified state gun laws and citizen’s 2nd Amendment rights whenever they stepped on federal property.

As a further explanation of recent and all-too typically tolerated federal duplicity, an example is in order. **While I was at home for 10 months before my retirement I was asked one day to accompany two concerned individuals (one a Congressional staffer) to investigate the routine night-time, 5 to 6 hour dumping of a toxic-goo into the Potomac River from National Park Service lands in Washington, DC every 2 to 3 weeks.** What we found was that for years (this was 1999) the US Army Corps of Engineers (that ran the DC water supply treated in 3 reservoirs supplied by the Potomac River from above Washington) had hosed out the sediment in the periodically-cleaned reservoir bottoms and ran it through one or more underground pipes and small stream beds through the National Park below the reservoirs along the Potomac River shore. (Federal bureaucrats, state lobbyists, environmental and animal rights lobbyists, and politicians drove right by and over this dumping for decades as they sped into town to tell the rest of us how to live our lives.) The dumping was done at night so no one would notice the black goo (even cormorants fled from the plume made in the River when dumping was conducted). The reservoirs were in NW Washington and the rich and powerful neighbors had kept trucks (the proper and only legal disposal venue to dump the sediment anywhere else in the United States) out of their luxury neighborhood streets. Little did they know that the periodically uncovered, buried “ordinance” in those neighborhoods that was quietly cleaned up by government workers covered another dirty secret. During WWI, NW Washington was mostly dairy farms and some were bought by the government for “secret” activities: a multi-million dollar chemical warfare facility. German use of chemical warfare in Europe and the possible involvement of US military called for US government experiments with chemicals and gasses like chlorine and mustard gas as well as delivery (grenades, hoses, mortars, artillery, bombs, etc.) venues. A series of buildings and pits dotted the facility. After the War, pits were bulldozed, the buildings razed, and the time honored disposal method of “out-of-sight, out-of-mind” burial employed. Aerial quadrant photographs of the US from that period kept in the National Archives

have that NW Washington area cut out with no explanation available from government record keepers. These are the people (US Army Corps of Engineers) that would administer the proposed “new” Navigable (meaning “all”) Waters of the US, and one of the “save everything by total federal control” bureaucracies (the National Park Service that looked the other way for years) is one of those behind the latest proposed federal water jurisdiction expansions threatening us today.

Also during this time period, federal land agencies and Congress began decreasing the Payment-in-lieu-of taxes nationwide to state and local government to replace the loss of taxes for roads and schools that occurred when land was sold to the federal government.

Although the federal government had at one time committed to pay these “Payments”, Congress found it becoming too expensive and so began both reducing and then periodically ignoring these payments. Federal land management agencies did not advocate continuing the payment amounts because they were perceived as making National Parks, Refuges, and Forests appear even MORE expensive as these agencies asked for annual increases in size and units for the steadily increasing federal land base. National Wildlife Refuges, National Parks, and National Forests increasingly challenged state laws “on federal property” (as though such land was no longer in the state) and cooperation with local governments became more and more problematic with eventual total disregard for local governments becoming commonplace. Management and receipts from sustainable use of natural resources like wildlife, timber, and forage began to disappear on federal lands. These lands were not only purchased and authorized with those uses specifically mentioned; historic revenue sharing with local communities from receipts generated by sustainable uses like timber, forage, and recreation dwindled with the loss of these sustainable use activities on public lands. State laws from fish and game laws to vehicle laws and gun laws on federal lands were increasingly voided by federal regulations and policies that federal managers claimed were supreme. Dwindling state and local objections coincided with increased state agency (and politicians) reliance on growing federal dollars for everything from endangered species to law enforcement.

It was during this period that I first heard and read about USFWS planning to introduce (for me it is incorrect to say “reintroduce” since they were never previously “introduced”) wolves throughout the nation. I thought this was “nuts” biologically and socially, and an incredible overreach of federal authority. I was joined in this reaction by the Animal Damage Control employees that I had worked with in USFWS for years and who had, in my opinion, most of the rapidly disappearing common sense wildlife management experience in the USFWS. While other employees might have agreed, they were either silent or absent when the topic came up. Something that I had noticed since my college days at Utah State was that almost without exception, people (be they professional wildlife people or John Q. Public) either 1. Accept the

fact that predators cause various harms requiring constant and costly predator management, periodic predator reductions or even predator eradication in certain areas at certain times OR 2. Believe predator control is never justified, effective, or permissible. Like individual political persuasion, there are these two seemingly irreconcilable camps with a periodic swing group in between that is responsive to overwhelming proof of harm, some horrendous incident, or periods of quiet where rich and powerful propaganda is spread about fantasies regarding dangerous and destructive animals usually involving large hidden agendas in the background.

These were the days of the Carter Administration and such future expansions of new federal powers were entertained, encouraged and believed to be inevitable as far as the eye could see.

1980's – These were the Reagan years noted for, among other things, Jim Watt, Manuel Lujan, Ray Arnett, the “Sagebrush Rebellion”, and hard questions about the growth and power of federal agencies and federal laws. The first half of this period was not hospitable to nonsense like introducing wolves so plans were left in drawers and formerly exuberant environmentalists and animal rights advocates were quiet at their desks though not on their phones with environmental organizations and Congressional offices.

The second half of the Reagan years showed a reemergence of more “middle of the road” environmental policy managers. As a way of showing environmental “sensitivity”, the Animal Damage Control Program (ADC) was taken out of USFWS (where it had been since USFWS was formed) and placed in The US Department of Agriculture to be subsumed into the Animal Plant Health Inspection Service and this was touted as making government “control” (i.e. “killing”) of animals a farm function where it would be less noticed. This “purification” of the increasingly “ecosystem”-oriented USFWS was cheered by both rural and urban citizens. Mistakenly in my opinion, many rural residents cheered this as releasing the ADC agents from a lot of the increasing “tree-hugger” restrictions imposed by USFWS. As true as that was, the far more dangerous result was freeing USFWS from any lingering realities about wildlife as they planned and explained future USFWS wildlife activities.

The combination of losing ADC and the slow slide (into the early 1990's under the first President Bush) towards a return to expanding federal powers, activist employees, rich and powerful environmental/animal-rights “partners”, and an increasingly powerful federal reelection propaganda card in these matters brought an avalanche of proposals and programs to the fore. An experimental release of “red” wolves was tried on two coastal federal

refuges in the Carolinas only to fail because people shot the wolves and the rest interbred with dogs and vice versa at every opportunity. Once again political support for endangered species land acquisition; “Listing” “emergencies” of every imaginable plant and animal flock, stand, or whatever (usually near some dam or project or hunting use of guns, etc. opposed by environmental/animal-rights organizations); and targeted agency power expansion plans encouraging “scientists” and Universities to share in the budget expansion and federal money (called “playing ball”) hatched nationwide efforts to save everything from sand flies to “Invasive Species” bushes that were nest-trees for endangered birds. Names like The Nature Conservancy (TNC), Defenders of Wildlife (DOW), Wildlife Federation (WF), and Humane Society of the US (HSUS), Animal Welfare Institute (AWI), Animal Protection Institute (API), and Natural Resources Defense Council (NRDC) began appearing routinely in USFWS memos and in meetings. In this environment, wolf introduction was again heard in conversations in USFWS corridors.

1992 – President Clinton was elected and a new flock of political appointees signaled strong support for increased Endangered Species and Marine Mammal activities. New proposals for federal expansion were also encouraged. Thus did we see federal “Native Ecosystem” authority requests and federal “Invasive Species” authority requests trumpeted as in need of new laws granting more federal (at the expense of states) authority, and a greater need for federal funding. Increasing Wilderness Declarations and Roadless closures of public lands accompanied increases in catastrophic fires spreading from federal land ownerships and sudden Executive Orders doing things like closing energy development on select public lands (even as nearby energy “emergencies” threatened the health of millions of urban Americans). Plans for a massive introduction of wolves throughout the Intermountain West began to gain quiet planning momentum in USFWS endangered species offices, though not with much public awareness or publicity as even the most rabid supporters were aware of the strong opposition that such an action would generate.

1994 – The Democrats lost control of the US House of Representatives for the first time in 40 years. Speaker Newt Gingrich took control waving a document called Contract with America. USFWS employees were more surprised and disappointed than anybody. The House is a key budget approval point for things like introducing wolves where they weren’t wanted. **Three things then happened that are of importance to everyone concerned with wolves in the Lower 48 today:**

1. **In the first month or so after the Republicans took over The House, a House Committee that was a hotbed of environmental activism and was also duplicative of**

the House Natural Resources Committee – The Merchant Marine and Fisheries Committee – was disbanded. One of the leading Democrat staff members of that Committee was out of a job. He almost immediately popped up in USFWS and was placed in charge of the Federal Aid to States Program that managed the excise taxes apportioned to state fish and wildlife agencies' hunting and fishing programs.

2. **Two Budget Requests to Congress were made by USFWS (one to the Democrat House before the election and one pending as the unanticipated Republicans took over) for funding to introduce wolves into Yellowstone National Park (described by USFWS as “the Greater Yellowstone Ecosystem” but in reality meaning the area around it from Canada to Mexico and from The Great Plains to the Pacific).** These plans, for which millions were needed, had been developed quietly with USFWS political overseers over 2 years and they were all caught completely off guard when the unthinkable happened, the loss of control of The House to Republicans that was more than a mere “speed bump” for their grand wolf planning. At some point around the 1994 election or as the Republicans took power in early 1995 USFWS decided to (take? steal? use?) the excise tax dollars to introduce wolves before their plans were usurped by the Republican House. An expedition to Canada was made in the winter of early 1995 and the captured wolves were “acclimated” and released in Yellowstone Park very shortly thereafter. The significance of this wolf introduction to such hidden agendas as increased public land closures, the demise of ranching (grazing) and logging, the weakening of rural economies, increasing the availability and decreasing the cost of rural lands for government and Native acquisition, the further weakening of hunting and fishing availability to citizens, and even a weakening of gun advocates' numbers were all things that were evident from the start. Additionally, the political fact of disproportionate adverse effects on Republican (rural) areas to amuse the artificially-cultivated imaginings of urban voters in predominantly Democrat areas had more than a little to do with USFWS apprehension about a likely Congressional refusal to fund (i.e. “allow” or authorize) the requested introduction of wolves by the new Republican-controlled Congress.

3. **March 1995 – Wolves are released into Yellowstone National Park** (one of only a very few federal landholdings that were never within a state and is therefore truly a federal ownership that has never recognized any state authority or jurisdiction). This fact made it the ideal place to release the wolves that would then “spread” out from there under total federal protection as an “Endangered Species”.

1996 - The first female Director of the USFWS (a former Vermont state fish and wildlife Director) resigned due to failing health and was replaced by a little-known USFWS endangered species activist (biologist) who became the second female Director of USFWS. The excise tax dollars were flowing illegally through USFWS by this time.

1993-2000 – Excise taxes collected on arms and ammunition in the mid-90’s had not seemed (to an employee like me familiar with the excise taxes) to be proportionate with the explosion of arms and ammunition purchases in the early Clinton years. As with the first year of the Obama Administration, gun owners and would-be gun owners were “stocking up” on guns and ammunition “before the President Clinton took them away”. Yet the receipts were generally flat for all the guns and ammunition reported as being purchased. The reason for this was that the USFWS administrators of the excise taxes had, for decades, been holding back an extra percentage or two secretly to curry favor with USFWS Directors that wanted new furniture or needed more travel money, or funds for things that weren’t to be publicized, etc. The problem was that in these times, the Clinton folks had ideas that were calling for a little more than the usual “walking around” money.

When newly appointed and newly hired top USFWS political managers found out about this secret “slush fund” arrangement after assuming power in 1993, just like anyone that considers and then begins doing illicit things (many would call them “crooks”), they began demanding “more” and imagining all the “good” they could do. When the House turned down the funding requests for wolf introduction and hostile politicians took control of the House (a primary “make-or-break” point for federal budgets), a time to go on or turn back was reached by USFWS wolf advocates. The top managers determined to get the money from the excise taxes and introduce the wolves quickly and say that they used other appropriated funds that they had “saved” elsewhere. Simultaneously they thought they would use even more of the excise taxes to open a California environmental/animal rights liaison office that again was a “now-or-never” move that the Republican House had also refused to fund since even closer alliances between USFWS and mostly Democrat environmentalists in California was not calculated to favor Republican election victories. Then, of course, they would need some more excise tax “hush” money for bonuses to all the USFWS office personnel that might notice the use of funding that USFWS had no right to use. While GAO had put the amount of excise taxes illegitimately spent this way at a minimum of \$45 to 60 Million, there was probably even more.

Recently I spoke with an Alberta rancher about the wolf captures and export to the US just before the Yellowstone releases. He was clearly under the impression that the Canadian Wildlife Service and the Alberta or Northwest Territories fish and wildlife personnel (using helicopters) assisted in the capture and transport of the wolves during a one-month expedition. Those expenses were NOT in the USFWS expenditures that I reviewed in the House Committee offices for the GAO. What necessary payment amounts to CWS, Provincial and others were for salaries, equipment, and transportation, etcetera were or where they were recorded (if recorded), is anyone's guess but I would venture to say that they were significant and somehow disguised elsewhere as in a grant or transfer through some organization like Defenders of Wildlife that reportedly participated on-the-ground in the Canadian wolf roundup expedition, importation, and releases in Yellowstone.

As nearly as I can figure, increasingly larger excise tax money (meant for states) amounts were withheld secretly by USFWS in 1993 and 1994 and added to one or more, larger chunks withheld in 1995 and 1996 after the capture and release with the excise taxes was "approved" within USFWS. Since these amounts were what are termed "no-year" funds they were carried over without notice (excise taxes are constantly being received quarterly and distributed annually and charged subsequently by states so illegal "carryover" bookkeeping in the flow of funds is easily perpetrated). They were then made available over a year or two or more to USFWS managers by USFWS money managers when the decision was made by USFWS management to fund the wolf introduction, the California Office, and "Santa Claus" bonuses for USFWS Washington and Regional Office personnel out of the excise taxes.

Now I (Jim Beers) had been charged at this time with representing State fish and wildlife agencies, and trapping and furbearer management (both under primary State authority and jurisdiction) in regards the EU attempt to ban the import of furs from the US, Canada, and Russia. This responsibility was given me in the latter part of the Bush Presidency when I began working with the excise taxes on arms and ammunition. Since the Clinton appointees were always trying to foster the illusion that they supported guns, hunting, and natural resource management they had kept me on in this position because I was an enthusiastic defender of states' rights, trapping, and furbearer management and it was recognized I was doing a good job. Although I was never told to let states or trapping or furbearer management be undercut by the elimination of the European fur market, USFWS top managers, especially the 2nd female Director and the former Congressional staffer in charge of the excise taxes were promising the environmental/animal-rights' coalitions (TNC, DOW, WF, AWI, API, NRDC, Sierra Club, Wilderness Society, etc. that they met with secretly) that I was going to fail ultimately. Telling me that, however, was fraught with problems for them as long as they were cultivating the aura of being the defenders (not destroyers) of States' rights and advocates (not opponents) of

managing renewable natural resources. That said the former Democrat staff person from the defunct Merchant Marine and Fisheries Committee and overseer of the excise taxes was secretly negotiating with White House staff to get the President to sign an Executive Order to ban all trapping on public lands as a sop to the pro-wolf/anti-trap factions with whom he was entangled. He was unsuccessful due to the explosive nature of the topic as an election was approaching. My trips to Europe and my liaison work with state furbearer managers in those days overlapped the theft of the excise taxes while I was also working in Washington as a Project Officer on millions of dollars of multi-state excise tax projects.

When I was informed (secretly) of the “secret” meetings between the Director and activist organizations earlier, at that time in the 1990’s I thought the sole reason for those meetings was my continuing progress and eventual success (my belief, not theirs) with getting the EU and their environmental/animal-rights’ allies (many of whom were the same ones I encountered in the US meetings and at UN meetings). I was wrong. More careful hindsight and more balanced consideration of the facts and dates has led me to be firmly convinced that those meetings were either also or primarily about the wolf introduction funding and the potential scandal that might arise if the funding were ever exposed. USFWS had stolen the money from the excise taxes and the environmental/animal-rights’ organizations wanted me fired or shot (whichever) but since I was working in the excise tax area, any scandal or commotion might cause an inquiry or some questions about the excise tax books. Put together my success and my state connections with the danger of Congress or some state looking into how wolves (to say nothing of the California office) were funded and who knew what the consequences would be if the theft of Millions was revealed?

When the EU finally backed down on the attempt to ban the import of furs in the late 1990’s the feces “hit the fan” regarding my continued employment. The environmental/animal-rights’ organizations were now powerful enough to demand that I be drawn and quartered as an example to the few remaining natural resource managers and Constitutional rights’ respecters left in USFWS. I wound up at home for 10 months and here I am today.

Part III — Violations of Law associated with and generated by Wolf Introduction and Protection.

This final part is an account of the violations of law associated with the introduction and spread of wolves in the Lower 48 states, as I understand them. As when I “made” two large Endangered

Species cases in New York 35 years ago, I will summarize them for you as I would for a US Attorney. Since I am not a lawyer, I can only make a preliminary suggestion as to what specific law or laws were violated. It is up to a lawyer or law clerk to “research” this further and determine which and if any laws or regulations were specifically violated. The fact that this happened 9-15 years ago means that any legal follow-up is problematic. Keep in mind that this is provided for you to see and understand the interconnectedness with all manner of Constitutional abuse and government corruption that we must be aware of as we plan for the future.

My only real purpose here is to inform the listener or reader about the putrid background associated with wolves in the Lower 48 as a way to help all those being harmed by wolves and federal perfidy from ranchers, walkers, joggers, and hunters to dog owners, parents with small children, grandparents, rural residents of all stripes, states’ rights advocates, those concerned about diseases carried and spread by wolves, and American taxpayers paying for an increasingly expensive and perpetual “catch-release-kill-cover up-deny” cycle of never-ending wolf babysitting with our tax dollars. Hopefully knowing history in this case, in addition to helping us to not repeat it, will help us to solve this wolf problem and begin to rebuild a safe and productive rural America where families, freedom, and American values once more create a rural environment that is the pride of all Americans and the envy of the world. Knowing your foe is the first step to victory.

The following alleged criminal activities are divided into two groups. First are those violations directly associated with the introduction and protection of wolves. Second are those violations that were attempts to cover up past criminal activity and assure future support from all those associated with federal wolf activities.

A. Violations directly associated with wolf introduction.

- 1. The theft (misappropriation, diversion) and misuse by USFWS Administrators of at least \$60 Million from the Pittman – Robertson excise taxes in Fiscal Years 1995, and 1996.** These funds could only be used by state fish and wildlife agencies for purposes expressly stated in the Act. This was done by USFWS managers and

was verified by a GAO audit report to the US Congress in 1998 and my own examination of these records. 26USC, Sec 4161? 31USC, Sec.666?

2. **Supplementing federal Appropriations with illegal funds.** FWS managers supplemented the USFWS Congressionally Appropriation in FY 1995 and 1996 with at least \$60 Million taken from the Pittman – Robertson funding to fund a wolf introduction program and to establish an USFWS office in California, each of which Congress had specifically and previously refused to fund and to pay salary bonuses to select USFWS employees that were not entitled to such funds since they had no connection with the “administration of the Wildlife Restoration excise taxes or their disposition. 26USC, Sec 4161?

3. **Introducing wolves from Canada into Yellowstone National Park after the US Congress had refused to appropriate funds for or to authorize such action.** This act is clearly a serious violation of federal budget regulations but would arguably be caught up in an irresolvable debate between the President and the Congress as to whether or not the President is bound by a refusal of Congressional funding to forego specific actions.

4. **Failure to file Wildlife Importation Forms (Form 3-177) upon importing wolves from Canada into the United States for release soon thereafter in Yellowstone National Park.** 50CFR, Part 14; 16USC 3371-3378 NOTE – This “required” Form 3-177 describes the species and origin of the wildlife along with the date imported so that you could check on all who were present at the importation (like DOW?). When I was told (in 1997 by an Endangered Species biologist) that the Form 3-177 was not submitted at the border when the wolves were imported by USFWS employees I doubted it, so I called the Law Enforcement Office that would have had such records and asked how many live wolves had been imported into the US from Canada in the first half of 1995. I was told “none”. As a former US Special Agent at a Port-of-Entry (New York in the 1970’s) I knew of the importance of this document. I was truly stunned at the time that no such record was made. As an indication of the variable and selective enforcement power of Endangered

Species “requirements” at this time a biologist in the Endangered Species Program had accompanied a Smithsonian expedition to Asia and made out the “required” Form 3-177 for the expedition on return to the US. Nitpicking about the species name used on the form and the failure of some inane documents from some tiny Asian “republic” turned into federal charges against the biologist that went on forever. His only “real” violation was questioning Endangered Species “science” and “enforcement” practices in the past. Finally he was forced to agree to two misdemeanors and retire. He soon found out that the US Attorney had been induced to arrange things so that it was treated by the state of Virginia as a low-level felony thereby depriving him of the right to vote or own or possess a gun. Given the importance of wolf dealings today, the fact of questionability of origin and “species” of the wolves is merely but one more “impossible to prove” aspect of the whole affair.

5. The failure of USFWS to describe the impacts, costs, and dangers to be expected if and when wolves were introduced and protected as Listed Endangered Species in the Lower 48 States.

1. Historical records of wolves attacking and killing soldiers, children, homesteaders, and Natives (as mentioned in Stanley Young’s Wolves of North America) were ignored.

2. International records of human attacks and livestock and wildlife losses (as described later from available documents in Will Graves’ Wolves in Russia) were ignored. Human attacks were denied and ignored and it was even claimed that there were NO such attacks in North America.

3. Human, wildlife, and livestock dangers from wolf-borne disease were ignored while the steady discovery of health hazards to people, wildlife, pets, and livestock from wolves has grown exponentially. Wolves carry and spread over 30 infectious diseases, nearly all of which are hazardous to humans.

4. Expected Big Game animal losses were totally distorted and made into nothing while the results are catastrophic.

5. Livestock losses were underestimated and the fact that any taking or harassment of wolves (except in only the most extreme and provable

circumstances where a human life was in extreme danger) in protection of private property would be met with draconian – felony and extreme federal enforcement – penalties was not mentioned.

6. Promises in initial documents to not allow any number over X by state have been disregarded and implied “return of management to states” in truth has and will only mean Federally “approved” (and changeable) Plans that “permit” State governments (only temporarily and under changeable goals and processes) to implement “approved plans” as changing federal political winds dictate.

7. Control and management costs of expanding wolf populations to state and federal budgets received no realistic treatment.

8. Current costs to farmers and ranchers, to say nothing of current total federal costs annually are not available and are downplayed when requested.

9. Costs incurred by state governments and local economies due to the loss of hunting opportunity and all the revenue and wildlife management it generated were nowhere anticipated or described realistically.

10. Anticipated loss of large-scale familial and cultural family hunting and other outdoor traditions was neither mentioned nor quantified in the impacts expected from the release and protection of wolves.

11. The loss of ranches, livestock production, and the significant diminishment of rural economies were ignored and are still denied by those responsible.

This record should give a court the opportunity to tell the Federal government that USFWS is totally incapable of describing the impact of its programs due to its own self-serving stake in the outcome and thus (at least) ask a court to designate or direct the Congress or the President to designate a different process or entity to write such documents and implement such programs from now on. Such a finding may be a “violation” of the duties and functions expected of an agency under this specific law or in general under their charter. If USFWS cannot perform such a basic governmental requirement then the responsibility should be placed elsewhere. If USFWS DELIBERATELY ignored multitudinous harms and dangers in order to introduce the wolves anyway, they should be prosecuted and the program reversed. 16USC, Sec. 1533? 50 CFR, Sec. 424?

6. The entire relationship, going back to the early 1990's between USFWS and the Defenders of Wildlife (an organization that since its inception has been a foe of USFWS programs as evidenced by lawsuits and opposition publicly to Federal and State fish and wildlife management and use programs as well as the ownership and use of wildlife by US citizens) is one that bears close examination. For instance:

-Did the Defenders of Wildlife actively participate in the capture, transfer, and release of wolves into Yellowstone in 1995? What role (both personnel-wise and financially) did DOW play in that effort?

-Is it permissible for a governmental function like compiling and compensating livestock owners for animals lost to wolves to be given to a Non-Government Organization (NGO) like DOW with an agenda opposed to state wildlife authority, ranching, hunting, and the Constitutional rights of rural American citizens?

-On what basis can recording wolf damage be awarded by USFWS to an NGO that is deeply involved in one side of a very partisan wolf program?

-Although the 2nd female USFWS Director appointed DOW to be the sole authority on "documented" wolf damage to livestock, and even though this same Director left USFWS with the election of President Bush and then waited 3 years (2 ½ of them in a top job at the Wildlife Federation) before assuming a top job with the Defenders of Wildlife: was there any quid pro quo during her tenure as USFWS Director regarding USFWS decisions like the quasi-governmental role awarded DOW and future employment?

-What political activities, donations, and support regarding state and local elections does DOW engage in? Have any government funds been used to influence political elections or to influence political votes? Did DOW lead an effort to defeat Congressman Pombo? Is DOW leading a current effort to defeat Congressman Pombo's bid for re-election?

-How close to the line of illegality are all or any of these involvements, violations of election laws? Of lobbying laws? Of use of federal funds? Of simple government ethics regulations? – P.L. 100-478?

7. Can items 1 through 6 be combined in whole or in part to indicate a Conspiracy either among federal employees or between federal employees and others, like DOW?
8. If USFWS empowers DOW to compensate livestock owners for provable loss of their property (livestock) how can it (USFWS) refuse to similarly compensate dog owners or other animal owners for the provable loss of their property to wolves? Similarly how can the federal government that introduced, protected, and spread the wolves not be liable for human attacks by wolves? What of the loss of huntable animal populations to federal wolves, since if MY dogs kill game animals I am fined and punished to prevent any such future loss of game animals (i.e. public property under state jurisdiction managed for all the residents of the state)? Is this not a violation of the “Equal Treatment” before the law prominently stated in the XIV Amendment, “nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” Even if you make the argument, “why that only applies to the States, not the federal government”, then each state allowing this disparate treatment (livestock owners v. dog owners, big game hunters, humans attacked by introduced wolves, etc.) under federal law is violating the 14th Amendment and should be sued to force them to “protect” the “life” and “property” of its residents “equally”. There seems to be no doubt about the awful dilemma created by the USFWS and gutless states here. Were I to move into your neighborhood and let my Dobermans run loose and kill your dog and your calves and wild fawns in parks while keeping families sealed up in their homes and causing you to not let you kids walk home from the school bus stop: would I not be liable and would not the state have a responsibility to protect you and your property? The fact that federal policies and laws create such a situation in our communities with no federal accountability and that state governments are nowhere in evidence is disgraceful and I would argue illegal with only the most rudimentary reading of the US and most State Constitutions.

- B. Violations resulting from and associated with a cover-up of past criminal activity associated with the wolf introduction or in furtherance of current and future cooperation to ensure the continued expansion of areas supporting wolf populations.

1. Fifteen plus or minus years (mid 1980's to late 1990's) failure of USFWS to audit state fish and wildlife agencies' compliance with excise tax expenditures and other requirements to continue receiving such Wildlife Restoration funding. This specific requirement in the legislation authorizing the entire excise tax program was let slide as USFWS strived to become more "green" (I.e. more non-"management" and use oriented) in its own programs and to allow state agencies to likewise use the excise taxes for similar, but prohibited uses like non-sport fish projects and replacing non-native game species with native non-game species. During this dereliction of USFWS duties one state sold wildlife lands to a prison (a violation), another, paid state park employees salaries (a violation), and another bought a vehicle fleet and put it in the statewide motor pool for all state employees to use (a violation). Were it not for late-at-night State whistleblowers, these would have gone undetected and bred more such violations. This made it harder and harder for state fish and wildlife agencies to stand up to USFWS over anything as each state had more and more skeletons hidden in their closets. Remember to add to this the increasing grant dollars from federal sources (Endangered Species, Research, "adaptive management" etc.) and the growing conviction that "hunting (license money particularly) was on the way out" and you have state fish and wildlife employees more and more beholden to federal bureaucrats than to state residents or even state governments for that matter. As proof that the state fish and wildlife cowards were right that "hunting is on the way out", as wolves have eradicated Idaho (a former premiere destination for non-resident big game hunters) elk and deer such that current (as this is written) non-resident hunting license applications that are normally quickly sold out are only 3,235 applicants for 14,023 available permits. The failure to audit state agencies by USFWS was an intentional action to further neutralize state agencies that might think of objecting to USFWS plans not only for wolves but for land acquisition, introduction and protection of other predators like grizzly bears and jaguars and a whole host of planned private property takings and game species' eradications of ("Invasive") species like brown trout, pheasants, Hungarian Partridge, Rainbow trout, Pacific striped bass, Great Lakes salmon, etc. The reason for these intended eradications is the bizarre offense that these animals (though highly prized by sportsmen and others) arrived in North America AFTER Christopher Columbus. Today South Dakotans and Iowans have had to fight their state wildlife agency to control the cougars spreading into their states. Today the Iowa wildlife agency burns pheasant nesting and wintering habitat in the spring on state hunting areas to

ostensibly establish “Native Prairie” while actually eliminating the few remaining pheasants (just like is currently happening at Bowdoin National Refuge here in Montana as I speak).

2. State audit discrepancy cover-up of State irregularities in excise tax expenditures and the illegal “hiring” of the US Department of the Interior Inspector General as a contractor by USFWS an agency under the purview of that Inspector General. After the theft of the +/- \$60M USFWS had to quickly restore the 5-year State audit cycle but they no longer had qualified employees (who had formerly conducted the audits from the 1940’s to the mid 1970’s when they started becoming less and less frequent). A contract audit agency was hired to audit each state fish and wildlife agency in the next five years. There were 2 real difficulties. First, the states had not been properly audited for a long time and they were (like USFWS) a budget hodgepodge of funds, restrictions, earmarked funds, separate offices and conflicting missions. Additionally, some state agencies are in larger Departments of Natural Resources where fund “sharing” and abuses of the excise taxes are harder to detect. Second, the auditors were not familiar with fish and wildlife organizations and programs (as were growing numbers of USFWS employees). Thus misuse of excise taxes for illegal “green agenda” purposes were not only concealed but readily denied by state managers that saw this as their career future “when hunting disappears” and federal funds became even more important. After 2 years, the auditors were somewhat behind schedule (not surprisingly) but they had already confirmed over \$130 Million in misused excise tax dollars from shady land transfers to political profiteering and timber sales revenues that were deposited in state coffers rather than in fish and wildlife accounts as required by law. So USFWS fired the auditors when they showed no inclination to “smooth” over their findings. USFWS then “hired” the US Department of the Interior INSPECTOR GENERAL (IG), who is appointed by the Justice Department and confirmed by the Senate TO OVERSEE the USFWS among others, **to conduct the state audits**. The IG didn’t even audit USFWS and was more a political figurehead than anything. That IG moved on to being currently Vice-President Biden’s IG or “Czar” overseeing the “Stimulus Funding”. Anyway, the current IG is still given +\$3m per year to “audit” state agencies. By the way, the \$130 Million misuse was (settled? explained? erased?) and no other major problems have been unearthed.

Question, is it legal for a federal agency to (“hire”, “contract with”, “pay”, “employ”) an Inspector General with oversight responsibilities for that agency?

This is like some bank or trucking company hiring the County Sheriff to do X, Y, and Z. Could such a thing ever be legal, tolerable, or ethical, aside from the corruption that such an arrangement would inevitably breed?

What happened to the \$130 Million misused by state agencies? When added to the stolen, and never replaced, \$60Million and funds probably spent in Canada catching wolves and we are up to at least \$200+ Million lost to American hunters, anglers, and outdoorsmen. At what point does all this (to paraphrase the late Senator Everett Dirksen) “become real money”?

The laws violated here are numerous and the mind boggles at what has evolved between USFWS, the IG, and state fish and wildlife agencies in the interim. – 26USC4161 +?

- 3. Stolen excise tax dollars were never replaced.** You might wonder why the +/- \$60M documented as stolen from the excise taxes was never replaced? Well aside from the national political interest in containing the scandal, THE STATE FISH AND WILDLIFE AGENCIES NEVER REQUESTED THAT IT BE REPLACED! How could that be? Well I have already mentioned the steady slide of state fish and wildlife agencies from being state agencies in service of their state, its residents, and its government to quasi-subcontractors for all manner of federal programs and federal bureaucracies. The thought of antagonizing federal bureaucrats (especially USFWS bureaucrats from whom more and more of their future financial support was anticipated to come from) was probably like Italian troops in North Africa in 1942 making up their minds about what to do about the Allied horde that was descending on them – they surrendered quietly.

The money was never requested to be replaced because the state fish and wildlife Directors and their Washington, DC lobby group decided to remain noncommittal after USFWS signed an agreement with them to annually transfer \$3M or more of the excise taxes to the states’ lobby group in Washington to “fund multi-state projects of their choosing”. This formerly jealously-guarded USFWS prerogative was surrendered quietly and privately. The lobby group doubled its staff and everyone (except the hunters, anglers, and outdoorsmen) was happy. Even the hunting and fishing groups and the hunting and fishing business groups were happy since they could now feed together on the excise taxes because of their “close” relations with the state agencies and their lobbyists.

Questions: Can a lobby group receive federal funding? Can a lobby group (just like the DOW precedent) determine the disposition of federal funds? Are there

any state laws that require that a state fish and wildlife Director inform his managers and state government that funds due the state were stolen and should be replaced? Is it a dereliction of duty for state fish and wildlife employees, or Congressmen, or the President when they become aware of an illicit loss of hunting and fishing funds collected for and destined for state hunting and fishing programs to not ask for or provide for their replacement? Should such state employees have demanded the punishment of those that stole the funds? Can such a financial arrangement on the heels of the GAO Audit be construed as a conspiracy, or a quid pro quo, or simply “hush” money?

Like the man digging through the manure in the barn, “there must be a pony (a law violation or two) in here somewhere”.

4. **Using tax money to bribe a witness aware of government theft of funds to keep quiet.** The cash settlement paid to me when I retired was paid in three, one-year, installments. The agreement I signed with USFWS (after 10 months at home and testifying twice before a Congressional Committee, etc.) stated that if I mentioned or wrote about anything or any circumstance surrounding or having to do with my retirement or the USFWS activities during the time leading up to my retirement I would forfeit any money due me and would have to return all money paid me under this settlement. In other words, a government employee involved in government (public?) business was to be paid WITH public taxpayer money BY government managers to keep quiet about anything he knew or was aware of concerning his publicly paid-for activities. There was no “classified” aspect to this, only government managers using government funds to have an employee keep quiet about government activities. Interested media or hunting and fishing groups were to be told NOTHING, except the federal explanations given to state managers at a federal Conservation Training Facility in West Virginia (it was all a “bookkeeping error”, I kid you not).

This stopped any further publicity and allowed everyone involved with the wolf introduction from the Director (now at DOW) and the former Democrat staff person (now a high USFWS official) and the US Senator’s daughter (now also in a top USFWS management position) on down to move on honorably and profitably. Can such use of public funds ever be justifiable? Is that a bribe? I say that knowing that I accepted it due to the duress my wife and I were under for almost 2 years and that was threatening to destroy our lives. Accepting that

restriction was probably the dirtiest part, for me, of all the circumstances that marked my departure from USFWS. – 18USC, Sec.201?

So there you have at least 12 actual or likely law violations associated with the introduction, protection, and spread of wolves in the Lower 48 states. I accuse federal bureaucrats, state bureaucrats, non-governmental organizations, Washington lobbyists, and even myself. It was a sordid affair and it has only grown worse. The “losers” thus far are ranchers, hunters, dog owners, rural residents (especially parents, children, and the elderly), local and state governments, and American Constitutional government. The “winners”, although many have gone onto higher salaries and more power, have yet to be determined. When those of us that have been “losers” to date turn this government excess train around we will be the “winners” because we will know where apathy led us and we will never let this happen again.

Jim Beers

12 May 2010