Humans vs. Fish at Klamath Falls

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Are you for humans or for suckerfish? That's the issue in Klamath Falls, Oregon, where armed U.S. federal marshals are guarding the irrigation canal gates to keep the river from flowing to 1,400 farms that will soon be out of business if they don't get water.
On July 12, Oregon's U.S. Senator Gordon Smith (R-OR) offered Amendment 899 to release the river water to the farmers. That should have been a no-brainer -- what could be easier than choosing between desperate farmers and a couple of ugly fish?

Smith's amendment lost on a roll call vote in which all Democrats except two (Wyden and Conrad) sided with the suckerfish, and all Republicans except three (Chafee, Specter and Fitzgerald) sided with the humans. For the Democrats, radical environmentalism trumps common sense.

Next time somebody asks what compassionate conservatism means, be sure to taunt the Democrats about this vote. The farms are suffering a drought, but the Senate Democrats are suffering a drought of common sense.

The farmers are being left high and dry because the Fish and Wildlife Service says that the suckerfish is an endangered species and needs more water. A federal court agreed, ruling that, under the Endangered Species Act (ESA), the fish have more rights than the farmers.

The farmers who own the land in the Klamath Basin were given water rights from the Klamath Lake by the Reclamation Act of 1902, and those families have plowed the same land for 100 years. The government encouraged veterans to homestead the land and lured them with promises of water rights forever.

In this very dry area of Oregon, the flow of irrigation water is essential to the livelihood of the farmers, their ability to provide for their families, and their very way of life. In the current standoff, many have already been forced to sell their cattle, let pastures and hay fields go brown, and forgo plantings of potatoes, grain and other crops.

The Endangered Species Act, enacted by Congress in 1977, gives federal bureaucrats the power to classify subspecies of plant or animal life as "endangered" and then regulate citizen activity in the particular watersheds or geographic regions inhabited by the endangered species.

The farmers petitioned for relief from the "God Squad," a special group of seven cabinet-level federal officials who have the power to overturn an ESA ruling if special hardship can be proven. The God Squad has heard only two cases since 1964 and didn't grant relief in either one.

Secretary Gale A. Norton said the God Squad will not convene because of a technicality in the Klamath Falls request. The Bush Administration ducked out of dealing with this issue on the ground that the petitioners didn't have standing to complain.

The ESA regulation is estimated to cause $250 million in economic losses to the region. The communities cannot survive without the farmers, and 220,000 acres of farmland cannot survive without the irrigation water.

Secretary Norton says she will try to get Congress to appropriate $20 million in disaster relief. What a cop out! There's no reason to lay the financial burden on the taxpayers when a no-cost opening of the canal gates would solve the problem.

On my radio talk show last week, a guy called in who had been driven out of Klamath Valley a decade ago when the same ESA shut down the area's timber industry in order to protect the spotted owl. Agriculture emerged as the new industry, and now the EPA wants to close it down, too.

The media have given significant coverage to the demonstrations against the G-8 in Genoa but have generally ignored the dramatic confrontations between hundreds of Oregon citizens and armed U.S. marshals in Klamath Falls. What do these Americans have to do to get the attention of the media and the public: resort to violence?

It's time for the American people to rise up against the abusive way that the radical environmentalists, armed with government power, have stripped property rights from law-abiding property owners. This is not a battle between man and the environment; it's a battle between landowners and the totalitarian state that seeks to destroy rural America.

The radical environmentalists will be glad if the farming families are forced off the land. They would like to turn the area into a wildlife refuge.

The U.S. Supreme Court will hear an important "takings" case in the fall coming out of regulations on private property at Lake Tahoe. The bottom-line question is, must the government comply with the Fifth Amendment provision that private property shall not "be taken for public use, without just compensation"?

We hope the Court will uphold the Constitution. But it will be too late for the Klamath Falls farmers unless the Bush Administration moves immediately to stop the costly EPA arrogance.