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ORAL COMMENTS ON DRAFT DM&E EIS
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Good evening,

I am Major Robert Harshbarger, President of the Weston County Farm Bureau. I am presenting the following comments and thoughts on behalf of myself as an adversely affected landowner of this proposed railroad project and the 20 or so Farm Bureau members and our neighbors whose lands and ranching operations will be directly impacted by the construction of this ill conceive project. Weston County Farm Bureau is in favor of and supports the "No Action Alternative" of the Draft EIS for the following reasons.

The very foundation of the constitutional rights of our rural community as landowners is being challenged at this moment by the DM&E, a private company, desiring to profit at the expense of a few who happen to stand in its way.

The full protection of private property rights is not inconsistent with attainment of important public goals. Government bodies must be willing to respect property rights as they respect any other civil right. They must also be willing to be creative in finding solutions to problems of public importance without sacrificing the rights of property owners.

An individual's right to acquire, own, and enjoy property has long been recognized as being among the most fundamental of civil rights and as being the foundation of all other civil rights. Those who framed and ratified the Constitution and the Bill of Rights regarded these rights as being natural liberties, that preexisted and were independent of the Constitution.

The Framers considered the protection of property rights to be one of the primary purposes of government.

Private Property Rights, which are among the most basic rights of American culture, reign supreme over any and all consideration that has to do with any governmental, judicial, legislative, executive, or regulatory action. We believe that the right to own, enjoy and profit from ones own property is the most basic and fundamental right of our society and that this right must not be infringed upon.

It is our intent, as law abiding citizens of this Republic of these United States of America, to protect our individual Private Property Rights as guaranteed by the Constitution of the United States of America and the Constitution of the Sovereign State of Wyoming. We are guaranteed "Life, Liberty and the Pursuit of Happiness." We are not guaranteed success, but only the right to attempt to achieve success and remain secure within our property and our individual rights without overburdening interference from government.

The Constitution does not guarantee that Kevin Schiefer and his DM&E railroad will be a successful or profitable operation.

The Contitution does not guarantee the citizens in the midwest cheap electricity or any electricity at all.

The Constitution does not guanantee the American people cheap gasoline, cheap food, cheap transportation, cheap housing or whatever.

The American citizen is only guaranteed his right to his Life, his right to his Liberty and his right to his Property.

From the Fifth Amendment of the U.S. Constitution: "No person shall be deprived of life, liberty, or property without due process of law."

From the Fourteenth Amendment: "No state shall deprive any person of life, liberty, or property without due process of law."

From the Constitution of the State of Wyoming, Article 1, Declaration of Rights.

Sec. 1. -- "All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness;"

Sec. 6. -- "No person shall be deprived of life, liberty or property without due process of law."

Sec. 7. -- "Absolute, arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority."

Sec. 32. - "Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity,"

Here in the Sovereign State of Wyoming all of our elected officials from the city councils, to the County Commissioners, to the state legislators and to the Governor himself take an Oath of Office that reads in part "I, (your name), do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this State, and that I will discharge the duties of my office as (Office elected to) with fidelity;"

As I mentioned earlier, one of the primary purposes of Government is the protection of a citizens fundamental and basic rights. You, who are sitting before me here this evening are Federal employees that are charge with the duty to work out a solution on the DM&E's request to expand its operation for the quote "Public Good". Is it really for

the "Public Good" to desecrate this pristine and beautiful landscape, destroy the lives and livelihoods of honorable citizens who are in its path?

As a Federal employee and civil servant are you not also charge with the duty to support, obey and defend the Constitution of the United States of America? Didn't you when you accepted to work as a Federal employee (civil servant) accept the responsibility obeying the Constitution?

Thank you for your time and consideration of my concerns this evening. I reserve the right make additional comments this evening if time permits. I also reserve the right to provide additional written comments at a later date.

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