

By Paul Griepentrog

The Lost People: Part II

A way of life was put on trial in Neillsville, Wisconsin on September 23, 2009, in the case against Emanuel Miller Jr., having been charged under complaint for civil forfeiture because he refused to register his property under the state's premise registration program. The morning session was devoted to the evidentiary hearing in which the state, represented by Clark Co. district attorney Darwin Zwieg and Bonnie Walksmuth, a court appointed attorney representing Emanuel Miller, presented evidence on behalf of the parties.



The afternoon session was devoted to the trial phase and concluded around 4 o'clock, at which time Judge Jon Counsell gave instructions that upon the completion of the trial transcript, there would be thirty days to file motions, fifteen days after to file rebuttals, oral arguments would occur seven days later, and then he would make his final decision.

Close to a hundred Amish were in attendance both from the local area and those who had come from other groups in a show of solidarity for Emanuel. There were three reporters and eight non-Amish present other than the witnesses for the state and defendant. Conspicuous by their absence were the representatives of the groups claiming to be fighting NAIS. The only group showing support was the Wisconsin Independent Consumers and Farmers Association (WICFA) by the presence of their president, C.J. Cordell and his wife Jessica.

The first phase of the hearing heard testimony from Emanuel Miller Jr., Emanuel Miller Sr., and Amos Schwartz, Deacon for the group in and around Taylor Co.; each giving testimony concerning their Biblical beliefs in that although they could not state with absolute certainty that the premises number was a precursor to the Mark of the Beast, they knew it was the first step in the NAIS protocol that would lead to the individual numbering and tracking of animals. They believed the need for caution in order to prevent them from being drawn into the NAIS program only to discover later that they had violated their beliefs and would then have no recourse to remedy their error. When asked what they would do if forced to register and be subject to fines, jail, or be forced to move they responded that they would accept or endure the consequences and stated: "If a faith is worth living for, it's worth dying for."

Upon questioning by D.A. Zwieg regarding the entry of information into databases as part of back tagging livestock to sell, fire numbers, and other aspects of daily life, the Amish gentlemen responded that these acts were done by others and outside their control or consent. Darwin Zwieg tried to separate Wisconsin's premise identification program from NAIS despite the cooperative agreement held by the state and the USDA to implement the USDA's business plan. Andrew Johnson a field representative for Dairy Farms of America a company, to which the Amish farmers sell milk, testified that as part of his field kit issued by the company contained a document from the state that the national trace back system would be made mandatory despite the state's claims that individual tagging would be voluntary.

The afternoon's session delved into the states witnesses, the three foremost individuals to offer testimony were:

- Duane Brandner compliance officer for animal health division,
- Dr. Paul McGraw head of the animal health division, and,
- Cheryl Daniels administrative attorney for the state department of agriculture.

It was during the testimony of these three individuals that Judge Counsell began to directly question the witnesses to further his understanding of the necessity of the premise number. It was during the questioning by Judge Counsell of these witnesses, that the responses to the questions posed became inconsistent with existing ag administrative code and the USDA's business plan. There were several of these inconsistencies and I will deal with them in a later article after I have received the trial transcript.

However, there are two instances that stand out, the first being Dr. McGraw's response to questions posed by Judge Counsell regarding the necessity of the premise registration system. Judge Counsell questioned whether the premise registration system had shown to be a benefit to disease control in Wisconsin to which Dr. McGraw responded "No".

The judge then asked if had been shown to be a benefit in any other state it had been implemented and again the response was, "no".

In the judges questioning of Cheryl Daniels the question was posed as whether the premise number was part of the 15 digit individual animal identifier number. A shocked look came onto Ms. Daniels face as she responded "no"; an answer in direct contradiction to the USDA's business plan.

There was of course much more that occurred that day in court than what I could cover here, however, the conversation outside the courtroom during the breaks was just as insightful.

Having lived in an area with an Amish community I was surprised at their attitude, as it was one of cold anger, born of misinformation and broken promises from persons representing state and national groups that had lulled them into a false sense of security; a blight that exists throughout the anti NAIS movement today. My hope is that the people involved will come to the knowledge of the truth without having to face the stark reality of the courts and move to correct this unnecessary program.

Emanuel is not the only farmer facing prosecution for failing to register a premise; Pat Monchilovich is also scheduled for trial in October on the same charges.

You see, I also have a vested interest in these cases having received a visit from Duane Brandner in late February informing me I would be charged for failing to register.

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