



MOUNTAIN STATES
LEGAL FOUNDATION

We've gone to court to save the last cattle drive...

August 18, 2020

Dear Mr. and Mrs. Venrick,

Gary Cooper. John Wayne. Jimmy Stewart.

These heroic “cowboys” of the silver screen made cowboys famous. But your support of Mountain States Legal Foundation also plays a heroic role—by riding to the rescue of real-life cowboys today.

During the cattle drives of the late 19th century, the cowboy became the symbol of the West and the most iconic figure in American folklore.

As I write you today, one of America’s last remaining cattle drives is just wrapping up in Wyoming, just as it has every year since the 1890s.

But the cowboys and ranchers on this historic cattle drive fear it could be their last one—because radical environmentalists are suing in federal court to shut down their grazing rights—in direct violation of their Constitutional rights and while threatening America’s food supply in the process.

Mr. and Mrs. Venrick, these radical environmentalists falsely claim this cattle drive and the associated grazing threatens grizzly bears with extinction in violation of the Endangered Species Act. And they want the court to make it impossible for the ranchers to drive their cattle over to same federal rangeland they’ve leased and paid for over many generations.

Keep in mind that leased property is land the federal government holds in trust for the people’s use. By leasing this land, these cowboys and ranchers have *bought and paid* for the Constitutional right to use this property.

With partners like you, MSLF is defending the property rights of these cowboys and ranchers to access this federal rangeland they’ve leased. And there’s ample evidence that the grizzly bear population has more than recovered since it was listed under the Endangered Species Act in the 1970s.

Let me stress that your investment helps us pursue the expensive litigation needed to win court cases like this.

With loyal friends like you alongside us, MSLF has been fighting for the rights of cowboys and ranchers against environmental extremists for 43 years.

As you know, we are a public-interest law firm and we represent our clients free of charge. We take no government handouts. Because we not only fight for limited government in

court, we stand by that principle even during uncertain economic times like these. Our funding comes from committed individuals like you who faithfully defend the Constitution.

Today, I'm hoping you can send a gift to help save this historic cattle drive, known as the Upper Green River Drift, and thereby defend our Constitutional property rights. The Drive is a living connection to the West's ranching history—a rich history that, among other things, includes raising the livestock needed to feed America.

Moreover, it's operated by the descendants of the families who homesteaded the area and began the cattle drive in the 19th century.

In fact, the National Register of Historic Places lists the Upper Green River Drift as a “Traditional Cultural Property” because of its special place in our nation's heritage. It is the first and only ranching-related entity to receive this recognition.

But our work defending Western ranchers from environmental extremist groups has reached the crisis stage.

MSLF is receiving more requests from ranchers desperate for legal representation than at any time since our founding in 1977.

Today, radical environmentalists and their high-priced lawyers are marching across the West determined to obliterate every ranch and farm dotting our landscape. They're largely bankrolled by America-hating coastal elitists.

They despise our Western way of life. In particular, these activists detest the cowboy and rancher—and everything they stand for.

Why?

Because these heroic figures stand for the rugged individualism, the “can-do” spirit, and the “pull-yourself-up-by-your-bootstraps” attitude that helped settle the continent and found a home in the West. The attitude that won the admiration of millions of people around the world, beginning with de Toqueville and continuing into today.

Here in the West, the cowboy embodies the virtues of toughness and self-sacrifice. From riding hard all day, to rounding up strays, to sleeping in his saddle as he watches over his herd all night, the cowboy embodies grit.

This is the kind of grit we need to stand up for our rights in the face of Marxist and anarchist mobs rioting in cities across the country.

Let me tell you more about this.

You and I are facing the coronavirus and the terrible harm it has done to our country. But we're also seeing another kind of disease sweeping the nation—**hatred of America's founding.**

With the toppling of statues and the defacing of monuments and memorials, these Marxists and anarchists taking over our cities want to erase our history. They reject the

Declaration of Independence, the U.S. Constitution, and the Bill of Rights. They reject the rule of law. In short, they reject the *very idea* of America.

Right before our eyes, this chilling quote from George Orwell's *1984* is dangerously close to realization:

"Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered. And the process is continuing day-by-day and minute-by-minute. History has stopped. Nothing exists except an endless present in which the Party is always right."

For more than a generation, our universities and media have preached the Leftist party line that America's founding was irredeemably flawed.

That's a bald-faced lie. America's founding promise is that all men are created equal. There has never been a greater barrier to injustice, racism, or tyranny in any form than this American idea.

But this Leftist lie has tragically taken root in our society—especially among the wealthy coastal elitists I just mentioned. Remember that many of these wealthy elitists are funding the radical environmentalists determined to obliterate every ranch and farm in the West, robbing families of their livelihoods and harming the folks who put food on all Americans' tables.

In the eyes of these America-haters, cowboys and ranchers are symbols that must be erased from our past and our present. Just like they want the statues of Washington, Jefferson, and the other Framers torn down, Mount Rushmore removed, and our Founding documents ripped to shreds.

You and I must not let this erasure of our history go unchallenged.

That's why I'm asking you to partner with MSLF again today. Your support will help us uphold the rule of law and preserve the Western way of life—and defend the Constitutional rights of all Americans.

This is what's at stake in MSLF's fight to save the Upper Green River Drift cattle drive.

As you just read, this cattle drive takes place every year—just as it has since the 1890s.

On the very edge of the Continental Divide, it unfolds like a scene from one of Hollywood's classic Westerns. Cowboys drive several thousand head of cattle from their private ranches through the high desert mesas of Southwestern Wyoming up to the fertile summer pastures of the Bridger-Teton National Forest. It's one of the most storied and dramatic landscapes ever seen by human eyes.

This cattle drive is operated by the descendants of the families who settled the area and began the drive nearly 130 years ago.

Moreover, the Green River Drift is the oldest continuously used cattle drive in Wyoming—if not the entire country. Remember that the National Register of Historic Places

officially recognizes the cattle drive as a “Traditional Cultural Property.” It’s the only ranching and Western stock-raising entity to receive this recognition.

But radical environmentalists are suing to ban this historic cattle operation. They filed a lawsuit in the Federal District Court of Washington, D.C. in May. They’re falsely claiming that the ranches’ grazing practices harm the Greater Yellowstone Grizzly Bear in violation of the Endangered Species Act.

With your support, MSLF filed and was granted a motion to intervene in the case, which is *Center for Biological Diversity v. Bernhardt et al.*

Our clients include the Upper Green River Cattle Association, the Wyoming Stock Growers Association, and three family ranches: the Price Cattle Ranch, Murdock Land & Livestock Company, and Sommers Ranch, LLC.

Our attorneys are proving the radical environmentalists wrong by informing the court:

- The Greater Yellowstone grizzly bear population in the region has recovered over the past several decades and is now thriving.
- So much so, the U.S. Fish and Wildlife Service has twice recommended that the grizzlies be removed from the Endangered Species List—most recently in 2017.
- There’s no evidence that the cattle drive and related grazing has ever hindered the recovery of the grizzly bear population since it was listed under the Endangered Species Act.
- Yet there is clear and convincing evidence the bears are inflicting financial harm to the ranchers—by treating the cattle as a “grizzly buffet!”

As you can see, the only thing “endangered” here is the ability of ranchers to earn a living—along with a critically important piece of our nation’s history.

And we’re making sure the court sees this as well.

In addition, MSLF exposes the lie at the very heart of environmental activist propaganda. Namely, that those they oppose in court don’t really care about the land and our environment.

But our attorneys point out that no one cares more about our land, air, rivers, streams, and animals than ranching families. These families have lived on the land for many generations. And they rely on the land for their livelihoods. (And we rely on their livelihoods for the food on our tables!)

So, it’s no surprise that one of our clients in this case, the Sommers Ranch, won the Leopold Conservation Award in 2012. In receiving this honor, the Sommers were cited for their remarkable stewardship of Wyoming’s Upper Green River Valley.

You'll be happy to hear that your support helped MSLF win an early round in the fight to save this historic cattle drive.

Remember, the radical environmentalists filed their lawsuit in May. They knew the cattle drive was scheduled to start in early June. And they hoped the court would issue a preliminary injunction to derail the event.

This injunction would have prohibited federal officers and game wardens from removing documented nuisance bears on their summer grazing range. This removal has been a regulated practice allowed under the Endangered Species Act since 1975.

Moreover, our attorneys pointed out the "no-kill" rule sought by the environmentalists would mark a sudden and radical departure from long-standing bear management protocols.

Let me stress that removal of a problem bear isn't done by the ranchers.

State wildlife officials carry out the removal in consultation with the U.S. Fish and Wildlife Service. And only after the game wardens have documented a pattern of the bear repeatedly attacking humans or livestock, and non-lethal means of deterring the bear have failed.

As my colleague Brian Gregg, MSLF's lead attorney in this case, says:

"The environmentalists hope to deprive ranchers of the lawful use of their grazing leases by making the use of this summer range more dangerous than usual for cowboys and cattle. Turning the livestock that have traditionally grazed these lands into a grizzly bear buffet threatens the economic survival of these ranches and will deny a much-needed source of food to hundreds of American families."

Brian continues:

"These families have cared for the land far longer and far better than any agency or activist has. The Green River Drift provides nearly 130 years of evidence that ranchers are the real conservationists."

While our recent victory saved the cattle drive for this year, I must emphasize that we've only won an early battle in what will be a much longer war.

You can bet the environmentalists won't give up. Their utter contempt for ranching families and the Western values ranchers embody will fuel their rabid determination to see this historic cattle drive banned once and for all.

I urgently need your support to help MSLF use every weapon in our legal arsenal to make sure that day never comes.

In addition to *Center for Biological Diversity v. Bernhardt et al*, your investment will help us litigate three additional cases where environmentalists are using the Endangered Species Act as an excuse to put ranchers out of business.

***Crow Indian Tribe v. United States* is currently working its way through the federal courts.**

You'll recall that I've written to you about this case in previous letters. It also centers on the Greater Yellowstone Grizzly. You just read that the U.S. Fish and Wildlife Service has twice recommended its removal from the list, because decades of scientific evidence shows it has fully recovered.

Yet, both times the Fish and Wildlife Service acted, environmental extremists convinced a federal judge to put the grizzly back on the endangered list.

This imposes a deadly status quo on Westerners living near the grizzlies.

Livestock are killed. Workers are attacked. One of our clients' ranch hands was mauled by a female grizzly—narrowly escaping with his life.

So long as the grizzly wrongly remains on the endangered list, people face massive fines and even jail time for defending themselves from an attack.

If the environmental extremists win this case, it will be catastrophic for the Western way of life.

Why? Because scientific experts and wildlife officials will no longer be able to design and implement recovery plans for endangered species. That authority will go to environmental lawyers, special interest groups, and the activist judges who enable them—and who will oversee the never-ending stream of lawsuits that follow.

As you know, we represent two long-time Wyoming ranchers, Mary Thoman and Charles Price, as well as the Wyoming Farm Bureau Federation and the Wyoming Stock Growers Association.

With your investment today, MSLF will demonstrate to the court that it's ranchers and farmers who are endangered—not the grizzlies.

Your support will also keep our attorneys fighting on behalf of embattled ranchers in *Center for Biological Diversity v. Bernhardt*.

The U.S. District Court for the District of Arizona just granted MSLF's right to intervene in this case. The outcome could decide the future of livestock operations across significant swaths of Arizona and New Mexico.

Radical environmentalist groups know that ranchers can't survive without access to rivers, streams and other water resources. That's why our courts have been flooded over the years with lawsuits claiming this or that species is threatened when livestock cross or otherwise use water sources.

In this case, environmental extremists falsely claim the New Mexico Meadow Jumping Mouse is at risk. And they're offering non-peer-reviewed "science" of their own creation as evidence. In other words, they're using junk science.

MSLF is representing Doug Stacy and Bill and Barbara Marks. Both the Stacy and Marks families have been ranching in Arizona for generations. They are award-winning conservationists and long-time members of the Arizona Cattle Growers Association (who is also a client in this case).

Most of all, they will be put out of business if their cattle are fenced off from water sources, as the environmentalists demand.

With your support, our attorneys are arguing that using non-peer-reviewed science alone is simply not enough for a court to rob our clients of the grazing lands they've leased and paid for. Especially when the science in question originates from interested parties—who are notorious for using dubious claims to wage ideological war against ranchers.

If you and I don't win this case, the radical environmentalists will devastate Arizona's cattle industry—which puts food on the table for countless Americans. And they will also achieve their dream of bankrupting countless ranching families in Arizona and New Mexico.

Your gift is urgently needed because so much is on the line in this case, just as it is in the final case I'll tell you about today.

***Center for Biological Diversity v. U.S. Forest Service and U.S. Fish and Wildlife Service* is yet another lawsuit where environmentalists falsely claim ranchers are harming species in violation of the Endangered Species Act.**

In this case, the species are two kinds of garter snakes. In reality, it's just a ploy to force ranchers off the leases they've paid for on federal lands.

In their court filings, the environmentalists absurdly claim that cattle grazing is harming areas of the Gila River Watershed on the border of Arizona and New Mexico.

But MSLF client Tom Paterson's record of conservation in the region proves them wrong. Tom's Spur Ranch Cattle Company raises great cattle and is widely recognized for land stewardship.

Tom negotiated an agreement with the U.S. Fish and Wildlife Service to restore habitat—a project that cost him more than \$1 million.

Moreover, he's been honored as The Outstanding Conservation Rancher for New Mexico, Tree Farmer of the Year for New Mexico, and Outstanding Conservationist in New Mexico. (You can watch a video of Tom discussing this case with MSLF attorney Brian Gregg and me by visiting www.mslegal.org.)

In spite of Tom's stewardship, radical environmentalists are abusing our legal system to force government agencies to end cattle grazing on federal lands. They've already removed grazing from millions of acres across the West.

And they'll remove millions of acres more—unless we beat them in court.

MSLF recently filed a motion to intervene in this case in the U.S. District Court for the District of Arizona. In addition to Tom Paterson, we also represent three cattle growers associations and the New Mexico Coalition of Counties for Stable Economic Growth.

I'm hopeful the court will grant our request. And your support will make sure our attorneys are ready to move the moment the court gives us the "go."

Remember, radical environmentalists are marching across the West determined to wipe every ranch and farm off the map. And we urgently need your help to defeat them.

Almost every day, MSLF hears from ranchers under assault by environmental extremists bound and determined to put them out of business.

I'm confident we can protect them—if we have the financial resources we need to keep our talented legal team firing on all cylinders.

Keep in mind that we represent our clients without charge because no American should be denied justice.

Our annual budget is normally about \$3 million ... and I'll be so very thankful for every penny if we can raise that amount again this year.

But the economic fallout of the COVID-19 pandemic has put a heavy strain on this year's finances. In my last letter to you, I mentioned that several of our donors have been impacted by the coronavirus lockdowns. And they weren't able to support MSLF as much as they have in the past. This is unfortunately still the case.

For this reason, I hope you won't mind if I ask you to consider sending a generous gift today to help us make up a potential budget shortfall.

And even in the best of times, MSLF's budget is nothing compared to the *tens of millions of dollars* in the coffers of the environmental groups who oppose us. Especially when you realize they're bankrolled by well-heeled coastal elitists—who would be thrilled to toss our Western

traditions into the dustbin of history.

The fact is that MSLF is almost always working with a fraction of the massive legal resources our opponents can bring to bear.

Yes, we have the talented attorneys and legal staff needed to win. And we have the Constitution on our side. But like it or not, none of those are enough without the continuing partnership of MSLF supporters like you.

Simply put, winning court cases depends on donors like you who ensure that our remarkable team of litigators has every necessary resource at their disposal.

Mr. and Mrs. Venrick, could I ask you to send us a generous tax-deductible contribution of \$50, \$100, \$250, \$500, or \$1,000 or more today?

In fact, if you will generously donate \$100 or more by September 4th, we will send you a limited-edition Upper Green River Drift Photo Book, a collection of full-color photographs from the 2020 cattle drive.

But any size gift will help MSLF deploy all the weapons in our legal arsenal— all locked and loaded and ready to defend our property rights, grazing rights, and every right enshrined in the Constitution.

We will put your hard-earned dollars to work immediately. We don't have a moment to lose. Thank you for your continuing support of Mountain States Legal Foundation.

For liberty,



Cristen Wohlgemuth
President and CEO

P.S. Truthfully, I believe this is a crucial moment that will determine if the Western way of life as we've known it will survive.

How we respond to the attacks our cowboys and ranchers are facing from the radical environmentalists could decide if our children and grandchildren get to live and work on the land as we have for generations.

My letter has described four major lawsuits we're fighting to defend the grazing rights of ranchers. The outcome of these cases will impact the survival of countless ranching and farming families. But winning these cases relies on the continuing investment of friends like you.

Mr. and Mrs. Venrick, please rush your tax-deductible contribution of **\$50, \$100, \$250, \$500, \$1,000 or more** to Mountain States Legal Foundation today. Remember, if you send \$100 or more by September 4th, you'll receive a limited-edition photo book of this year's cattle drive. Thank you again!

