

Mountain
States
Legal
Foundation

2019 ANNUAL REPORT

FREE COUNTRY

2019: A Year of Key Victories

Dear Friend,

Do you know how much you matter to MSLF?

Client Pastor Victor Fuentes told us just how much.

“You have people who are good. You have other people who are very, very good. And then you have another group of people who are exceptional people. And you have the last group of people. These are people who cannot be replaced. And those are the people who donate to the Mountain States Legal Foundation,” said Pastor Fuentes.

He’s right. You’re irreplaceable.

Your support for Mountain States Legal Foundation not only protects essential natural and constitutional rights for fellow Americans, it also gives hope to Pastor Fuentes and our many clients. Their cases take years to win and they could not continue fighting without you – whether that fight is to restore their property rights, to keep and bear arms or to preserve the Western way of life. Vast, unchecked government agencies have unlimited resources, but your support empowers these people by allowing us to be their advocates in the courtroom – winning precedential victories that defend all Americans.

Thank you for making this possible!

Yours in Liberty,

Roy Cohee,
Chairman and CEO

Cristen Wohlgenuth,
Executive Vice President

Highlights of Our Legal Work

In addition to securing several, key victories in 2019 (see back page), our attorneys worked hard making progress on many other cases.

- We brought litigation to the state level for *Ministerio Roca Solida* because the federal government was trying to undermine their water rights in Nevada in order to win in federal court.
- We pursued class action certification for air traffic controller candidates in *Brigida v. U.S. Dept. Of Transportation*.
- We also persuaded the court that the BLM could not continue to stall in *Rayco v. Bernhardt* and extracted a settlement requiring the agency decide on Mr. Ray’s mining patents within nine months.
- We also expanded our work defending the Second Amendment, even arguing before the Tenth Circuit Court in *Caldara v. Boulder* against the city’s unconstitutional firearms restrictions.

Our attorneys showed leadership outside the courtroom, advocating for our clients through public speaking opportunities and published op-eds.

They were published by *The Washington Examiner*, *National Review*, *The Federalist* and *Real Clear Policy* and quoted in a wide selection of newspapers and magazines.

Mountain States Legal Foundation is the nation’s leading, non-profit legal defense organization, focused on the issues vital to the Rocky Mountain West. Founded in 1977, we are dedicated to individual liberty, the right to own and use property, limited and ethical government, and the free enterprise system. Our offices are located outside Denver, Colorado.

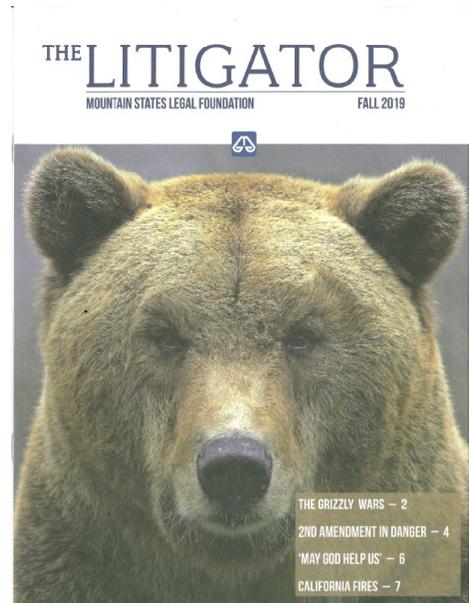
FREE PEOPLE

Modernizing our Communications

We made some big changes to our publications to make them more readable and informative in 2019. MSLF redesigned and moved its website to: MSLegal.org.

We also redesigned our flagship publication, The Litigator, and began offering a digital version of the quarterly newsletter.

In addition to using our existing Facebook and Twitter accounts to build an engaged community of supporters, we launched a YouTube channel where you can find video from MSLF events, client stories and our attorneys addressing newsworthy topics. Be sure to like, follow and subscribe to our channels.



Grassroots Support

We don't get the majority of our donations from wealthy foundations or large corporations. We get the majority of them from everyday Americans, who share our vision of a free and prosperous country.

4,897 individuals

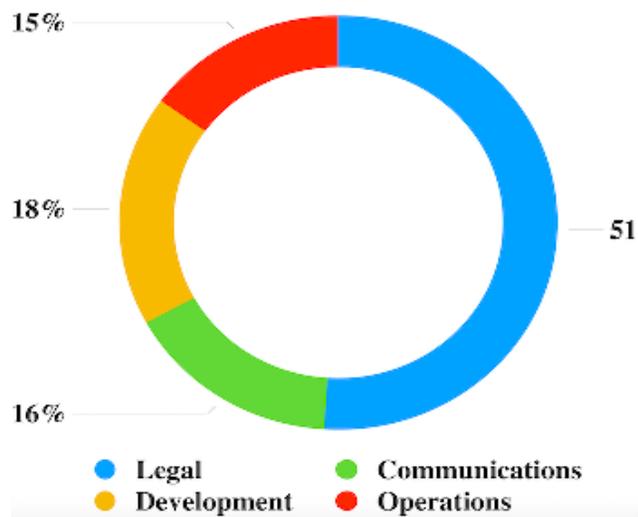
gave a total of \$1,753,106

219 individuals (online)

gave a total of \$40,810

Budget Breakdown

2019 Budget – \$2,926,616



In addition to individuals, grants and foundation support, we brought in \$1,145,980 in investment income (excluding December investment earnings not yet reported).

Some of the Media Outlets That Covered Our Work in 2019

CNN • The Washington Post • Bloomberg • The Guardian • The Federalist • Law 360 • The Denver Post • National Review • Reason • E&E News • The Washington Examiner

You Made These Victories Happen!

Mountain States Legal Foundation spent 2019 championing our shared values. Your support enabled our attorneys to secure several precedent setting victories for liberty.

- Client Michael Whited of Colorado finally got justice against the Bureau of Land Management. MSLF helped him sue after BLM negligence allowed a shed (on federal property it manages) to collapse onto his property, causing damage. Like a terrible neighbor, the agency tried to shirk responsibility. But in July 2019, we won an out-of-court settlement for him, including compensation for damages and the right to build a retaining wall to prevent further destruction.
- The federal Army Corps of Engineers chose not to appeal a prior MSLF victory providing a big Second Amendment victory. We previously sued the Corps of Engineers over its unconstitutional firearms ban on behalf of Ms. Elizabeth Nesbitt and Mr. Alan Baker. The Idaho District Court ruled the ban unconstitutional and blocked enforcement in Idaho. The agency's 2019 decision not to reopen the appeal finalized that victory.
- MSLF rejoiced as the Supreme Court upheld the right of communities to build and maintain cross-shaped war memorials in *American Legion v. American Humanist Association*. Recognizing other memorials were at risk, MSLF filed an amicus brief on behalf of Taos, NM which also had a threatened memorial. MSLF urged The Supreme Court to uphold the right to preserve memorials that include crosses, and the Court did just that in June 2019.
- We also witnessed partial victory in the Supreme Court case *Kisor v. Wilkie*. Veteran James Kisor fought for years to get VA benefits he was owed, but ambiguous rules prevented him and he sued. MSLF urged SCOTUS to strike down "Auer deference" (where courts defer to federal agencies interpretations of their own rules). Although they did not reject Auer deference entirely, they "reinforced" and "expounded" on its limits. Justice Neil Gorsuch also paraphrased a central argument from MSLF's amicus brief in oral argument.

Crucial Cases to Watch in 2020

Brigida v. U.S. Department of Transportation



MSLF attorneys seek to turn this case into a class action suit on behalf of thousands of air traffic controllers harmed by the FAA's discriminatory, race-based hiring rules. The case is poised to have an even bigger impact than before as we endeavor to hold the government accountable and secure justice for Andrew Brigida and others.

Solenex, LLC v. Bernhardt

Decades of government-imposed delays have prevented Sidney Longwell from drilling on a Montana oil and gas lease he bought in 1982. MSLF secured a victory for him in 2018, but the feds refused to surrender even after a judge ruled those delays "unreasonable" and "Kafkaesque." In 2020, we will argue before the U.S. District Court of Appeals on behalf of Mr. Longwell and Solenex.

Ministerio Roca Solida v. United States



Our attorneys dedicated themselves this year to the property rights fight for Pastor Victor Fuentes and his church. Realizing the government was trying to bully them in Nevada to defeat them in federal court, we took the fight there. The federal case is slated for trial in March 2020 and MSLF will be ready, having joined forces with Kirkland & Ellis.