



MOUNTAIN STATES LEGAL  
FOUNDATION

# PROTECTING YOUR FREEDOM



## 2023 LEGAL STRATEGY

Find out how MSLF is engaging the Biden Administration at every legal level to secure your rights.

A full-page photograph of a cowboy on a brown horse herding several black and white cattle through a field of dry, yellowish grass. The cowboy is wearing a black cowboy hat, a bright blue long-sleeved shirt, and a black bandana. In the background, there are dense evergreen forests and snow-capped mountains under a blue sky with scattered white clouds. A large white diagonal shape cuts across the left side of the image, containing the text.

## **FREE COUNTRY. FREE PEOPLE.**

Mountain States Legal Foundation is a 501(c)3 non-profit law firm based in the American West. We go to court to fight for your constitutional rights.



# LETTER FROM THE CEO

If you were to boil things down to the most important principles that make America home to a prosperous, free people, what principles would make the cut?

For us at Mountain States Legal Foundation the list is pretty short:

- Individuals have the unencumbered right to own and use their property as they see fit.
- Individuals enjoy the equal protection of our laws and should be judged on the content of their character, not the color of their skin.
- Individuals are free to peacefully express their thoughts in our marketplace of ideas and join with others who think similarly without fear of repercussions to their jobs, their families, and their safety.
- Individuals have the right to protect themselves and their loved ones from harm by arming themselves in a way that allows them to exercise this right.

Simple enough? This is what we fight for at Mountain States. A free country for a free people.

You might notice that every item on our list begins with the same word: “individual.” Our founding fathers didn’t set up a government to protect and govern affinity groups, ethnic groups, or identity groups. They set up our government to protect and govern individuals. They empowered individuals to speak their minds, defend themselves, and stand up to a government that has forgotten it is here to serve and protect, not tyrannize, its people.

Let me share, then, about a few of the individuals whom we successfully supported in their efforts to stand up to our government and demand that it live up to these four simple principles. Early last year, our team won a decisive victory for Leisl Carpenter and countless other farmers and ranchers who had loans through the USDA. President Biden, as part of his American Rescue Plan Act, gave 120% forgiveness to everyone who held one of those loans *unless* you happened to be white, and then nothing. Our team forced Biden to pull his plans—because the government doesn’t have authority to treat Americans differently. Under the law, all are equal.

Our Center to Keep and Bear Arms has ramped up in its first two years and launched six separate cases in which we fight to keep the government’s hands off your means of self-defense—in three of these the government has already acquiesced. We also filed numerous amicus briefs in cases like *New York State Pistol & Rifle Association v. Bruen*, in which the Supreme Court unequivocally reaffirmed the individual right to bear arms inside and outside the home. And we’ve only begun to fight!

In the last year, Mountain States has engaged on First Amendment issues with new energy and focus. There are not many legal efforts to fight the government’s attempts to compel you to speak officially approved messages. In 2022 our attorneys stepped into the gap to assist the quiet efforts of our colleagues and made plans to make a lot more noise on this issue with our own cases. In 2023 we await Supreme Court decisions on the cases we’ve weighed in on so far.

But perhaps most significantly, since our founding, MSLF has been fiercely committed to preserving the property rights of Americans. This includes our nation’s supply chain superheroes—ranchers and farmers. In *Western Watershed Project v. Haaland*, our supporters are saving America’s oldest cattle drive from radical environmentalists who are determined to destroy every ranch and farm along the Western landscape. In May, the district court completely dismissed the environmentalists’ efforts, and we declared a complete victory for our ranchers!

As you see, we litigate on behalf of our courageous clients who stand in the shoes of so many across the nation. Their battles are unique indications of a larger fight for the freedoms of all Americans. If they lose the fight for liberty, we all lose the fight for liberty. Mountain States will never surrender in the fight for liberty.

Now I’m going to let our team tell you about some of our active cases and work, so read on!



*Cristen Wohlgemuth*

**Cristen Wohlgemuth**  
President & CEO

# NATURAL RESOURCES

*Our clients are protecting their livelihood and property against an overbearing government*

**Client:** Ranchers who depend on water on public land

*Case: US v Idaho*

Everyone should play by the same rules. But the federal government loves to hold people accountable to its own rules, while also ignoring state law. This is especially true in the case of water rights, where the US Government sees itself as a legally exempt land baron over state governments. This is why Paul Nettleton, Tim Lowry, Don Pickett, and the Idaho Farm Bureau Federation—represented by Mountain States Legal Foundation—stood up and said enough is enough.

Repeatedly, the legal system has ruled that stockwater rights are held by the local state, and that stockwater rights must actually be put to “beneficial” use or be forfeit. Despite all of this, the federal government claims they can hold and administer this water as they see fit. If not stopped, the federal government could put a stranglehold on ranchers, not only in Idaho but across the country.

The US Government is trying to unfairly wrest control of stockwater rights away from Idaho by declaring Idaho’s administrative process unconstitutional. If the federal government succeeds, the ranchers will have a difficult to impossible time vindicating their rights.



*Three generations working the ranch: Paul Nettleton, son Chad Nettleton, grandsons Jarret and Kase*

The federal government is almost certainly using Idaho as a test case that could be repeated in states across the American West.

The goal of the federal government, if it is successful, is to establish a precedent that when the US Government is given, or decreed, water rights under state law, it becomes practically impossible for those rights to be forfeited under the veil of national supremacy. Such a precedent could be catastrophic to the ability of western states to govern themselves, and of ranchers to earn a living.

With the help and expertise of MSLE, the Nettleton’s and our other clients are now able to bring their case to the courts and ensure that basic fairness and the rule of law triumph when it comes to their ranches and their water.



# SECOND AMENDMENT

*Dedicated to helping you fight for your natural right to self-defense from both man and tyranny*

Self-reliance is one of the crown jewels of the American spirit. Part of that proud tradition, predating the founding of our nation and the framing of our Constitution, is the right to self-manufacture firearms.

Mike Andren, a retired aerospace engineer and firearms instructor, and Jennifer VanDerStok, a writer for a small local magazine and a former law enforcement officer, continue that tradition today. They have embraced the American spirit of independence, and the practice of crafting their own tools of self-defense. Of course, the government hates that and is trying to stop Mike, Jennifer, and every other peaceable American from exercising their rights. That's why Mountain States Legal Foundation is representing them in their fight to keep and bear arms.

***"The Department of Justice and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) decided to dramatically exceed their authority and violate congressional intent."***

The American People still have a constitutionally protected natural right to craft and customize guns. But gun control activists and anti-gun politicians have become focused on suppressing this right—especially through use of the misleading term “ghost guns,” a derogatory label. Giving in to pressure from both activists and President Biden, the Department of Justice and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) decided to dramatically exceed their authority and violate congressional intent.

**Clients:** Gun owners who wish to self-manufacture their own firearms, and a manufacturer that enables self-manufacturing

*Case: VanDerStok v. Garland*

The ATF's Final Rule alters the legal landscape surrounding firearms regulation, giving complete discretionary power to the ATF to decide what the ATF can regulate and how. The ATF is usurping Congress's legislative power. The ATF's Final Rule wrongly defines many inert objects as “firearms,” and its incomprehensible regulations will have a chilling effect on those who seek to exercise the natural right to manufacture firearms.



**Jennifer VanDerStok,**  
*a writer for a small local magazine and a former law enforcement officer*

# EQUAL PROTECTION

*“Life, Liberty and the Pursuit of Happiness” for all Americans, regardless of who they are*

**Client:** Hardworking Americans who want to work and not be harassed and insulted by a hostile, discriminatory environment

*Case: Josh Young v Colorado Department of Corrections*

Josh Young dreamed of being a cop. But when work as a corrections officer came available, he answered the call, quickly rising through the ranks in one of Colorado’s roughest state-run prisons.

The decision drew Young into a prison environment that’s often even more tense, dangerous, high-risk, and racially-charged than what the average police officer confronts on the streets.

But the guards at the Limon Correctional Facility were unnecessarily placed at even greater risk when the state of Colorado mandated new “equity, diversity, and inclusion” training for officers that created the very kind of racist thinking and racial attitudes inside the razor wire that it was intended to stop.



***“Guards at the Limon Correctional Facility were unnecessarily placed at even greater risk...”***

This not only violated Young’s legal right to a discrimination-free workplace – it also put the safety of everyone working at or serving time at the facility at a heightened risk of race-based tensions, turmoil, or violence.

The training imposed by the state worried Young not just because of the false and divisive messages the guards were being asked to endorse, but due to the dangerous disunity it could sew among guards and other corrections personnel.

The official training stated that all white individuals are racist, that the concept of race was invented by white people to justify oppressing non-whites, and that if a white individual denies their part in white supremacy, that is merely evidence of their “white fragility.”

MSLF filed the case on Josh’s behalf in federal court in Denver, seeking damages and injunctive relief to stop the Department of Corrections from using this training, and the Colorado Department of Public Health and Environment from maintaining it for other state agencies. No one should have to endure dangerous and indoctrinating training that labels you as a racist by mere evidence of your skin color.



# FIRST AMENDMENT

*No government entity or bureaucrat can command someone to adopt language, to force an opinion, or to betray their thoughts.*

## ***Tennessee v US Department of Education***

Just as powerful as the right to speak one's mind is the right to not speak. The right to refuse to repeat the dictates of someone else. The right to dissent encompasses both speech and silence.

No government entity or bureaucrat can command someone to adopt language, to force an opinion, or to betray their thoughts through expression. To compel speech is a violation of the freedom of speech writ large.

Yet, that is precisely what is at stake with the federal Department of Education's (DOED) recent actions in the area of Title IX, which threaten to compel the speech of countless teachers, students, and school officials across the nation. In one lawsuit, the State of Tennessee, along with 19 other states, sued to block a June 2021 announcement by the Department that it would be interpreting Title IX to force schools to cover gender identity and sexual orientation issues. Tennessee won, but the Department has appealed, and Mountain States has chimed in with an amicus brief in support of Tennessee's lawsuit.

## OTHER AMICUS WORK

### ★ ***Sackett v EPA***

Can the EPA declare private land as a "wetland" and be regulated as such because of a tenuous connection to actual water, thus robbing a citizen of their land's use?

### ★ ***Vlaming v West Point School Board***

Can a teacher be suspended for avoiding using a student's preferred pronoun which is contrary to their actual sex?

### ★ ***Knipp v Tri-County Health Department***

Can unelected health officials enforce criminal penalties to force compliance with so-called health protocols?

# ONE OF A KIND

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Mountain States Legal Foundation is working for freedom in ways no one else is doing. Our Center to Keep and Bear Arms is the nation's only in-house, litigation-only Second Amendment team. No other organization is developing a similar center focused on natural resources and public land, either. MSLF is the leading liberty-minded, public-interest law firm with the ideals and interests of the American West at our heart. Equal Protection and Free Speech, ideas and rights so crucial to the success and growth of the American Republic, are core areas of our practice. In every case and at every opportunity, we are holding this country's most powerful institution—the government—accountable.

## 2023 LEGAL STRATEGY

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We litigate on behalf of our courageous clients whose battles are unique indications of the larger fight for the freedoms of all Americans. If they lose the fight for liberty, we all lose the fight for liberty. Since our founding, MSLF has been fiercely committed to preserving the property rights of Americans. In the Equal Protection realm, our country's leadership is determined to divide Americans along racial lines. In the First Amendment arena, the government is trying to compel you to speak officially approved messages. MSLF's Center to Keep and Bear Arms is developing cases across the country to defend our rights protected by the Second Amendment. We will do so in the face of the most anti-gun climate in American history. Your support will help us litigate the cases needed to make sure our nation fulfills its promise of opportunity for all.

*William E. Trachman*  
*General Counsel*



Our attorneys also file amicus briefs, or “friend of the court” briefs, in other important cases. Amicus briefs allow us to amplify our impact and establish legal precedents at the highest courts in the land. We regularly collaborate with other like-minded organizations, such as the Cato Institute and the Southeastern Legal Foundation, in drafting briefs that help set precedent for future victories.

### Outside the Courtroom:

MSLF is on the road and in the media constantly to educate Americans about our work and its importance to our continued freedom. We host both large public forums as well as smaller-scale strategy briefings with our partners and supporters. In 2022, we appeared or were published in over 20 different media outlets and appeared in over 25 events across the entire country. Our partnerships are important to us, whether it is other non-profit legal firms, The Federalist Society, or client representative organizations like the Farm Bureau and Stock Growers Associations.



# MSLF FIGHTS FOR YOU, ACROSS THE COUNTRY

Founded in 1977, we have tried hundreds of cases throughout the United States, including six appearances before the United States Supreme Court, with five wins.

Our supporters come from every corner of America, all of whom, like yourself, are interested in preserving and even expanding the precious freedoms guaranteed to us by the Constitution. We receive financial support from individuals in all 50 states.

In the last 9 months, over 60,000 individuals have opted to hear more about MSLF through our email and mail communications. This number grows every day.



## MSLF's Board of Directors are Entrepreneurs, Government Leaders, and Attorneys from across the country



*"MSLF's commitment to the rule of law and our representation of those that may not have the resources to push back on government overreach continues to energize me daily. I'm very proud of the work the foundation's incredibly talented lawyers and staff do for MSLF's clients and this country. We will continue to fight the good fight."*

– Richard Fletcher. Chairman of the MSLF Board of Directors; Chief Legal Officer, Anthem Ventures, Austin, Texas



*"After spending time in the US Congress fighting to protect private property rights and the Constitution of the United States it is an honor to serve on the Board of Directors for MSLF. I share their mission and support their efforts to protect the rights of all Americans. "*

– Richard Pombo, Former US Congressman and MSLF Board Director, Tracy, California



*"Individual rights are where we have freedom. Mountain States is an avid supporter of those rights enshrined in our constitution and fights tirelessly to keep those who are opposing them at bay. "*

– Ken Johnson, MSLF Board Director; President, Desert Claim Farms, Inc., Conrad, Montana

# WHAT IS NEXT?

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At MSLF, we are not satisfied with merely fighting the cases in front of us. We are always trying to find the next case and the newest asset that can help us exploit weaknesses in the government's arguments. Our Center to Keep and Bear Arms was a successful example of that, launched 2 years ago now.

## NATURAL RESOURCES LAW CENTER

Much like MSLF's Center to Keep and Bear Arms, our next project is to develop a Natural Resources Law Center. It will be a dedicated center of excellence within MSLF, able to take advantage of the shared resources of the Foundation while also separately developing a laser-focus on addressing the legal natural resource challenges constantly presented by the United States and individual state governments.



As MSLF's history shows, this is a constant and dire need. For 45 years, MSLF has been at the forefront of pushing back against the growing bureaucracy and ever-stronger agencies such as the Environment Protection Agency (EPA), the Bureau of Land Management (BLM), and the US Forest Service, all of which have the unconstitutional power to make or break hardworking Americans' efforts to make a living from the land.

The Center will be here to break that power. The Center will accomplish this by not only protecting those producers in courts of law, but also by demanding enforcement of the constitutional principles that can successfully, over time, dismantle the administrative state built to protect that power.

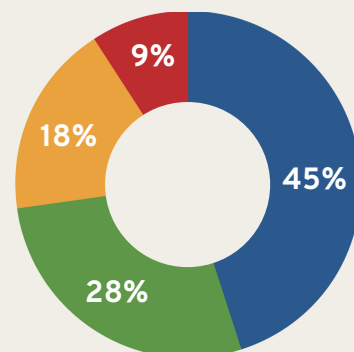
## FINANCIAL TRANSPARENCY

MSLF is proud and grateful to the 4,493 individuals and organizations who donated their hard-earned dollars to MSLF in 2022. We couldn't overcome government overreach without their support and trust.

We are a non-profit, 501(c)(3) charitable entity incorporated in the State of Colorado. Tax ID# 84-0736725. We are audited annually by an independent CPA firm and publish the report openly on our website.

### 2022 EXPENSES: \$3,966,041

- Legal: 45%
- Communications: 28%
- Fundraising: 18%
- Operations: 9%





# MSLF in 2022

*at a Glance*



**8 Attorneys and 2 Paralegals** filing  
**45 briefs in 38 active cases in 20**  
**different jurisdictions**



**5 Legal Fellows**



**19 total staff members** resident in **5**  
**different states**



**4,493 individual Financial**  
**Supporters**



**65,000+ emails** to whom we  
send, weekly, an average of **3**  
**individual messages**



Cases across **4 different areas:**  
**Natural Resources, 2nd Amendment,**  
**Free Speech, Equal Protection**



**4 Litigator magazines** published and distributed to over **4,000 people**

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# WE ARE OPTIMISTIC ON AMERICA

Reading about the problems, legal barriers, regulatory hurdles, and administrative time warps that our clients endure can certainly give anyone pause and wrongly provide for a sense of negative inevitability. But that is not how we respond to our cases here at Mountain States Legal Foundation. Instead, we encourage you to see the resiliency of our clients. Despite the issues above, they soldier on, building their business, doing their job, or providing for their defense. We also encourage you to see the resiliency of the American Republic. Now, almost 250 years after the Founding, the principles of Declaration of Independence and the words of the Constitution are still there, operating on a daily basis. We can see it in our clients. We can see it in our supporters who send us financial support but also send us the occasional email telling us what a necessary job we are doing.

We are optimistic because we must be. Our clients – the one's you've read about in this document, but also others – must be optimistic as well. They wouldn't be fighting at all if they thought their wasn't a chance of victory. The late Sidney Longwell and his business partners fought for over 30 years to get justice in *Solenex v Haaland*. They fought because they were optimistic of a good outcome. Our rancher client in *Carpenter v Vilsack*, Liesl Carpenter, fought the racist Biden Administration loan forgiveness program because she knew it was right, We all know they are right, and with our help, they can win.



***"There is a saying that goes, 'No one is coming to save us.' And it's true. If we are going to save the Republic we have to stand up and do it ourselves. There won't be anyone coming to rescue us. So, as much as we can do on an individual level and partnering together, we need to get about the business of preserving our liberty."***

– Jennifer VanDerStok, Client in *VanDerStok v. Garland*



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2596 South Lewis Way  
Lakewood, Colorado 80227  
mslegal.org | 303.292.2021