



FARMERS FIRST AGENDA |

LAWFARE ADVISORY COUNCIL:

FOUNDING PRINCIPLES

***“PROPERTY IS THE FRUIT OF LABOR; PROPERTY IS DESIRABLE; IT IS A POSITIVE GOOD.”—PRESIDENT ABRAHAM LINCOLN***

## **PURPOSE**

- As we approach the 250th anniversary of our great Nation, we are reminded that agriculture and subsistence farming were foundational to our Nation’s inception. While the occupational landscape in rural America now looks quite different, the agricultural industry remains a top-six employer in rural areas today.
- Our farmers and ranchers work tirelessly to feed and fuel the Nation. They, like all Americans, deserve to be treated fairly by their government. They should not be threatened with draconian penalties or risks to their livelihoods and liberty based on impenetrable legal and regulatory requirements or arbitrary and excessive enforcement.
- There is a pattern of federal administrations, state governments, and even private sector actors weaponizing both the law and agencies of the government against U.S. farmers and ranchers, including through excessive criminal and civil penalties, overregulation and permitting, and use of eminent domain.
- Given the demanding nature of their profession, farmers and ranchers often do not have the resources, time, or extra energy to devote to these legal battles, even when the law is on their side. Too often, this has resulted in unjust outcomes for farmers and ranchers.
- The America First Policy Institute is committed to leveling the playing field for farmers and ranchers by establishing the Farmers First Lawfare Advisory Council. The council will review instances where U.S. farmers and ranchers are allegedly caught in the crosshairs of government (and sometimes corporate) overreach. The information received about potential weaponization will be the basis for the council, publishing educational materials and offering broader policy recommendations for transformative, lasting reforms to combat lawfare at the federal level
- The council will not represent stakeholders as clients in an attorney-client relationship; instead, the purpose of the council is to serve as a sounding board to identify instances of potential government weaponization, create educational materials, and make recommendations for policy solutions and legal action where appropriate.
- The council will serve as an oversight group, looking out for the best interests of America First farmers, ranchers, and rural families.

## **HOW THE COUNCIL WILL FIGHT FOR FARMERS AND RANCHERS**

- The council will consist of renowned legal minds, policy professionals, advocates, and affiliate stakeholder groups who meet regularly and provide recommendations on combating lawfare.
- The council will intake information about individual instances of identified government overreach affecting farmers and ranchers, and it will simultaneously develop criteria to



assess these allegations. These instances will form the basis for the council's educational materials and policy solution proposals.

- Specifically, the council will prioritize addressing alleged instances of:
  - abuse of eminent domain to seize prime American farmland;
  - arbitrary rules and regulations, particularly regarding agricultural use of federal lands;
  - excessive civil and criminal penalties on agricultural producers; and
  - unreasonable and confusing statutes and permitting requirements, including in the Endangered Species Act, the National Environmental Protection Act, the Clean Water Act, and various other environmental and historic preservation statutes.
- The council will use the information received to propose codifying broader federal reforms to ensure future safeguards against lawfare.

### WHAT WE WILL ACCOMPLISH

- The council will cultivate widespread support for farmers and ranchers who are victims of lawfare.
- It will also develop lawfare policy products that recommend systematic reforms to reduce lawfare at the federal level.

### THE TEAM

- Our team includes members with a wide range of experiences and expertise, from the highest levels of government to community advocates focused on farmers and ranchers. The inaugural council membership includes:
  - Todd Rokita, Indiana Attorney General
  - David Bernhardt, former U.S. Secretary of the Interior; AFPI Chair, American Freedom
  - Daniel Epstein, attorney specializing in administrative law; former special advisor to President Donald J. Trump
  - Brett Tolman, former U.S. Attorney; AFPI Chair, American Justice
  - John Rich, award-winning country music artist and advocate for rural America
  - Leigh Ann O'Neill, AFPI Chief Legal Affairs Officer
  - Tate Bennett, AFPI Director of Rural Policy
  - Sarah Falen Tate, rancher and attorney specializing in agricultural and environmental law
  - Corrine Snow, Former Counsel and Chief of Staff, Environment and Natural Resources Division, Department of Justice
  - John Koufos, consultant, strategist, and criminal justice advocate

### HOW YOU CAN HELP

- If someone you know is facing a risk to their family farm or ranching operation, we want to know about it. Please e-mail [aglawfare@americafirstpolicy.com](mailto:aglawfare@americafirstpolicy.com).

