

**Property Rights Foundation of America®**  
**Founded 1994**

**Restoring Constitutionally Protected Liberties & the Rule of Law after Eight Years of Obama**

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**on Private Property Rights**  
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*Carol W. LaGrasse: Our next speaker is going to be introduced by someone else. The speaker is William Perry Pendley and he will be introduced by Kathleen Stupak-Thrall of the Crooked Lake North Shore Association in the Upper Peninsula in Michigan. Before becoming a warrior for private property rights, Kathy was married to Ben Thrall for twenty-five years. They had three children and two thriving businesses. But in 1990 Kathy and Ben found themselves facing off regulatory threats from the Forest Service against their Michigan property. Twenty-eight years of battle brings her here today to introduce Perry Pendley of Mountain States Legal Foundation who represented their private property rights those many years. So, here is Kathy, Thank you, Kathy.*

*Kathleen Stupak-Thrall: And what a twenty-eight years it has been. I asked Perry today, or actually a couple of months ago, "Perry, what would you like me to mention about Mountain States and some of your more prominent suits that we have won together?" And he said, "No, no. I want you to talk about how we met, Stupak-Thrall and Mountain States Legal Foundation." It is very interesting. When Ben and I found ourselves facing off the Forest Service, we realized that we needed help. More help than we were able to do for ourselves. After speaking with several people who had similar experiences, we found that we needed a legal foundation, someone who was going to be able to battle with us for probably years to come.*

I was invited to attend a Wilderness Foundation conference and I was bewildered by that because I was fighting wilderness. Why would I want to go to that about wilderness? But, I was assured that that's where I needed to be and I should buy myself some space – table space – so that I could present the issue. So, how do I do that to be noticed? You have to become very creative. Ben and I put together a banner off our little dot matrix printer that we had. It said, "Straighten Out Crooked Lake," because Crooked Lake was the lake that we lived on in Michigan. It was the lake that had the problem with the Forest Service or at least we had a problem with the Forest Service.

Many people came to our table. Two of them are here today: James Burling, thank you James, and Perry Pendley. Perry walked up to the table and he said, "Okay, I'll bite. Straighten it out, huh? Do I need a Corps of Engineers? What's going on here?" And we talked. And he said, "That's very interesting. Here's my business card. Let's keep in touch." One thing led to another and we have since, over the course of twenty-eight years been in and out of federal court, how many times Perry? At least ten? Goodness gracious. And most recently, we have been very kindly treated by the Supreme Court of the United States. The Supreme Court refused to hear the opposition argument as to why property rights do not belong on Crooked Lake. The Supreme Court says, "[buzzer sound], we're not going to listen to this. The decision that's been made is good enough. You bounce right back to the Court of

Appeals. So, our Federal Circuit Court of Appeals win stands. It's going to be, I think, a hard one for the Forest Service to chew on but even harder for those non-GMOs, you know, non-governmental organizations. They're going to find a way.

In the brief to the Supreme Court I have found what their way is because the Forest Service has kind of tipped their hand. It's not that the Forest Service is going to do this. No, the Forest Service cannot because of the federal government. But it is going to be this way and I've kind of felt this for a long time. The outside interest groups are going to appeal their argument to the Michigan DNR, Department of Natural Resources, to place restrictions on the waters of Crooked Lake, which belong to the State of Michigan. They're going to present their case in such a way, because I've heard their argument in the past, they're very emotional and the DNRs may say, "Well then, let's do this, do proper process and they have to take this argument and this request to the local government. The local government being the township. The township most directly affects me because they are the immediate government agency closest to my private property as well as our neighbor's. If they should decide that there should be a decision to be made here as to further regulations being placed on the lake then it opens it up to the world because it becomes a public process. The world can come into this whole decision-making, which, of course, I don't want it to happen that way. Because when there's so many of them, which Sierra Club makes certain they are present, they could possibly turn against us. So, my message is to stay close to your local governments if you can, if you can stomach it. Always be thinking ahead. You must always be that one step ahead. And Perry Pendley, you have always helped me to think that little step ahead. Perry's written three books that I am aware of. One of them being called, "It Takes a Hero." And he has called many of us who have been their clients – clients of Mountain States Legal Foundation – his heroes, well. Mountain States' Perry Pendley, my hero.

*Mr. Pendley:* This is an award we give at Mountain States Legal Foundation for special people and Kathy Stupak-Thrall is certainly special.

When Ronald Reagan came to the presidency in 1981 he knew what he wanted to do. He thought America had three problems. The first problem was the economy. It was in the crapper. Number two was energy issues. We were beholden to foreign countries and number three was foreign affairs. Reagan had a unique idea. His idea was: I can solve all three problems with one solution. That one solution was to develop energy on America's federal land. He asked the 1980 Republican National Convention, "Why is President Carter so afraid of drilling on federal lands to find energy? What's he afraid of, making the discovery?" And indeed he was. So, when Reagan came in his initiative, he hand-picked the Secretary of the Interior. It happened to be my friend Jim Watt, the first president of the Mountain States Legal Foundation. And he said, "Let's develop energy on federal lands." A third of America, as this group knows better than most, is owned by the federal government. A third of the land on the continent of the United States, a billion acres on the continental shelf, and so he committed to developing those lands to solve those three problems. To solve the economic problem, to solve the energy problem, and to get foreign affairs in order.

One of the men who took advantage of that initiative by President Reagan was a man by the name of Sidney Longwell in Louisiana. Sidney was a wildcatter. He's one of these independent guys that goes around looking for opportunities to discover energy. We think of the major oil companies. They're the one who go out and find energy. They don't really find energy. The wildcatters, the entrepreneurs, these men and women of the old oil patch, they're the one who go out and discoveries and they sell them off to the majors. Sidney had that dream. He had the dream of doing that in an area south of Glacier National Park and again let me repeat because the photographs you'll see in the newspaper, the media, show the park itself. But this is far south of the park. It's near a railroad. It's near U.S. Highway 2. A

few years ago they put a pipeline through our lease but in 1982 Sidney got a lease. In 1983 he asked for the right to drill on the lease. He spent ten years getting all of the permits he needed. Ten years to get all the permits he needed. He went through four National Environmental Policy Act studies. He went through four American [National] Historic Preservation Act studies. He got it three times. Finally, the fourth time as the George Herbert Walker Bush was leaving Washington he got the last time. Unfortunately, the Clinton people came in and they suspended his lease. It was suspended from 1993 until 2013 when he came to us and said, essentially, what Kathy said to us which was, "I have nowhere else to go. I have nowhere else to turn. I've tried everything. Please help me." And so, we did what we do and that's file a lawsuit.

We got in front of a federal judge, Judge Richard Leon in 2015. He was horrified. He could not believe what was happening to this man. He used the term "Kafkaesque." I keep trying to get reporters to repeat Kafkaesque. He said it was Kafkaesque. "Oh yeah, what else did he say?" I finally had a reporter use Kafkaesque. It was in the Oil and Gas Journal. He wrote me an email. He said, "You see, I used Kafkaesque." Good for you.

The judge essentially put the gun to the head of the federal bureaucrats. He said, "Make a decision. This is outrageous. How can you expect this man to wait all this time? Give me a timetable." He demanded of the federal government. The federal government said, "Your honor, we do have a timetable. Here it is, here's our timetable. In two years we'll be ready to make a decision." And he said, "That's not good enough. Give me another timetable." And finally, finally in March of 2016, we're in front of the judge. The judge is still demanding of the attorney from the Justice Department to know what is your plan regarding this lease because, of course, an oil and gas lease is a property right. This is a property right. When you pay for an oil and gas lease, you cannot be denied the right to drill on your property and find oil and gas. That's all he wanted to do. And so, the judge said, "I want an answer." The government lawyer said, "Your honor, we're still thinking." The judge said, "I'll tell you what. You've got twenty-four hours to make a decision. In twenty-four hours come back here." and essentially, he added, — I always like to add parenthetically, I think, implicitly — "bring your toothbrush." What he said explicitly was, "Bring your clients because they're the ones who are putting these words in your mouth and I want to talk to them."

The next day the government got up bright and early and did the unthinkable, the illegal, the unprecedented, which was to cancel our lease. Secretary Jewell looked back thirty-three years to what the Clinton people said all the time. What did they always say? "Mistakes were made." Nobody ever claimed responsibility, mistakes were made. "Mistakes were made in 1933 years ago and so, today we can cancel the lease." It never happened before. Never been done. Never in the history of the Mineral Leasing Act which had been passed in 1920.

The government claimed that it had the right to do that not because of the Mineral Leasing Act of 1920 because you'll all search in vain that statute to find any language that allows the Secretary to do this but in the Property Clause of the United States, Article IV, Section 3, Clause 2, and what does it say? "All property of the United States and other territories belong to congress and congress shall make all needful rules and regulations respecting that property." Not the Secretary of the Interior. No, the congress.

Well, so, off to court we went in March of this year two years after that experience. The judge had his hearing. He said, "I've got a lot of important things going on but sometime before the end of the summer I'll issue my ruling." And he did issue his ruling. I'm delighted to tell you we prevailed. The federal judge ruled that what the Secretary of the Interior had done was arbitrary and capricious. He

said that the federal government maintains it may do this kind of thing at any time, at any place, for any reason. Both are horse feathers. Horse feathers! For lack of a stronger term he said horse feathers.

What was curious about this decision was that the case was unfortunately in the Trump Administration which has been aggressively, aggressively following the footprints set by President Reagan with regard to the energy bill. The Trump Administration supports this decision by Secretary Jewell. In fact, during that whole argument the judge turned to the attorney for the Justice Department and said, "Counsel, does Secretary Zinke support the argument you're making today?" And he said, "Yes, your honor, he does." And how foolish he is to do that, folks, because all these oil and gas leases that Ryan Zinke has issued will be gone [snaps fingers] in a fortnight if Pocahontas becomes our president. I guess not likely now given her DNA results.

We're waiting to see the other shoe drop. We're waiting to see what the Trump Administration does. I'll tell you where the greens are. They intervene in the case and their position is that Sidney needs to go away. Not with compensation, just go away. We don't want you here. Leave it in the ground. Why is this case such an important property rights case? Because what's interesting in the case is we got support from an unusual source and that is the Chamber of Commerce of the United States filed a brief in support. Why would the Chamber of Commerce of the United States file a brief in support? The reason it did was simply for the proposition that any time the federal government enters into a contract with a private citizen we have an expectation. We have, as we said in law school in our very first year in contracts, an offer of acceptance and consideration and we expect performance. We expect the government to do like any other operator. But this is something we discovered, we discovered with Kathy Stupak-Thrall and her neighbors the [unintelligible] that the government is not just a property owner. It is not just someone who makes deals with us when it comes to say, an oil and gas lease, or any other contract. The government is also the sovereign. And so, the government when it tires with that hat on its head of being a property owner, of being a business entity, gets a little too tight it pulls that hat off and puts on the sovereign hat and says, "We're the boss. We get to make the rules." And that's what they did with regard to Kathy Stupak-Thrall. In her situation they say, "Yes, we are your neighbor and we, like your other neighbors here, are entitled to a reasonable use of the lake. And you Kathy Stupak-Thrall are entitled to a reasonable use of the lake vis-à-vis us you neighbor. But we're going to take off the neighbor hat. We're going to put on the government hat and we're going to say that we make the rules. We make the rules.

So that's why this is such a huge victory for us. We have another oil and gas case in which a man by the name of Reed Williams out of Spindletop in Texas is involved. A very fascinating guy. He got bit by the acting bug when he was in high school. He won a role in Bye Bye Birdie. He wanted to be a singer. He went off to CU where, I guess, singers go to get his business degree and ended up for years with USO show touring around and then eventually got back on his feet and established [unintelligible] because he went back into the oil patch. He ended up with oil and gas leases on the Colorado western slope trying to deal with the government, trying to make nice, trying to be a good citizen, trying to be a good environmental steward vis-à-vis Forest Service and the BLM [Bureau of Land Management] only to be ripped off by the federal government, to be lied to. When we sued the government said "You can't sue us for illegal conduct on the part of our employees because, after all, we're a sovereign. The king can do no wrong. You can't sue us. Yes, you can sue a private business enterprise for doing the kinds of things that we have done to him but you can't sue us." And we say, "Yes, we can." And we use the legal doctrine of equitable estoppel, which is essentially fancy legal talk for "ain't right, can't get away with it." That's what we're arguing in the Reed case.

I want to add on to the great talk that Jim [Burling] and Meghan [Largent] gave about these rails-to-trails cases. We had a semi-rails-to-trails case a few years ago. It began in 2006. It lasted to 2017. Yes, 2006 to 2017. We won at the Supreme Court of the United States in 2014 in an 8-1 ruling. Essentially, it really wasn't a rails-to-trails case. We had gotten a patent from the federal government. The patent said, "Subject to that railroad right-of-way the land reverts." In fact, during oral argument, what was so fascinating, to have all these Harvard Law people talking about what did the professor so-and-so say about this? And they're all trying to reconnect to those first early days of property rights. And Justice Kagan went so far as to say, "Why there's any argument whatsoever about why Mr. Brandt didn't get the whole ball of wax here is beyond me." Justice Breyer said that any attorney worth his salt understands when this railroad went away it reverted to Mr. Brandt. You probably are asking yourself, gee, if it was so clear against to Kagan and Breyer what was wrong with the federal government for gosh sakes? Well, just as they said to our client, Marvin Brandt, when this first came down, "You got it, we want it, we're going to get it, if we have to take you to the Supreme Court of the United States." That's when he called us. That's when his neighbors contacted me and we began on that battle. Bear in mind, when did this begin? During the administration of George W. Bush, fomented by the most conservative state in the United States, the State of Wyoming, and argued for by the attorney general there at the time and the U.S. attorney at the time which is the governor at the time my good friend Matt Mead. So, it's not right and left, or Republican and Democrat, or progressive and conservative, it's simply government. It's simply government. Remember what Jesse Jackson said about Bill Clinton, "He's all appetite." He's all appetite, and that's the federal government. I do want to do an aside on the Tucker Act. Just try to wrap your head around the idea of why with regard to a Fifth Amendment taking of your property do you have to go to a made-up court in Washington, D.C. instead of down the street to your federal court to an Article 3 judge and have a jury of *your* peers make a determination about whether or not what the federal government has done to you is illegal or unconstitutional or prohibited. I think there'll come a day when the Supreme Court will have a case like that.

But here talking about people like this, talking about Kathy Stupak-Thrall, talking about Sidney Longwell and Reed Williams puts me in mind of something that happened in the very early hours of the confirmation hearing of Justice, (Oh, it's so great to say that), Justice Kavanaugh. That was, when Senator Whitehouse, before he got on to the flatulence jokes part of his testimony questions, said, "Question, does it ring a bell look it up on the internet. It's quite humorous. I think Kavanaugh said something to the effect, "Your honor, it's a fart joke. I was sixteen." Or something like that.

But the question the Whitehouse asked was this, he was questioning the judge about nonprofit public interest law firms like Mountain States Legal Foundation, Pacific Legal Foundation, Institute for Justice and others, and he said, "Aren't these rich organizations funded by right-wing capitalists who go around the country searching for clients they can use as props to further their right-wing agenda. Well, I'll tell you our clients, I know Jim's clients, are not used for frivolous things as props. These are people like you that simply want the government and buttinskies like Whitehouse off their back. That would have been my fuller answer to Senator Whitehouse.

A few years ago I read a newspaper article. This is going to sound like it's yesterday but it was a few years ago. A man killed a grizzly bear in self-defense. At least, that's what he said. He was a sheep herder in Montana. I read the article and I knew right away he was in trouble. I got him on the phone. I tracked down his phone number. I called him up and I said, "Mr. Shuler," I identified myself and I said, "Do you have a lawyer?" and he said, "I do not." I said, "You need a lawyer and I would like very much to be your lawyer." Is that how you do it, Jim? That's what I did. And he said, "Why in the world would I need a lawyer? I just killed bear." He did need a lawyer. That was us. For eight years we defended him against the government's claim that he killed an animal protected by the Endangered Species Act

illegally. There is a self-defense provision in the statute but that doesn't mean that you're home free. The government argued several things: He had not acted in self-defense.

I will tell you John did not help us on the witness stand. We said to John, "Mr. Shuler, that night, that night of the bear attack, were you afraid, sir?" "Hell, no. If I'd been afraid I'd been inside under the bed." "Uh, redirect, your honor. Did you think you were going to be killed?" "Yes, I did. For sure." They said he had not acted in self-defense. We proved that he did. They said he was at fault because he went outside with his gun. They called that the zone of imminent danger. As Jim says "you can't make this up." The first guy that said this was Will Rogers, of course. He said, "I don't tell jokes. I just report what the government's doing." They said also he was at fault because he took his dog Boone with him. Boone? Where did that even come from? [unintelligible]. "Boone went on point, saw the bear, provoked the bear, escalated the conflict," said the government lawyer. And finally, the government argued bears are entitled to a higher standard of self-defense because they're not capable, after all, of sapient thought. I know you people are smarter than me because when I read that word I had to look it up.

Well, the judge eventually rejected that. It took us eight years. It cost us, I think, by our numbers a quarter of a million dollars to get John Shuler out from under a \$5,000 fine. But it wasn't the worst part of what was happening. A couple of years later a friend of mine from Jackson Hole, Wyoming... Anybody ever been to Jackson? A lovely place. A great thing about Jackson is so close to Wyoming, if you get my drift. There's a newspaper and there's a guy all beat up in the hospital and all bandaged, and looking terrible, looking like something out of Catch-22 movie. The story said that he had been attacked by a grizzly bear. He tried to use his pepper spray unsuccessfully and had been badly mauled. He was quoted as saying, "I wanted to do the right thing and I didn't want to lose my hunting license and so I put my rifle down and I used pepper spray." I tracked him down through his home in Evanston, Wyoming. There's a joke in there if you're from Wyoming as Harriet is. That's where the mental institution is. But it wasn't there. I identified myself and he said, "Mr. Pendley, I know who you are." He said, "I kind of been expecting this call." I said, "Can I ask you did you really say that because I've been misquoted by the press and so, it's not unusual." "No," he said. "I said that." "I see. Whoa. Can you tell me why? Seriously, dude, you had a gun?" He said, "I knew all about your client. I'd heard about your client. I've been reading about your client and I did not want that to happen to me." It took my breath away. The man facing the most dangerous killing machine in North America is more afraid of the state? He's actually thinking, "What is the government going to do when I kill this bear?" instead of "how long will I live while this bear is eating me?" Whoa. In a way that's the terrible part that you fear your government more than the most dangerous killing machine in North America.

But it's not the worst part because that kind of thing lives today. I have clients today in federal court seeking the de-listing of the grizzly bear around the Yellowstone area. Which the scientists say has peaked out. There's too many of them. Let's turn it over to state control. That's what the Endangered Species Act was written to do. I've got clients who say, "I won't let my herders go out in grizzly country with a firearm because I don't want them prosecuted by the feds. Wow! It's like telling a cop who wants you to walk the beat in Harlem but you can't carry a weapon because you may have to use it. It doesn't make sense. We've seen the environmentalists — I talk about endangered species at a property rights conference simply because it's the biggest hammer that the federal government has in coming to take your property away, coming to take your property away with the Endangered Species Act. When the federal government and all of its scientists said, "Hey, let's de-list this bear, do you know what there odds were? They calculated the odds that this bear will become extinct in the next hundred years is one percent. I have worse odds driving back to Manhattan this afternoon, and I going to Harlem, at being dead.

The environmentalists, however, they oppose the de-listing simply because they say, "All the grizzly bears in America have to be recovered first before there's any de-listing." What does that mean for your Preble's meadow jumping mouse? What does that mean for your sage grouse whose territory is 120 thousand square miles in fourteen states. What does that say for all these species in little conclaves of these species.

Two people who were not my props were Randy and Valerie Pech. In 1989 Randy and Valerie Pech walked into my office. Randy had a very interesting story to tell. He was a high school graduate. He dropped out of college because he didn't think it was right for him. His dad said, "Well, why don't you get into the guardrail business?" And he said, "What's that, man." Well, you propose bids on these highway projects. They've got to have guardrails along these federal highway projects and half of Colorado is owned by the federal government and you've got all sorts of highway projects and you install those guardrails. Randy said, "Well, that would be a good idea. That sounds like a decent thing for me to do." He and his partner went around to five different banks trying to get the money to start. This is long before we thought about things like white privilege. Randy, who had white privilege, was not able to get a loan. He couldn't even get a loan from one of the banks that the father of his partner was on the board of directors. He couldn't get even a loan there. I guess Randy must have been *really* high risk. He finally went back to his dad and said, "I guess I'm not going to be installing guardrails, Dad. I can't get startup money." His dad said, "I'll cash out my retirement, son, but whatever you do don't lose that money."

So, he did. And he almost lost the money. The very first job near Boulder, Colorado, he almost lost the money. But then he figured out how to do it. He started winning bids. He started winning contracts. He started employing people. He started buying trucks and he started paying taxes. Then one day he got a rejection notice from one of the prime contractors. He called him up and he says, "I had a really sharp pencil on that bid. I thought I won that." And he said, "You did, Randy. You had the low bid." "Well, why? Why don't I get the contract?" And his friend said, "Well Randy, we got \$10,000 from the government and we gave it to a minority business. You were low by about \$1,800 but we got ten grand from the feds going the other way." And that's why Randy and Valerie drove to Denver and asked me, "Can we sue? Can we do something about this?" And we did. And for a twelve-year period we went to the Supreme Court of the United States three different times. All three things that can happen to a human being or a lawyer, I guess, is there a difference? At the Supreme Court when cert is grant all three things happened to me.

But most importantly, the Supreme Court of the United States changed the ground rules. You know, you hear Jim talk about the Civil War Amendment and you think one thing fundamental out of the Civil War Amendment would probably have been the equal protection guarantee. That would be a no-brainer, right? The equal protection guarantee is paramount. Right? That ought to be right up there. But incredibly enough in our case the federal government actually went into court... Gosh, my granddaughter loves "actually." I don't know how many times she says that. I told her one day that actually you don't have to say "actually." But here, in this case, I can. She's probably telling me that you told me not to say that. Actually, the federal government went into court and argued that equal protection guarantee did not apply to the federal government. Because the federal government is making amends for bad stuff out of the past so it can do anything it wants to any person who's not a person of color.

We said, "No, that's not right. The equal protection guarantee applies." And sure enough, that's what Justice O'Connor in her opinion ruled. She ruled that all of these guarantees of the equal protection

clause apply to the federal government. She said that regardless of the level of government, federal, state or local, regardless of the race benefited, regardless of the race burdened, anyone can state a cause of action for denial of equal protection when a government acts adversely to them.

It was a huge deal. Front page above the fold on all the newspapers. It led all of the evening news. Miraculously, I was in Washington, D.C. when the decision was issued. This is a total — my wife would say — act of gut. I'm walking by the courthouse and I'm thinking, "Whoa. I'm they're going to issue some rulings. I'll go inside." And they issued a ruling in my case. Whoa! Making notes, I ran out and called ABC. Nightline, yeah. "We're doing a full story, a full show on your case." "Awesome!" "We have a few questions." I said "Great. I'll answer your questions. Where's your studio so I can be on tonight, right?" Because I'm in Washington. Because usually what they say is, "Where are you? You're in Denver? Uh, yeah, we don't have any feed down there." So, I'm in Washington. They say, "We got somebody else." I said, "You got somebody else? On my side? Who could be on my side that's better than me? I argued the case." The answer, "John Roberts." That was before, of course, but he filed a brief in support of our ruling. That's how John Roberts got on ABC News and not me. But it was a huge decision and it changed everything. It changed everything except one thing. It didn't change the federal government's behavior. It has continued to do this very thing.

In 2014, the federal government, the Obama Administration, made a decision that the way we had been hiring air traffic controllers from 1991 to 2014 really wasn't very good. We just hired the best and the brightest. We just hired the most exceptional men and women who could be there to guide you in on a stormy, snowy, awful night into O'Hare. We'd been hiring the best. We'd never had a fatality and the Obama Administration said, "Not good enough. We need to hire based on race." And they adopted the program to do that. We filed a lawsuit against the government to put an end to the program. I would like to tell you that the Trump Administration found out about this because they watched Tucker Carlson three nights. I hope you saw those shows. If you didn't go to my Twitter feed and click onto those shows.

Tucker told his producer, "I'm going to barbecue these people for what they've done." He called it diversity insanity. He did. He barbecued them and then demanded that somebody from the Trump Administration come on his show and explain it. Finally, someone did and kind of half explained it. I wish I could tell you that we're now in the process of settling the lawsuit and all these people are going to be hired but my sad story is — no. No. The deep state lives. The deep state attorneys prevailed and the deep state decision-makers are still making decisions. Until such time as I think there's blood on the wall about the shenanigans that were going on in the Obama Administration, grace of God somebody didn't die. But in the process of somebody not dying, terrible things were done to as many as 3,500 young men and women who were denied their dreams. For what? Because of their race. The Obama Administration knew when it did this that 11.5% of the young men and women in that academic pipeline who would eventually become air traffic controllers were African-American. Let me repeat that number. 11.5% of the people in the pipeline were African-American. That's higher than the civilian workforce right now. We currently represent not only the son of a New York City cop but also an Asian-American female who happens to be a pilot, and an American Indian. All of them denied the opportunity, because of their race, to compete.

We have to implement this equal protection guarantee. I tell you this, although it's somewhat afield of property rights, of this idea of how we are treated by our government. And I also wanted to convey to you that the deep state is alive. So many of our friends believe that the battle is over, President Trump is doing good things and I wasn't a big fan. I'll tell you candidly I wasn't a big fan in those early days but I am a believer today. And two of their names are Gorsuch and Kavanaugh that made me a believer.

In his first year in office twelve appellate judges were appointed to the courts of appeals. My FAA case is alive today because of a Trump district court judge. This is why I refused to date Kavanaugh. He said he was a perfect gentleman. Again, you can't make this up.

I do want to say something about Keith's [Klingler] remarks. Keith talked about Governor Tom Ridge. If you think the worse thing Governor Tom Ridge did was what he did to the forest industry then you haven't seen the movie *Gosnell* [*Gosnell: The Trial of America's Biggest Serial Killer*] and you haven't read the grand jury report that came out of that trial and I commend that to you attention.

Several weeks ago I was in Washington, D.C. and I'm not a party animal. I'm a teetotaler. I always think of that line from *Bonnie and Clyde*. Remember *Bonnie and Clyde*. Faye Dunaway says to Warren Beatty... I was over at Starbucks this morning and showed my card, Perry. She said, "Oh, Perry, like Perry Mason?" I said, "Yeah." "You're really old school," she said. And I am old school. I used to say Perry Como but no one gets that. I get that. So, she says to the Warren Beatty character about something he doesn't like doing and he has this wonderful line where he says, "I never saw no percentage in it." That's me. I'm not a party animal. I'd rather be on my computer sending tweets, I guess.

I happen to be at a party in Washington, D.C. with like-minded people I guess that's like a phone booth, I guess, so we had people from think tanks, people from the House side, people from the Senate side, people since Trump is president, people from downtown, we were all talking about our favorite things which we're passionate about property rights and protected rights and litigation and making things right and doing the vision of our founders. I stepped up to one woman and she asked my name and I said, "Perry Pendley." And then she said, "William Perry Pendley?" "Yeah, right. That's me" "And she said, "Author of *It Takes a Hero*?" "Guilty. Okay. That's me. It's the book." I think she's giving me a hard time. It's the party they're all drunk. She says, "I love that book. I love that book!" For those of you who don't know it's a book of about fifty-three people that I ran into in my early days in this movement starting in 1989, 1999 when we published it in 1994 and I wanted to do profiles on these amazing people. I met them coast to coast. I think at the end of the day we had fifty-three people in thirty-five states. In New York State I had a bunch of people but Massachusetts, all over the place. Every place that I could go and meet somebody like the people in this room who had a local story to tell and I told the story.

She said, "That book was recommended to me and I love that book. I love that book. I was told of all the rules and regulations and laws that I had to study to get ready for my job..." Her job, by the way, is Principle Deputy Assistant Secretary of Fish, Wildlife and Parks. So, she's the young woman who has jurisdiction over the Endangered Species Act and over the Fish and Wildlife Service (that outlaw agency that it is) and she loves this book and she says, "I learned more from reading that book than all the rules and regulations and manuals and laws that I could possibly read or I was asked to read." And at that point she says what she did. "I have dog-eared it. I have annotated it. I carry it with me everywhere, and wherever I go to give a speech I try to find a story in here that's applicable to the audience that I'm addressing.

What an amazing thing to think about because, I'll tell you, when I wrote this in 1983, what kind of a shelf-life did I think it would have amongst those of us in the movement, those of us who are passionate about these issues who travel the country and talk about these things? What was the likelihood that a young woman in her thirties entered the Department of Interior today would use this book? That it would survive. That it would skip a generation and be part of another generation. I think that's one of the great things that Carol has done here. And that is our ability to transfer to future

generations these amazing stories about the fight for liberty. That's what gets people excited. That's what stimulates people. You can say the government's out of control. You can say the bureaucracy is insane. You can say the deep state is terrible but until you have heard the story of a Kathy Stupak-Thrall, until you hear a story of John Shuler, Sidney Longwell, or Andrew Brigida you really don't understand it. You really don't get it. You don't see the human element at all. That's really what motivates us, what moves us. So, I encourage you to engage in that activity.

When I was with the Reagan Administration, I got in trouble because I wanted to approve an oil and gas lease. I got in trouble because the Wyoming congressional delegation did not because it was near Jackson, Wyoming. It was of such consequence essentially that [Jim] Watt asked for a meeting with President Reagan to go in to tell Reagan why, despite the fact that Perry wanted to drill, we were not going to drill because [Malcom] Wallop, [Alan] Simpson and [Dick] Cheney, whose ages makes them long ago, were opposed to it. Reagan simply told Jim, "No, no, no. We're going drill." And then Reagan said to Watt, "If not us, who? If not now, when?" And Jim said, "I walked out of that meeting," which ran forty minutes because once Jim had that answer from the President he said, "Here's some other things on my plate. What's your guidance on these other things?" And then President Reagan repeated it over and over. "If not us, who? If not now, when?" You remember the phrase because he used it in his second inaugural address. He said, "As I tell my cabinet and my staff, if not us, who? If not now, when?" And I commend that instruction to you. It was great in 1981 when Reagan said it to Watt. It was great in the second inaugural address and it should motivate us today.

Carol, I guess we've got about four minutes. I could answer questions. Yes, sir?

*Audience member:* You mentioned the NGOs and Whitehouse, the senator, talking about the [unintelligible] groups and talking about the deep state. I'll be very brief but I have an anecdote, which I think is perfectly relevant. I spent the last twenty-five years of my life doing foundation and [unintelligible]. The deep state is deeper than the federal government. It's a public-private partnership and almost invisible element [unintelligible] is the foundation world. And the foundation world [unintelligible] Council of Foundations has affinity groups for every public policy area including environment. And the Environmental Grantmakers Association is the association with the foundation world which frames the environmental mood. I was able to go to one of their meetings and this is a true anecdote. They had a round-table discussion on the wise-use movement which was anybody that was opposed to the federal government. And we're all in a circle, of course. There was this gal sitting next to me. A Native-American Indian who was dressed, the way she was dressed with make-up and hair you knew she could have [unintelligible] NPR perfectly on the radio A young woman says, "You know, it's hard to deal with the facts and figures of the wise-use movement. And this is what [the first woman] said, "Dear," very condescending, "Dear, we don't need to worry about their facts and figures. We just keep collecting our horror stories. Our horror stories will always trump their facts and figures." And the whole direction from this is not in the federal government. The direction from this is coming from the foundation world that funds all the NGOs. That's what [George] Soros operates out of. They all do. So, the real thrust of philanthropy is the condition the government can rule in a certain direction and that's why they subcontract all these people and that's why we get involved.

*Mr. Pendley:* Yeah, you're absolutely right. I'm a lawyer not a scientist, so when somebody says right side, left side brain, I don't know what he's talking about. I have to go like this to figure out what I am. Because we tend to be thinking people, cerebral people, we want to talk about the facts and the figures. That motivates us. That moves us. We get that. That makes sense. We're being logical. We're not being feeling. And by the way, I hate the word feeling and I hate sharing. Please don't say, "Thanks for sharing." Don't send me an email that says thanks for sharing. So we eschew that kind of thing and we

shouldn't. We need to emphasize that. We need to talk about that because most of the people on the other side, they'll be compelled by that. Let me just give you an example. IJ [Institute for Justice] did a marvelous job, though they did a terrible job and lost at the Supreme Court but I guess it wasn't their fault, on the hailed *Kelo* case. The fascinating thing about the *Kelo* case was that it was so unifying. It was absolutely, totally unifying. You had Rush Limbaugh on the right and you had Maxine Waters on the left. You can't get further apart than those two people and they both hated the *Kelo* decision. And justly so. Rush saw it as a property rights cerebral thing. Maxine Waters said, "That's my hood. That's what's happening to my neighbors. They're the ones who are going to be told to move out because we need a new interstate or we need a new park." And so, that story only recently was made into a movie, *Little Pink House*. It's on limited release and a handful of us have seen it. But look for another movie that you might just say would be a counteroffensive from the other side and that's *Erin Brockovich*. I think *Erin Brockovich* did more in one day than *Little Pink House* has done for its entire release. There's a wonderful movie, if you're talk about eminent domain, there's a wonderful movie I highly commend it to you. It's a New York City story called *Abacus*. [*Abacus: Small Enough to Jail*] How many of you have heard of *Abacus*. Please go home tonight and watch *Abacus* because it's a government corruption story against a Chinese bank down in Chinatown in New York City by the corrupt district attorney. It tells the story of friends of mine. These aren't friends of mine but I have other friends who are in that spot. We need to do a better job of telling our stories. And I think with the young men and women we have in the movie industry today who can tell the stories the more we tell the stories. Just think about *Gosnell*. It was all funded by folks like us.

Uh-oh. Here comes the hook. Thank you Carol.