



montana
HUMAN RIGHTS NETWORK

November 17, 2017

For Immediate Release:

Statement and Background on Karen Budd-Falen Visiting Hamilton, MT

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Karen Budd-Falen, an attorney from Wyoming and a leading advocate of county supremacy, will present a workshop in Hamilton, MT, this Saturday, November 18. The following is background information on Budd-Falen, including previous appearances in Montana, and comments by the Human Rights Network.

Karen Budd-Falen: County Supremacy, Esquire

Ever since the 1980s, Karen Budd-Falen has been telling counties that, if they adopt their own natural resource plans and/or ordinances, the federal government will have to abide by them. There is one problem with her message – federal law and rulemaking don't support her assumption. However, none of this has stopped Budd-Falen from making a career out of peddling her policy ideas. "Budd has these bizarre theories," said a federal attorney. "She gets people to believe they have ancient rights predating national forests. It's a little sad, because she gets these guys all psyched up."¹

"Montana is no stranger to Karen Budd-Falen, an associate of the Bundy family which took up arms against the government," said Montana Human Rights Network Co-Director Rachel Carroll Rivas. "We've got plenty of our own activists peddling far-right ideology. We'd don't need to bring more divisive voices into the state to stir the pot."

Carroll Rivas continued, "The far-right movements that Budd-Falen represents are anti-democratic at their core. Like other factions of the far right, she uses fear and resentment to sell her vision. The idea that she is being considered as a potential appointee for a federal position in the part of the government she has sought to destroy is scary. Thankfully local community members and advocacy groups for our public lands and democracy aren't buying what she's selling."

Turning County Supremacy Doctrine into Policy

It's no surprise that Budd-Falen has served as the Bundy family attorney. Throughout her right-wing history, she has made a name for herself existing at the nexus between the anti-environmental "wise use" and anti-government "patriot" movements. Back in the 1990s, one magazine referred to her as the

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“godmother of the county movement.”² This title explains her significance as a bridge between “wise use” and more hardcore anti-government doctrine, along with alluding to the building materials for that bridge – county supremacy.

County supremacy at its basic level teaches that all political power should rest at the county level. Generally, there are two versions of the idea. The “wise use” version holds that the county commission should have ultimate authority in determining what is done with all the land within a county’s boundaries, including federal and state land. A supposed result is that the local economy will improve, because commissioners could allow extractive industry to circumvent state and federal land use regulations. The second version of county supremacy, popularized by the anti-government movement, focuses on the sheriff as the supreme law officer of the land. Frequently, especially at the local level, these two versions of county supremacy merge.

Where these two versions of county supremacy meet is where Budd-Falen has made her career and right-wing reputation. Back in the 1980s, she worked with commissioners in Catron County, NM, to create what became seminal county supremacy ordinances. These policies sought to make grazing on federal lands an individual property right and threatened criminal prosecution for any federal official who dared infringe on it. The ordinances represented county supremacy at its rawest and basic level – county officials trying to dictate to federal agencies what could, and couldn’t, be done on federal lands within the county’s borders.

The federal government responded quickly, noting the county lacked the constitutional authority to order the U.S. Forest Service to do anything. It correctly declared that the ordinances existed “without legal effect” and were “null and void.”³ The Catron County ordinances became known as “paper threats,” since they were unenforceable. The fact that these county supremacist ordinances lacked solid legal footing did not keep Budd-Falen and her allies from peddling them around the country. The entity largely responsible for this was the National Federal Lands Conference (NFLC).

Working with Anti-Government “Patriots”

Budd-Falen served on NFLC’s advisory committee during the 1990s. The group held seminars and workshops throughout the West touting Catron-like ordinances. Along with touting county supremacy, NFLC advocated forming anti-government militias, even listing the Militia of Montana’s contact information in its newsletter. Representing NFLC, Budd-Falen popped up all around Montana during the early 1990s. In eastern Montana, she gave workshops where, according to press reports, she promised to tell audiences “how to control decisions by the federal government.”⁴

In 1993, she pitched her ordinances on behalf of NFLC in the Flathead at an event sponsored by Montanans for Multiple Use (MFMU), the largest “wise use” group in the state during the 1990s. Throughout its existence, MFMU illustrated the crossover between the “wise use” and “patriot” versions of county supremacy. MFMU and the Militia of Montana (MOM) followed and participated in many of the same events over the years. MOM circulated notices for MFMU events and seminars, along with policy positions taken by the group. The overlap wasn’t just ideological. In 2001, MFMU’s list of business members and supporters included the Militia of Montana.⁵

In 1994, anti-government “patriots” in the Bitterroot Valley pressured the Ravalli County Commission to adopt a land-use plan based on county supremacy rather than one drafted by county staff. The “patriots” sought out Budd-Falen’s input on the plan, which the county ultimately declined to enact.⁶ By 1995, the *Billings Gazette* reported that 10 Montana counties had passed ordinances similar to those in Catron County, despite the lack of legal credibility.⁷

More recently, Budd-Falen has served as the attorney for the Bundy family, which has now engaged in two high-profile standoffs with federal agencies over land-use issues. Both standoffs drew participants and support from anti-government circles.⁸ The Bundy family isn’t the only high-profile rancher Budd-Falen has worked with over the years. Back in the 1990s, she represented Wayne Hage, a hero of both the “wise use” and “patriot” movements, in his unsuccessful lawsuit against the federal government over grazing rights.⁹

Taking the Margins to the Mainstream

Despite her time on the fringe, Budd-Falen has worked in more mainstream arenas. She served in the U.S. Department of Interior under James Watt during the Reagan Administration. She also worked for Watt’s Mountain States Legal Foundation. This “wise use” law firm has fought affirmative action and Indian voting rights across the West. Mountain States was founded in the 1970s with Watt serving as its first president. The group has been a central player in the “wise use” movement since its founding. Focusing primarily on the judicial arena, the group says it is dedicated to individual liberty; the right to own and use property; limited government; and the free enterprise system. Its board of directors has predominately been individuals with direct interest in large corporations and extractive resource industries.

Budd-Falen also served on President Trump’s transition team. She is also rumored to be President Trump’s nominee to head the Bureau of Land Management.

Selling “Coordination” in Ravalli County

Budd-Falen is holding a workshop this weekend in Hamilton, during which she will try to sell the community her latest version of county supremacy. In the press leading up to the event, she has discussed “coordination” as a tactic the county could use. The Montana Human Rights Network issued both a [report](#) in 2012 debunking “coordination” and a [legal analysis](#) of its arguments. The Network found no legal basis for “coordination:”

“In short the notion that federal agencies have to make their decisions follow county plans [as “coordination” supporters] propose, has no basis in federal law or rulemaking. Local governments don’t have the authority to change federal laws and rules. Counties have no authority to assume any control of federal lands, unless Congress granted that authority by waiving the Supremacy Clause.”¹⁰

The Human Rights Network encourages Ravalli County to repeat what it did when presented with Budd-Falen’s ideas in 1994 – reject them. As *Salon* noted recently, Budd-Falen frequently loses in court, and it’s her clients that pay the bills:

“She is effective at talking ranchers and even county officials into being parties for her lawsuits, and then charges them handsomely for the privilege of losing in court. As long as there’s an ideologically driven anti-government movement, there will be rubes who are willing to pay good money to be plaintiffs in failing anti-government cases.”¹¹

The Human Rights Network believes it is in the best interests of Ravalli County to send Budd-Falen and her campaign of misinformation and anti-government doctrine back to Wyoming. Her policies do nothing but stoke anger directed at community members who work for the federal government.

¹ *High Country News*, “Sagebrush Rebellion II,” Feb. 24, 1992.

² *Outside*, “With Liberty and Firepower for All,” November 1995.

³ *The Montana Progressive*, “County Ordinances Attempt to Revive Sagebrush Rebellion,” October 1992.

⁴ *Billings Gazette*, “Seminar-Goers: Land-Use Rights Can’t Be lost,” July 12, 1993.

⁵ Montana Human Rights Network, [Coordination](#), Nov. 2, 2012.

⁶ *Missoulian*, “Powell: Recall Petition Logic ‘Twisted,’” May 19, 1994.

⁷ *Billings Gazette*, “Counties at War with Feds,” March 9, 1995.

⁸ Southern Poverty Law Center, [War in the West](#), July 9, 2014; Political Research Associates, [Up In Arms](#), Oct. 3, 2016.

⁹ *High Country News*, “Sagebrush Rebellion II,” Feb. 24, 1992.

¹⁰ Montana Human Rights Network, [Coordination](#), Nov. 2, 2012.

¹¹ *Salon*, “Karen Budd-Falen, the Bundy Family’s Lawyer, May be Trump’s Pick to Manage Federal Lands,” July 18, 2017.