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BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

President Donald Trump
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Re: *Rinehart v. California*, No. 16-970 (U.S. Supreme Court)

Dear President Trump,

Yesterday, on the 76th anniversary of the sneak attack on Pearl Harbor, your Solicitor General made a similarly devastating attack on America's miners. In the enclosed brief, he misinterpreted and misrepresented federal mining law in nearly every way sought by the most extreme anti-mining activists. I should know, for I have been litigating against them for decades in Washington, Oregon and California, where anti-mining zealots masquerading as neutral bureaucrats have been choking federal mineral development.

The precise issue concerns whether comprehensive federal land management statutes and federal mining law forbid states from outlawing mining on federal land. The Constitution does not allow state rules that stand as an obstacle to the accomplishment of the full purposes and objectives of Congress, and a hundred years of precedent confirms that states cannot bar mining on federal land which Congress set aside for mineral development. The federal interest in developing minerals on federal land (with full environmental protections under federal law) simply pre-empts local objections to particular mining projects.

Ronald Reagan's Solicitor General (and now Harvard Law Professor) Charles Fried, told the Supreme Court this when the very same question came up in the case of *California Coastal Comm'n v. Granite Rock Co.*, 480 U.S. 572 (1987). Your Solicitor General, by contrast, told the Supreme Court unless a state prohibits *all mining* within its borders, no obstacle is presented whatsoever. This is the sort of extreme nonsense spouted by anti-mining activists, not federal officials charged to implement the will of Congress. You may remember the Supreme Court struck down Arizona's laws concerning law enforcement and illegal aliens; under your Solicitor General's "reasoning," states could regulate all immigration except Norwegians and there would be no interference with federal policy.


The Solicitor General's anti-mining zealotry is further demonstrated by his reliance upon a Clinton regulation that illegally purported to put states in charge of federal land management whenever they were more "protective" (without regard to federal objectives); his blatant misrepresentations of many decided cases as addressing operations on federal mining claims when they did not; and his parroting bogus claims of adverse environmental impacts from mining. This brief is the sort of dishonest propaganda we see from environmental groups, and has no business being filed by the United States Department of Justice, much less the Solicitor General.

There may be areas where an overbearing federal government needs to be pruned back to allow more operation of state law, but this is not one of them. We cannot make America great again without allowing America's miners to develop America's mineral deposits. The State of California, the respondent in this case, has already sued your Administration over and over to frustrate energy development. This brief gives them aid and comfort. We understand that the State of California could (and did) solicit the Obama Administration to get a brief like this; we cannot understand why your Solicitor General is acting like the election never happened and filing the same brief.

Many Westerners, living in states where the federal government owns much or most of the land, believe in you and what you are trying to accomplish. They hope and pray that you will be able to stop the assault on their livelihoods, which depend on rural, natural resource-dependent businesses with access to those lands. They appreciate your many accomplishments, including cutting back national monument restrictions. But this progress will be lost if ignorant majorities in the coastal cities of the West are permitted to simply veto any and all uses of federal lands. This brief is a slap in the face of your supporters.

We urge you to drain the swamp at the Justice Department, and order the Solicitor General to withdraw this brief. Your appointees need to join your Administration in fostering responsible mineral and energy development on federal lands, not assist California's "not in my backyard" opposition to any and all mineral and energy development.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Buchal", written in a cursive style.

James L. Buchal

Copy w/encl. to Attorney General Sessions