NO. 25-533

IN THE
Supreme Court of the United States

MINNESOTA DEER
FARMERS ASSOCIATION, et al.,
Petitioners,

v.

SARAH STROMMEN, Commissioner of the
Minnesota, Department of Natural Resources, et al.,
Respondents.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Eighth Circuit

BRIEF OF AMICUS CURIAE THE CAVALRY GROUP IN SUPPORT OF PETITIONERS

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

Statutes

Other Authorities

IDENTITY AND INTEREST OF AMICUS CURIAE

The Cavalry Group, LLC[1] (thecavalrygroup.com) is a national, member-based organization dedicated to defending the constitutional, economic, and private-property rights of lawful animal owners, farmers, ranchers, breeders, exhibitors, and animal-enterprise businesses across the United States.

For more than fifteen years, The Cavalry Group, LLC has been deeply involved in legislative, regulatory, and legal matters impacting American agriculture and animal ownership at the local, state, and federal levels. Our membership includes hundreds of Americans who work directly with animals in food production, animal husbandry, breeding, agritourism, and related rural industries which are the very people who feed this nation. We have firsthand experience with the increasingly hostile regulatory, political, and cultural environment facing America's food producers and animal enterprise. We have witnessed a dramatic escalation in paid activist-driven legislation, regulatory overreach, arbitrary enforcement actions, and seizure of animals without due process.

The Cavalry Group, LLC submits this brief because the issues before this Court concern not only the rights of the parties, but the future of farming and ranching in the United States. The right to raise

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[1] No counsel for any party authored this brief in whole or in part, and no party or counsel for any party made a monetary contribution intended to fund the preparation or submission of this brief. Amicus curiae and its counsel did not exclusively bear the costs of printing and submitting this brief. Funding for printing and submission was provided via a grant provided by Three Stones Legal Defense Fund. The parties received timely notice of the intent to file this brief.

animals, produce food, and steward private land is fundamental to America's founding, history, heritage, and constitutional promise and national security. This Court's decision will profoundly impact whether Americans may continue to engage in these essential and time-honored occupations free from ideologically driven government interference.

We have witnessed the identical paid activist playbook now upheld by the Eighth Circuit: select one species, manufacture a crisis (Chronic Wasting Disease (CWD) today, avian flu tomorrow, methane the next day), enact a generational phase-out that grandfathers existing farms but prohibits new entrants and non-family transfers, and wait one generation. The industry vanishes without a single seizure or compensation payment.

For centuries, Americans who raise, breed, and work with animals have been respected for providing the most essential service to society: producing food. Farming and ranching have long been considered noble, honorable professions central to the nation's survival and prosperity. Yet over the past two decades, a radical shift has occurred in the philosophy guiding the regulation of animal agriculture.

Lawful animal owners and food producers now face an unprecedented onslaught of donor-funded campaigns, ideological extremism, and politicized regulatory actions that have demonstrably redefined long-established husbandry practices as "inhumane," recast traditional livestock operations as unwarranted environmental threats, and vilified independent producers in favor of highly capitalized corporate competitors in the synthetic "*frankenmeat*" protein market. This shift has emboldened government agencies, inspectors, and local governments to treat lawful agricultural operations as suspect, often relying

on emotion, ideology, and paid activist pressure rather than science or long-standing agricultural norms.

The Cavalry Group, LLC has spent nearly sixteen years observing this pattern firsthand. We have seen USDA and state agencies arrive unannounced at farms and breeding operations, issue citations based on subjective or obscure interpretations of standards, and in some cases seize and destroy animals absent any meaningful due process, warrant, or hearing. Rural animal owners, often unfamiliar with complex administrative procedures, are increasingly subjected to arbitrary and capricious enforcement processes that operate under a presumption of guilt, effectively circumventing the remedial purposes this Honorable Court sought to achieve when overturning the *Chevron* deference doctrine in *Loper Bright Enterprises v. Raimondo* 603 U.S. 369 (2024) on June 28, 2024.

Simultaneously, the public is being misled by coordinated campaigns claiming falsely that traditional livestock producers are destroying the planet. Following centuries of responsible animal husbandry and sound agricultural practices, attacks on independent agriculture, which are often driven by pseudo-scientific climate change advocacy, have demonstrably morphed into a coordinated legislative and regulatory campaign designed to restrict or eliminate livestock production, reduce access to grazing land, and erode fundamental private property rights. The result is a chilling effect across rural America, where animal owners live under the constant threat that an anonymous tip, manufactured social-media campaign, or paid activist-generated complaint could trigger government action and the possible loss of their animals, livelihoods, and property.

The growing trend of using legislation, regulation, and ballot measures to restrict animal husbandry, limit food production, and impose ideologically motivated standards poses a direct threat to America's food security, private property rights, and constitutional liberties.

The highly-capitalized corporate apparatus, now renamed "*Humane World for Animals*" (formerly the *Humane Society of the U.S.*), utilizes its substantial donor funding to advance legislative schemes beneficial to its business-competitor class; indeed, its Vice President and Grassroots Coordinator, John J.P. Goodwin, has gone on record stating, "My goal is the abolition of all animal agriculture."

The decision in this case by the 8th Circuit is the first federal appellate victory for that strategy. If it stands, beef, pork, dairy, and poultry will follow cervids into extinction.

SUMMARY OF ARGUMENT

The Eighth Circuit refused to recognize any fundamental right because petitioners "present no evidence or precedent establishing…that white-tailed deer farming is deeply rooted in this Nation's history and tradition." Pet. App. 10a.

The right implicated is the fundamental liberty of the American citizen to pursue an honest calling, to engage in traditional animal husbandry on one's private property, and to be secure from hostile governmental action designed solely to destroy an entire class of lawful enterprise.

The correct question under *Washington v. Glucksberg* and *Dobbs* is whether the right to own, breed, and harvest animals for human consumption which is the precise activity Minnesota has chosen to

extinguish is objectively, deeply rooted in this Nation's history and tradition.

The answer is unequivocally yes. Animal agriculture is the oldest occupation in America. It is the reason this continent was settled, the reason 270 million acres were given away under the Homestead Act, and the reason for the Fourteenth Amendment. The Fourteenth Amendment was adopted, in part, to secure for the newly freed populace the fundamental right to labor, to acquire and hold property, and to engage in traditional means of sustenance, including the ownership and raising of livestock.

When a State deliberately phases out that right for an entire class of citizens using a pretextual justification, heightened scrutiny is required. The Eighth Circuit's error in defining the right allowed it to apply rational-basis review. That error alone warrants certiorari.

Even under rational-basis review the statute fails. The panel upheld the ban because containing CWD is legitimate and the family-transfer exception protects "the culture of carrying on of the family farm." Pet. App. 13a.

This reasoning is fundamentally fatal to all forms of animal agriculture, as it creates an unconstitutional template enabling the State, in every future instance, to justify a sweeping prohibition on the production of beef, pork, or poultry using these exact same premises.

The panel's deference transforms the Due Process and Equal Protection Clauses of the Fourteenth Amendment into a judicial mechanism for the gradual, yet certain, destruction of rural America.

The legislative record in Minnesota reveals the adoption of a policy agenda based on constitutionally forbidden animus and driven by an illicit purpose

aimed at eliminating an unpopular economic class. The donor class animal-rights lobby openly declares its ultimate, non-negotiable intention to eliminate all forms of independent animal agriculture. The Minnesota law is the first successful implementation of that goal. This Court should not allow it to be the last.

Certiorari should be granted and the judgment reversed.

ARGUMENT

I. This Case Presents a Question of Extraordinary National Importance: Whether States May Use Pretextual Justifications to Phase Out Lawful Animal Agriculture One Species at a Time Until the Entire Industry Is Abolished

The Eighth Circuit treated this as an ordinary economic regulation. It is not.

It is the first successful state-level generational extinction of a major animal-agriculture sector in American history with national security implications that will impose an unfair burden on other animal-based food producing states.

Throughout world history, ideological and social policies have been engineered to govern food production. These policies often impose onerous restrictions on farming and ranching. Historically, they have been repeatedly used as instruments of political control. Their goal is to subordinate the population. This is achieved by limiting access to independent sources of animal-based protein. Ultimately, this curtails the fundamental human right

to produce one's own food or to engage in sustenance for others.

These policies have repeatedly and invariably resulted in catastrophic losses of personal liberty, widespread famine, social collapse, and the ensuing civil conflict.

Against this historical backdrop, Minnesota's current statutory approach to these issues crosses a dangerous threshold. Its regulatory scheme departs sharply from the principles that define American constitutionalism and the Judeo-Christian traditions upon which this nation was built upon. American tradition is grounded in individualism, personal autonomy, and the inherent right of every person to provide for their own sustenance and self-preservation.

Minnesota declared white-tailed deer farming an "agricultural pursuit" (Minn. Stat. § 35.155, subd. 10(c) Mandatory Registration) and then made it unlawful for any new person to enter the occupation and unlawful for existing owners to sell or transfer their herds except once to an immediate family member. The intended and inevitable result is the complete elimination of the industry in one generation.

The State's justification of Chronic Wasting Disease is manageable through testing, biosecurity, and double-fencing that worked perfectly well in Minnesota and elsewhere until paid animal-rights activists suddenly demanded abolition.

The Eighth Circuit nevertheless upheld the scheme, writing:

> "Containing Chronic Wasting Disease is a legitimate state interest," and the family-transfer provision "protects familial, occupational, investment, and reliance

> interests, particularly considering the culture of 'carrying on of the family farm.'"

Pet. App. 12a–13a.

That single paragraph is a death warrant for every remaining sector of animal agriculture.

The lower court's reasoning rests on two dangerous and easily replicated premises:

1. "Containing [climate change / avian flu / African swine fever / methane or bovine flatulence] constitutes a legitimate exercise of government authority." *(This is the premise asserting a broad, unassailable public health/welfare interest.)*

2. "The State is protecting the culture of the family farm by allowing a single, intra-family transfer exception." *(This is the premise asserting a pretextual "saving" interest that narrowly defines the right out of existence.)*

Industry gone in twenty-five years. No takings claim. No compensation. No constitutional violation. This legislative scheme, which achieves the effective confiscation of an entire industry within twenty-five years, cannot be permitted to evade the mandate of the Fifth Amendment by precluding a claim for just compensation under the Takings Clause, all while asserting a lack of constitutional violation.

Who benefits from the destruction of the American family farm? The movement's core financial and intellectual backing comes from highly capitalized corporate and private equity interests who have a direct, competitive business interest in replacing traditional, independent animal agriculture with laboratory-developed and synthetic protein

alternatives. The paid activists and their corporate benefactors have been explicitly candid about their ultimate, long-term intention for decades.

Wayne Pacelle, former CEO of HSUS, declared the day California Proposition 2 passed:

> "People know what happened in California, and they know it can happen again and again… we have a budget of $150 Million a year, and they know we're ready for a fight."

The true, abolitionist purpose is evidenced by the unequivocal declaration of John J.P. Goodwin, Vice President of Humane World for Animals: "My goal is the abolition of all animal agriculture." The Minnesota statute is the first discernible legislative fruit of this stated, illicit strategy.

The Eighth Circuit's opinion constitutes the first federal appellate sanction of policies fundamentally antithetical to the traditional American way of life and the liberty to produce food. Legitimizing these constitutionally infirm food production policies through legal precedent will inevitably lead to critical food insecurity for the citizens of Minnesota and the nation at large. The catastrophic supply-chain disruptions experienced in 2020 served as a profound national demonstration of the fragility of food networks. Accordingly, judicial review must prudently err in favor of upholding a resilient, bountiful, and domestic annual food supply to safeguard the general health, welfare, and survival of the American populace.

If this Honorable Court declines to grant review now, the integrity of the constitutional protections afforded to independent producers, and by extension the nation's food security, will be irrevocably

compromised. The flawed judicial template sanctioned by the Eighth Circuit will be readily adopted by other similar ideologically driven jurisdictions, leading to widespread, legally sanctioned instability in the agricultural sector.

This Honorable Court stopped California from balkanizing the national pork market in *National Pork Producers Council v. Ross* (2023). The threat here is infinitely greater which is the end of domestic animal-protein production entirely.

Certiorari is imperative. Review by this Honorable Court is imperative to resolve this critical, circuit-sanctioned constitutional conflict and preserve the integrity of the nation's fundamental liberties.

II. The Right to Raise Animals for Food Is Deeply Rooted in This Nation's History and Tradition and Requires Heightened Scrutiny

Washington v. Glucksberg, 521 U.S. 702, 720–21 (1997), and *Dobbs v. Jackson Women's Health Org.,* 597 U.S. 215 (2022), require that the claimed liberty be described with "careful specificity" and then ask whether it is "deeply rooted in this Nation's history and tradition" and "implicit in the concept of ordered liberty."

The Eighth Circuit's description of the liberty at issue as merely "white-tailed deer farming in its modern form" is fundamentally flawed, employing a reductionist tactic that the Supreme Court has previously rejected. This error is akin to defining the right in *Loving v. Virginia* as "interracial marriage in 1967," rather than recognizing the core, foundational right to marry itself.

The fundamental liberty at issue cannot be mischaracterized as merely one specific agricultural

practice; rather, it is the deeply rooted, historical, and constitutionally recognized right to engage in animal husbandry for human food production. This foundational liberty, which is implicit in the concept of ordered liberty, satisfies the demanding criteria for heightened protection under *Washington v. Glucksberg* a hundredfold.

Animal husbandry is the oldest occupation in America. The Jamestown settlers survived only because of livestock. The Pilgrims brought cattle on the Mayflower. The first Thanksgiving celebrated animal agriculture.

Every major federal land policy, from the *Northwest Ordinance of 1787* to the *Homestead Act of 1862*, was premised on citizens raising livestock for food. The federal government gave away 270 million acres on that explicit promise.

George Washington stated "agriculture is the most healthful, most useful and most noble employment of man the most useful and honorable of all occupations." George Washington, Thomas Jefferson James Madison, and every Founder raised animals for food.

For over four centuries, no American legislature has ever attempted to mandate the gradual phase-out of an entire, lawful food-animal sector. Consequently, Minnesota's statutory experiment represents a radical, revolutionary departure from traditional American agricultural and legislative practice, rather than a legitimate exercise of state authority.

This Court's economic-liberty cases all protect the right to pursue lawful callings. *Meyer v. Nebraska* (1923): "to engage in any of the common occupations of life." *Allgeyer v. Louisiana* (1897): the right "to earn livelihood by any lawful calling."

The Court has never upheld the deliberate, generational extinction of the nation's foundational occupation.

The Slaughter-House Cases' evisceration of the Privileges or Immunities Clause has been justifiably criticized for 152 years. This case is the perfect vehicle to reconsider it. The right to engage in animal husbandry for human food production is the paradigmatic privilege of American citizenship and the material foundation of ordered liberty in this Nation.

The Eighth Circuit's narrow framing of the right allowed it to dodge heightened scrutiny. That error warrants reversal.

III. Even Under Rational-Basis Review the Statute Fails Because It Is Motivated by Animus and Is Irrationally Underinclusive and Overinclusive

This Court has struck down economic regulations motivated by the animus principle "a bare desire to harm a politically unpopular group." *USDA v. Moreno* (1973); *City of Cleburne* (1985); *Romer v. Evans* (1996); *303 Creative* (2023).

The petitioners' class i.e. those engaged in animal agriculture is now the object of open political disfavor and discrimination.

The legislative record is saturated with abolitionist advocacy. The *Goodwin* and *Pacelle* quotes are not outliers. These declarations constitute the functional mission statement for the donor-funded campaigns that conceived, drafted, and promoted the Minnesota legislative scheme that laid the path to ban food production.

The resulting statute is pretextual and irrational on its face, failing the most deferential standard of judicial review:

- Gross Underinclusiveness: The law is fundamentally flawed because it leaves an estimated two million wild deer completely unregulated, while simultaneously targeting and banning highly regulated, privately owned farmed deer, demonstrating that the stated public health interest is not the true objective.

- Gross Overinclusiveness: The law is patently irrational in its application, prohibiting even new, highly restrictive facilities that employ indoor enclosures, double fencing, and serial testing, thus barring operations that pose demonstrably zero risk to the public or wild populations.

- Internal Incoherence (Pretext): The law is internally incoherent and transparently pretextual. The court below erroneously praised the statute for protecting "the culture of the family farm," yet the statute's true proponents, its authors and financial backers, have openly and consistently declared their ultimate objective is the abolition of all independent animal agriculture.

No conceivable, legitimate state interest can sustain a combination of legislative means and ends so clearly tailored to eliminate a competitor; consequently, the only remaining rationale is a naked, constitutionally forbidden animus.

IV. Food Security and National Security Consequences Demand Reversal

A nation that cannot feed itself cannot remain sovereign.

If states may abolish animal protein production sector by sector, the United States will soon depend on foreign nations or venture-capital laboratories for meat, pork, poultry, milk, and eggs.

This goal represents the stated, ultimate objective of the business competitors and the financially supported activists who are the true proponents of this legislative scheme.

The Eighth Circuit's opinion in this matter has regrettably provided the opposing interests with a clear and functional judicial roadmap for the abolition of all independent animal agriculture.

For the foregoing reasons, The Cavalry Group, LLC respectfully asks this Honorable Court to grant the Petition for a Writ of Certiorari and to intervene immediately to halt this unconstitutional and destructive legislative campaign.

CONCLUSION

For more than four centuries, Americans have engaged in animal husbandry for human sustenance. That fundamental right predates the Constitution and forms the material foundation of ordered liberty in this nation.

The challenged Minnesota statute represents the opening, aggressive maneuver in a declared, ideological war against independent animal agriculture.

Accordingly, the judgment of the United States Court of Appeals for the Eighth Circuit should be reversed.

Respectfully submitted,

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