

The “Top 10” Ag Law and Tax Developments of 2025: Number 3

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In 2025, the concept of lawfare (the use of legal systems to intimidate or financially exhaust an opponent) became a central theme in American agriculture. The most prominent example of this trend was the federal prosecution of Charles and Heather Maude, fifth-generation ranchers in South Dakota. In 2024, the Maudes were indicted on federal felony charges of “theft of government property.” The case centered on a 75-year-old fence line and a 25-acre parcel of the Buffalo Gap National Grasslands. The Maudes had managed the land cooperatively with the U.S. Forest Service (USFS) for decades, and the fence in question had been recognized in every permit renewal since the 1950s.

Rather than a civil boundary adjustment, the government pursued criminal indictments. Armed federal agents served the couple, who were charged separately, forcing them to hire individual attorneys and effectively doubling their legal costs. Following a massive public outcry and a change in federal administration, the charges were dropped in April 2025. Agriculture Secretary Brooke Rollins labeled the case “government regulation by prosecution” and a “politically motivated witch hunt.”

The Maude case exposed a “chilling effect” on ranchers who rely on federal grazing permits. To prevent future lawfare, the USDA launched a “Lawfare Complaint Portal” in late 2025, allowing producers to report similar instances of overzealous enforcement. By the end of 2025, the portal had already received hundreds of submissions. Many of these reports echo the Maudes’ experience – minor civil boundary or grazing disputes that were escalated into felony criminal cases by federal agencies.

Additionally, the newly formed Farmers First Lawfare Advisory Council began monitoring cases involving eminent domain and environmental mandates. These developments signal a shift in 2026 toward protecting individual property rights over the administrative convenience of federal agencies.

The fallout from these developments has led to a major reorganization of the U.S. Forest Service (USFS) and other land management agencies. In June 2025, the USDA rescinded the 2001 Roadless Rule, a move intended to restore local control and reduce the regulatory burden on nearly 59 million acres of forest and grasslands.

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