

TO: Interested Parties
FROM: Kyle Herrig, Accountable.US
DATE: June 14, 2023
RE: Leonard Leo's Involvement in Pending SCOTUS Cases

Conservative kingpin Leonard Leo is the architect of a decades-long strategy to stack the Supreme Court with far-right extremist judges and strategically put cases on its docket, thus undermining public trust in the Supreme Court. This lack of faith in the American judiciary as a whole is the direct result of Leo's efforts to manipulate our legal system.

Amidst this [corruption crisis](#), the Leo Court is in full swing and has already started to rule on critical cases with widespread consequences for Americans' democracy, economy, and civil rights. Leo has had — and will continue to have — an influential role in these crucial decisions.

Accountable.US has developed new research on Leo's role in each of these consequential cases.

MOORE V. HARPER: In the media and through amicus briefs, Leo-funded organizations argued in favor of giving state legislatures the power to decide federal elections — instead of the American people.

- Leo-backed groups Honest Elections Project and the Public Interest Legal Foundation both filed amicus briefs in *Moore v. Harper* that endorsed the independent state legislature theory, a fringe theory that would give gerrymandered state legislatures the power to assign electoral votes — and stripping that right from American voters.
- Leo helped to found Honest Elections Project's parent nonprofit, and the Public Interest Legal Foundation was staffed by Neil Corkery, a longtime Leo lieutenant.
- The Public Interest Legal Foundation received funding from Leonard Leo's dark money network through the 85 Fund and Donors Trust. Donors Trust also received over \$70 million from the 85 Fund in 2021 alone.
- Honest Elections Project Executive Director Jason Sneed went on a media blitz promoting the independent state legislature theory.

303 CREATIVE LLC V. ELENIS: Leo-connected lawyers and groups want to allow discrimination against LGBTQ couples.

- Leo is politically and financially connected to Concerned Women for America, the Claremont Institute, the Becket Fund, and the Ethics and Public Policy Center — all of which filed amicus briefs supporting 303 Creative's challenge to Colorado's anti-discrimination law.
- Lawyers representing 303 Creative are part of the Alliance Defending Freedom, a group that has received contributions from Leo-funded Donors Trust.

BIDEN V. NEBRASKA AND DEPARTMENT OF EDUCATION V. BROWN: Leo-connected

Attorneys General and lawyers are challenging President Biden’s student debt forgiveness plan.

- Seventeen Republican Attorneys General filed an amicus brief siding with Nebraska against the Biden Administration. All are members of the Republican Attorneys General Association (RAGA), which has received over \$13 million from Leo’s Concord Fund since 2016.
- The law firm representing Brown in *Department of Education v. Brown* is Consovoy McCarthy PLLC. The administrative trustee of Leo’s Marble Freedom Trust, Tyler Green, is a partner at Consovoy McCarthy PLLC.
- Tyler Green also represented Leo’s Honest Elections Project in a 2020 Supreme Court amicus brief, is an active Federalist Society contributor, and previously clerked for Justice Clarence Thomas, whose confirmation Leo “helped shepherd.”

GROFF V. DEJOY: Leo sits on the board of and contributes heavily to the Becket Fund, a group that has weighed in on behalf of a Christian postal worker in a case that could alter religious protections for workers.

- The Becket Fund for Religious Liberty filed an amicus brief on behalf of Groff, a postal worker who sued the Post Office after they forced him to work on Sundays.
- Leo is a Becket Fund board member, and the Becket Fund has received hundreds of thousands of dollars from Leo’s 85 Fund.

SACKETT V. EPA: Leo-funded lawyers and friends ran a successful campaign to undo decades of progress made with the Clean Water Act.

- The legal team that argued on behalf of Sackett was composed of active Federalist Society members with ties to the Pacific Legal Foundation, an organization that received grants from the Leo-funded donor group Donors Trust.
- The Claremont Institute’s John Eastman also filed an amicus brief on behalf of Sackett in the case and is a close Leo associate. Leo contributed to Eastman’s campaign for California Attorney General, and Eastman was an active member of the Federalist Society, where Leo served as an executive for decades.

LEARN MORE ABOUT LEONARD LEO at LeonardLeo.org.

Conservative Judicial Activist Leonard Leo Continues To Use His Influence To Impact Upcoming Supreme Court Decisions

SUMMARY: An Accountable.US analysis of upcoming Supreme Court cases found that conservative kingpin Leonard Leo has ties to at least five high-stakes cases set to be decided this Supreme Court term. These cases have the potential to dramatically reshape American society — with the potential to change the administration of American elections, allow businesses to discriminate against the LGBTQ community under the guise of religious liberty, and give religious minorities more protections in the workplace.

The Court has already moved to eliminate clean water protections for millions of acres of wetlands, a decision in line with the Leo-backed amicus briefs filed in the case. In every case, the legal team had close connections to the Federalist Society, a conservative legal society that counts Leo as chairman of the board and a former executive.

These affiliations reveal that Leo's influence goes beyond his right-wing takeover of the courts even as he continues to use the nation's highest court to enact his unpopular political agenda.

Moore v. Harper

- Leo-backed groups Honest Elections Project and the Public Interest Legal Foundation both filed amicus briefs in *Moore v. Harper* that endorsed the independent state legislature theory, a “fringe” legal premise that would give state legislatures the final authority to determine federal election rules. Leo helped to found Honest Elections’ parent nonprofit, and the Public Interest Legal Foundation was staffed by a longtime Leo lieutenant, Neil Corkery. The Public Interest Legal Foundation also received funding from Leonard Leo’s dark-money 85 Fund and Donors Trust, which also received over \$70 million from the 85 Fund in 2021 alone.
- All four lawyers from the law firm Cooper and Kirk representing Moore in the case are active Federalist Society contributors.

303 Creative LLC v. Elenis

- The Concerned Women for America, the Claremont Institute, The Becket Fund, and The Ethics and Public Policy Center filed amicus briefs supporting 303 Creative's challenge to Colorado’s anti-discrimination law. The challenge seeks to allow for discrimination against LGBTQ couples on religious grounds. Leo is closely connected with all four groups:
 - The Leo-controlled Concord Fund gave the Concerned Women for America a \$440,000 grant, and the Leo-controlled 85 Fund gave the Concerned Women for America a \$25,000 grant.
 - Leo sits on the board of The Becket Fund, and the fund has received hundreds of thousands of dollars from Leo’s 85 Fund.
 - Leo sits on the board of the Ethics and Public Policy Center.
 - Leo is closely associated with John Eastman, the head of Claremont’s Center for Constitutional Jurisprudence and the author of Claremont’s amicus brief. Leo contributed to Eastman’s campaign for California Attorney General and Eastman was an active member of the Federalist Society, an organization

where Leo served as an executive for decades. Additionally Claremont has received funding from Donors Trust, which has received considerable funding from Leo's 85 Fund.

- Lawyers representing 303 Creative are part of the Alliance Defending Freedom, a group that has received funding from the Leo-funded group Donors Trust, which received considerable funding from Leo's 85 Fund.

Biden v. Nebraska and Department of Education v. Brown

- The America First Policy Institute filed an amicus brief against the Biden Administration's student loan forgiveness policy, and the Leo-controlled Honest Elections Project has praised the work of the America First Policy Institute. Additionally, two of the lawyers representing Myra Brown in Department of Education v. Brown are closely affiliated with the Federalist Society.
- Seventeen Republican Attorneys General filed an amicus brief siding with Nebraska against the Biden Administration, and all 17 are members of the Republican Attorneys General Association (RAGA), which has received over \$13 million from Leo's Concord Fund since 2016.
- The law firm representing Brown in Dept. of Education v. Brown is Consovoy McCarthy. The administrative trustee of Leo's Marble Freedom Trust, Tyler Green, is a partner at Consovoy McCarthy. Green has also represented Leo's Honest Elections Project in a 2020 Supreme Court amicus brief, is an active Federalist Society contributor, and previously clerked for Justice Clarence Thomas, whose confirmation Leo "helped shepherd."

Groff v. DeJoy

- The Becket Fund for Religious Liberty filed an amicus brief on behalf of Groff, a postal worker who sued the Post Office after they forced him to work on Sundays. Leo is a Becket Fund board member. The Becket Fund has received hundreds of thousands of dollars from Leo's 85 Fund.

Sackett v. EPA

- The legal team that argued on behalf of Sackett are all active Federalist Society members with ties to the Pacific Legal Foundation— an organization that received grants from the Leo-funded donor group, Donors Trust.
- The Claremont Institute's John Eastman also filed an amicus brief on behalf of Sackett in the case. Leo is closely associated with John Eastman. Leo contributed to Eastman's campaign for California Attorney General and Eastman was an active member of the Federalist Society, an organization where Leo served as an executive for decades.
- Sackett v. EPA was decided on May 25 2023, with the court ruling 5-4 in favor of Sackett and against the EPA.

Conservative Activist Leonard Leo Sits At The Center Of A Vast Network Of Legal And Religious Groups Committed To Enacting A Conservative Agenda

Leonard Leo Is "The Maestro Of A Network Of Interlocking Nonprofits" To Push Conservative Judges.

Leonard Leo Has "Been On A Mission" To Reshape The Courts For Over Two Decades.

"For two decades, Leo has been on a mission to turn back the clock to a time before the U.S. Supreme Court routinely expanded the government's authority and endorsed new rights such as abortion and same-sex marriage. Now, as President Trump's unofficial judicial adviser, he told the audience at the closed-door event in February that they had to mobilize in 'very unprecedented ways' to help finish the job." [The Washington Post, [05/21/19](#)]

Leo Has Been "Widely Known As A Confidant To Trump" And "The Maestro Of A Network Of Interlocking Nonprofits" To Support Conservative Judges.

"He is widely known as a confidant to Trump and as executive vice president of the Federalist Society, an influential nonprofit organization for conservative and libertarian lawyers that has close ties to Supreme Court justices. But behind the scenes, Leo is the maestro of a network of interlocking nonprofits working on media campaigns and other initiatives to sway lawmakers by generating public support for conservative judges." [The Washington Post, [05/21/19](#)]

Leo Was One Of Trump's "Most Important Outside Advisors."

"One of President Donald Trump's most important outside advisors assured a group of top Koch network donors over the weekend that the nomination of Brett Kavanaugh to the Supreme Court is just the beginning of an even bigger effort to load up the federal judiciary with conservative judges. This affirmation from the Federalist Society's Leonard Leo, who advised Trump on the Kavanaugh nomination, shows that while the president has been in a war of words with the organization led by billionaire industrialists Charles and David Koch, the administration and the group still have major goals in common – particularly when it comes to the courts." [CNBC, [08/02/18](#)]

The New Yorker: Leo Is Not A Politician, Public Figure, Nor Legal Scholar But He "Has Met And Cultivated Almost Every Important Republican Lawyer In More Than A Generation." [New Yorker, [4/17/17](#)]

- **Leonard Leo's Power In Washington Stems From His Central Role In A Vast Legal Network, The Relationships, Information And Linkages It Grants Him.** "Most of the money went toward supporting the chapter programs and staging conferences — in other words, tending to the network and the idea factory. "What makes Leonard Leo so consequential is not because he's so smart or whatever, it's that he's sitting at the center of an enormous network," [...] "He has lots of information, and that information isn't just his; it's that those things bubble up through those relationships ... spreading through all these people who know each other, and they develop reputations and linkages, which then have lots of other consequences."" [Washington Post, [1/2/19](#)]

Leo Was Instrumental In Confirming Every Conservative SCOTUS Justice In The 2000s And 2010s

Leo's Work On Confirming Justices In the 2000s Officially Happened While He Was On Leave From the Federalist Society, But His Compensation There Jumped By 50% After His Work Confirming Roberts And Alito. "In the interview with The Post, Leo said he took time off from the Federalist Society — a charity that says it does not endorse specific nominees — during the nomination fights in 2005 and 2006. The group's tax filings show that his compensation in those two years jumped by nearly 50 percent, to about \$328,000 annually. Leo did not respond to a question about how his compensation was affected by his time off. A spokesman for the Federalist Society said Leo's pay went up — despite the time off — because of the organization's "extraordinary revenue growth." Back at the Federalist Society the following year, his compensation was \$419,000." [Washington Post, [5/21/19](#)]

Leo Was The First To Contact Gorsuch About His Nomination. "Now, of the 25 people on Trump's Supreme Court list, all but one are Federalist Society members or affiliates. Justice Gorsuch was the speaker at the 2017 Federalist Society gala. And when Gorsuch was asked how he had come to Trump's attention, he told Congress, "On about December 2, 2016, I was contacted by Leonard Leo." [Daily Beast, [6/24/18](#)]

Leonard Leo Played An Important Role In Creating Trump's Short-List Of SCOTUS Nominees Along With Trump's Future White House Counsel Don McGahn. "When Trump was campaigning in 2016, he made the shrewd and unorthodox move of publicizing a list of 11 conservative legal stars that he promised to draw from if he got a chance to pick a Supreme Court justice. Leonard Leo, executive vice president of the Federalist Society, played a key role in suggesting the names, along with Trump's future White House counsel, Don McGahn (also a society member), and the conservative Heritage Foundation." [Washington Post, [1/2/19](#)]

Moore v. Harper - A Case In Which The Court Will Decide Whether A State Legislature Has The Power To Regulate Federal Elections.

Honest Elections Project Filed An Amicus Brief Endorsing The Independent State Legislature Theory. HEP Is A Fictitious Name Of The Leo Controlled 85 Fund.

Honest Elections Project Filed An Amicus Brief Endorsing The Independent State Legislature Theory In The *Moore v. Harper* Supreme Court Case. "Some scholars, including those who claim to care about the Constitution's original public meaning, criticize what they call the 'independent state legislature' doctrine. [...] What they call a 'doctrine' is really the plain meaning of the Elections and Electors Clauses. The founders vested the power to regulate federal elections in the state 'Legislature.' U.S. Const., art. I, §4, cl. 1; art. II, §1, cl. 2." [Honest Elections Project Amicus Brief, [9/06/22](#)]

- **The Independent State Legislature Theory Is Considered A "Fringe" Theory That "Would Radically Change Our Elections."** "There's a thread that links the partisan gerrymandering of congressional maps in North Carolina, attempts to dissolve the Wisconsin Election Commission, and efforts to overthrow the 2020 presidential election in Pennsylvania and elsewhere. In each case, the participants have invoked a dubious interpretation of the Constitution called the 'independent state legislature theory.' Long relegated to the fringe of election law, the theory will soon be front and center before the Supreme Court, which has agreed to hear a case concerning the North Carolina

congressional maps in the fall. If the Supreme Court were to adopt the theory, it would radically change our elections.” [Brennan Center For Justice, [6/30/22](#)]

Honest Elections Project Is A Fictitious Name Of The Judicial Education Project. “Despite appearing to be a free-standing new operation, the Honest Elections Project is just a legal alias for the Judicial Education Project, a well-financed nonprofit connected to a powerful network of dark money conservative groups, according to business records reviewed by the Guardian and OpenSecrets.” [Open Secrets, [5/27/20](#)]

The Judicial Education Project Formally Changed Its Name To The 85 Fund, While Maintaining The Judicial Education Project As A Fictitious Name. “The organization has deftly hidden the changes to its name from public view. In December, the Judicial Education Project formally changed its legal name to The 85 Fund, a group Leo backed to funnel “tens of millions” of dollars into conservative causes, according to Axios. The Honest Elections Project is merely a fictitious name — an alias — the fund legally adopted in February. The change was nearly indiscernible because The 85 Fund registered two other legal aliases on the same day, including the Judicial Education Project, its old name. The legal maneuver allows it to operate under four different names with little public disclosure that it is the same group.” [Open Secrets, [5/27/20](#)]

Open Secrets: “The Judicial Education Project Is Closely Linked To Leonard Leo.” “The Judicial Education Project is also closely linked to Leonard Leo, one of the most powerful people in Washington who has shaped Trump’s unprecedented effort to remake the federal judiciary with conservative judges.” [Open Secrets, [5/27/20](#)]

Honest Elections Project Executive Director Jason Snead Went On A Media Blitz Promoting The Independent State Legislature Theory

NPR: Honest Elections Project Executive Director Jason Snead Said Moore v. Harper “Is A Priority For Us.” “‘This is a priority for us,’ says Jason Snead, the organization’s executive director, about the North Carolina case Moore v. Harper, which the court is expected to hear in the coming months. ‘Obviously, a case that deals with this issue in the Supreme Court is an incredibly important inflection point. And so we will be devoting resources to this.’” [NPR, [8/12/22](#)]

ABC: “If The Supreme Court Comes Down With A Ruling That Says, In Fact, The Word ‘Legislature’ Means Legislature, I Think That’s A Win For Voters Who Want Fair Rules.” “Jason Snead, the executive director of the Honest Elections Project, a conservative-aligned group which filed an outside amicus brief in Moore v. Harper supporting the theory, told NPR in August that the issue gets to ‘the very core of what it is to have a free election.’ ‘If the Supreme Court comes down with a ruling that says, in fact, the word ‘legislature’ means legislature, I think that’s a win for voters who want fair rules. I would define ‘fair’ as rules written by the people that they elect to write the law,’ Snead told ABC News.” [ABC, [9/14/22](#)]

PBS NewsHour: “Moore v. Harper Is A Case About One Thing: Rogue Courts Seizing The Power To ReWrite The Laws Of Our Democracy Behind Closed Doors, In Violation Of The U.S. Constitution.” “Moore v. Harper is a case about one thing: rogue courts seizing the power to rewrite the laws of our democracy behind closed doors, in violation of the U.S. Constitution. The Honest Elections Project’s amicus brief defends the right of all Americans to vote in elections governed by democratically enacted laws. Hopeful, the supreme court recognizes this

case for what it is: a chance to restore stability and confidence in elections by upholding the rule of law and clarifying that lawmakers, not courts and bureaucrats, make the law.” [PBS NewsHour, [9/11/22](#)]

CNN: “We Have Seen A Disturbing Trend Where State Courts Are Increasingly Willing To Go Behind Closed Doors And Rewrite The Rules Of Our Elections.” “Jason Snead, executive director of Honest Elections, said that he believes the case is about reining in an activist judiciary. ‘We have seen a disturbing trend where state courts are increasingly willing to go behind closed doors and rewrite the rules of our elections,’ Snead said. ‘This is just about ensuring that elected lawmakers are writing election laws, that those laws are being honored and that courts are not exceeding their authority and acting as super lawmakers.’” [CNN, [9/20/22](#)]

AP: “We’ve Seen A Fairly Pervasive Attempt To Use Courts To Rewrite Election Laws If Those Laws Don’t Suit Partisan Agendas.” “Jason Snead, of the conservative Honest Elections Project, said the case is an opportunity for the high court to rein in out-of-control state courts which are being pushed by Democratic attorneys to effectively create new rules governing voting, including the Georgia example. ‘We’ve seen a fairly pervasive attempt to use courts to rewrite election laws if those laws don’t suit partisan agendas,’ Snead said in a call with reporters. ‘That’s not something we want to see when it flies in the face of the Constitution.’” [Associated Press, [12/4/22](#)]

The Public Interest Legal Foundation Filed An Amicus Brief In Moore v. Harper And The Foundation Is Closely Connected To Leonard Leo Through The 85 Fund And Neil Corkery, A Top Leo Lieutenant.

Public Interest Legal Foundation Filed An Amicus Brief Endorsing The Independent State Legislature Theory In The *Moore v. Harper* Supreme Court Case. “Petitioners’ position is consistent with the allocation of power in the Constitution. The Framers sought to protect ordered liberty by vesting state legislatures as the primary reservoir of power over elections.” [Public Interest Legal Foundation Amicus Brief, [9/06/22](#)]

Neil Corkery Was The Treasurer Of Public Interest Legal Foundation From 2014-2019.

2014:

(A) Name and Title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(1) John Christian Adams President/General Counsel	5 -	✓	✓				0	0	0	
(2) Neil Corkery Treasurer/Secretary	5 -	✓	✓				30000	0	0	
(3) Dr. John Eastman Director	2 -	✓					0	0	0	
(4) Clea Mitchell Director	2 -	✓					0	0	0	
(5) Brian S. Brown Chairman	5 -	✓	✓				0	0	0	
(6) Hans von Spakovsky Director	2 -	✓					0	0	0	
(7) William Davis Director	2 -	✓					0	0	0	

[Public Interest Legal Foundation 990, [2014](#)]

2015:

(A) Name and Title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(1) Brian Brown Director	2 -	✓					0	0	0	
(2) William Davis Director	2 -	✓					0	0	0	
(3) Hans von Spakovsky Director	2 -	✓					0	0	0	
(4) Dr. John Eastman Director	2 -	✓					0	0	0	
(5) Clea Mitchell Chairman	2 -	✓	✓				0	0	0	
(6) Neil Corkery Treasurer	5 -	✓	✓				30,000	0	0	
(7) John Christian Adams President, General Counsel	40 -	✓	✓				110,000	0	0	
(8) Shawna L. Powell Secretary	40 -		✓				81,286	0	0	

[Public Interest Legal Foundation 990, [2015](#)]

2016:

(A) Name and Title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(1) Brian Brown Director	2 -	✓						0	0	0
(2) William Davis Director	2 -	✓						0	0	0
(3) Hans von Spakovsky Director	2 -	✓						0	0	0
(4) Dr. John Eastman Director	2 -	✓						0	0	0
(5) Cleta Mitchell Chairman	2 -	✓	✓					0	0	0
(6) Neil Corkery Treasurer	5 -	✓	✓					30,000	0	0
(7) John Christian Adams President, General Counsel	40 -	✓	✓					120,000	0	0
(8) Shawna L. Powell Secretary	40 -			✓				81,071	0	0
(9)										

[Public Interest Legal Foundation 990, [2016](#)]

2017:

(A) Name and Title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(1) Brian Brown Director	2 -	✓						0	0	0
(2) William Davis Director	2 -	✓						0	0	0
(3) Hans von Spakovsky Director	2 -	✓						5,000	0	0
(4) Dr. John Eastman Director	2 -	✓						0	0	0
(5) Cleta Mitchell Chairman	2 -	✓	✓					0	0	0
(6) Neil Corkery Treasurer	5 -	✓	✓					30,000	0	0
(7) John Christian Adams President, General Counsel	40 -	✓	✓					120,000	0	0
(8) Shawna L. Powell Secretary	40 -			✓				80,722	0	0
(9) David Norcross Director	2 -	✓						0	0	0

[Public Interest Legal Foundation 990, [2017](#)]

2018:

CHECK THIS BOX IF NEITHER THE ORGANIZATION NOR ANY RELATED ORGANIZATION COMPENSATED ANY CURRENT OFFICER, DIRECTOR, OR TRUSTEE.

(A) Name and Title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(1) Brian Brown Director	2 -	✓						0	0	0
(2) William Davis Director	2 -	✓						0	0	0
(3) Hans von Spakovsky Director	2 -	✓						0	0	0
(4) Dr. John Eastman Director	2 -	✓						0	0	0
(5) Cleta Mitchell Chariman, Director	2 -	✓		✓				0	0	0
(6) Neil Corkery Treasurer, Director	5 -	✓		✓				30000	0	0
(7) John Christian Adams President, General Counsel, Director	40 -	✓		✓				120000	0	0
(8) Shawna L Powell Secretary	40 -			✓				88564	0	0
(9) David Norcross Director	2 -	✓						0	0	0
(10)										

[Public Interest Legal Foundation 990, [2018](#)]

2019:

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(1) William Davis Director	2 -	✓						0	0	0
(2) Hans von Spakovsky Director	2 -	✓						0	0	0
(3) Dr. John Eastman Director	2 -	✓						0	0	0
(4) Cleta Mitchell Chariman, Director	2 -	✓		✓				0	0	0
(5) Neil Corkery Treasurer, Director	5 -	✓		✓				30000	0	0
(6) John Christian Adams President, General Counsel, Director	40 -	✓		✓				162,000	0	0
(7) Shawna L Powell Secretary	40 -			✓				104,002	0	0
(8) David Norcross Director	2 -	✓						0	0	0
(9) Kaylan Phillips Litigation Counsel	40 -					✓		111,002	0	0
(10) Noel Johnson Litigation Counsel	40 -					✓		109,002	0	0
(11)										

[Public Interest Legal Foundation 990, [2019](#)]

Neil Corkery Was Closely Connected To Leonard Leo And First “Conceived” Of The Idea For The Judicial Crisis Network At A Dinner Party Attended By Leo, Corkery, And The

Late Justice Antonin Scalia. “After the 2004 election, the Judicial Crisis Network (JCN) was conceived at a small dinner party Leo attended with Neil Corkery and others. Justice Antonin Scalia was a guest. Launched as the Judicial Confirmation Network, it was created in anticipation of the Supreme Court vacancies that George W. Bush ultimately filled with Justices John Roberts and Samuel Alito.” [Senate Judiciary Hearing Testimony, [3/10/21](#)]

2020: The Public Interest Legal Foundation Received A \$400,000 Grant From The Leonard Leo Controlled 85 Fund.

2020: The Public Interest Legal Foundation Received A \$400,000 Grant From The Leo Controlled 85 Fund.

Continuation Sheet for Schedule I (Form 990)						Page 1 of 2	
Name of the organization The 85 Fund						Employer identification number 20-2466871	
Part II Continuation of Grants and Other Assistance to Governments and Organizations in the United States							
(a) Name and address of organization or government	(b) EIN	(c) IRC section (if applicable)	(d) Amount of cash grant	(e) Amount of non-cash assistance	(f) Method of valuation (book, FMV, appraisal, other)	(g) Description of non-cash assistance	(h) Purpose of grant or assistance
(13) Speech First Inc. 1030 15th St. NW Ste. 374 Washington, DC 20004	82-3599047	501 c 3	500,000			n/a	general support
(14) Ethics and Public Policy Center 1730 M Street NW Washington, DC 20036	52-1162185	501 c 3	488,000			n/a	general support
(15) Foundation for Accountability and Civic T 1717 K Street, NW, Room 900 Washington, D C 20006	46-4754874	501 c 3	450,000			n/a	general support
(16) Public Interest Legal Foundation 32 E. Washington St., Room 1675 Indianapolis IN 46204	45-4355641	501 c 3	400,000			n/a	general support
(17) Energy & Environmental Legal Institute 722 12th St., NW, 4th Floor Washington, DC 2 00045	26-4239065	501 c 3	350,000			n/a	general support

[85 Fund 990, [2020](#)]

The \$400,000 Grant Appears To Have Originated From Donors Trust, According To An Earmark On Donors Trust’s Public Disclosure.

The 85 Fund 3220 N Street, NW Suite 268 Washington, DC 20007	20-2466871	501(c)(3)	400,000.	0.	N/A	N/A	for the Public Interest Legal Project
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[Donors Trust 990, [2020](#)]

The Public Interest Legal Foundation Received Grants From Donors Trust, “The Dark Money ATM” Of The Right Which Was The “Biggest Beneficiary Of Leo’s Dark Money Vehicle” The 85 Fund In 2021.

2021: The Public Interest Legal Foundation Received A \$250,000 Grant From Donors Trust.

Public Interest Legal Foundation 32 E. Washington Street Suite 1675 Indianapolis, IN 46204	45-4355641	501(c)(3)	250,000.	0.	N/A	N/A	for general operations
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[Donors Trust 990, [2021](#)]

Headline: “Exposed: The Dark-Money ATM Of The Conservative Movement” “Working out of an nondescript brick rowhouse in suburban Virginia, a little-known organization named Donors Trust, staffed by five employees, has steered hundreds of millions of dollars to the most influential think tanks, foundations, and advocacy groups in the conservative movement. Over the past decade, it has funded the right’s assault on labor unions, climate scientists, public schools, economic regulations, and the very premise of activist government. Yet unlike its nearest counterpart on the progressive side, the Tides Foundation, a bogeyman of Glenn Beck

and Bill O'Reilly, Donors Trust has mostly avoided any real scrutiny. It is the dark-money ATM of the right." [Mother Jones, [2/5/13](#)]

Donors Trust Was The “Biggest Beneficiary Of Leo’s Primary Dark Money Vehicle...”

“The society remains highly dependent on Leo’s network. It received \$5.6 million in grants in 2020 and \$3.5 million in 2021 from The 85 Fund, a rebranded dark money group that Leo has said he plans to use to fund conservative causes nationwide, according to federal disclosures. This makes the Federalist Society the second biggest beneficiary of Leo’s primary dark money vehicle, aside from Donors Trust, another conservative nonprofit.” [Politico, [5/2/23](#)]

All Four Lawyers From Law Firm Cooper & Kirk Representing Moore In Moore V. Harper Are Active Federalist Society Contributors, Including The Firm’s Managing Partner And Two Partners—One Of Whom Previously Clerked For Leo-Backed Justice Samuel Alito.

Four Attorneys From Cooper & Kirk PLLC Represented Timothy K. Moore Et Al. In Moore V. Harper, Including David H. Thompson, Peter A. Patterson, John D. Ohlendorf, And Megan M. Wold:

David H. Thompson
Counsel of Record
Peter A. Patterson
John D. Ohlendorf
Megan M. Wold
COOPER & KIRK PLLC
1523 New Hampshire Ave., NW
Washington, DC 20036
Telephone: (202) 220-9600
Fax: (202) 220-9601
dthompson@cooperkirk.com

Counsel for Applicants

[Supreme Court of the United States, [02/25/22](#)]

David H. Thompson, Managing Partner Of Cooper & Kirk PLLC, Is A Federalist Society Contributor:



David H. Thompson

Managing Partner, Cooper & Kirk PLLC

[The Federalist Society, accessed [06/06/23](#)]

- **Thompson Has Appeared In At Least Eight Federalist Society Events, As Of June 2023.** [The Federalist Society, accessed [06/06/23](#)]
- **Thompson Joined Cooper & Kirk At Its Founding, And His Federalist Society Profile Touts His Working On Federal Cases On The District Court, Appellate Court, And Supreme Court Levels.** “David Thompson is the Managing Partner of Cooper & Kirk and joined the firm at its founding. Mr. Thompson has extensive trial and appellate experience in a wide range of matters and has secured victories worth billions of dollars. He has successfully challenged numerous laws on Second Amendment grounds. He has also litigated cases in over 30 federal district courts, argued in each of the 13 federal circuit courts of appeal, and argued before the U.S. Supreme Court, as well as many state courts.” [The Federalist Society, accessed [06/06/23](#)]

Peter A. Patterson, A Partner At Cooper & Kirk PLLC, Is A Federalist Society Contributor:



Peter A. Patterson

Partner, Cooper & Kirk, PLLC

[The Federalist Society, accessed [06/06/23](#)]

- **Patterson Has Appeared In At Least Four Federalist Society Events, As Of June 2023.** [The Federalist Society, accessed [06/06/23](#)]
- **Patterson Joined Cooper & Kirk In 2009 And Practices “Appellate Litigation, Constitutional Litigation, Commercial Litigation, And Administrative Law.”** “Pete Patterson is a partner at Cooper & Kirk. His practice includes appellate litigation, constitutional litigation, commercial litigation, and administrative law. [...] Mr. Patterson has extensive experience in complex matters involving important questions of constitutional, statutory, and administrative law. He frequently has represented plaintiffs in cases alleging constitutional or statutory violations by federal, state, and local government officials. [...] Mr. Patterson joined the firm in 2009.” [The Federalist Society, accessed [06/06/23](#)]

John Ohlendorf, An Associate At Cooper & Kirk PLLC, Is A Federalist Society Contributor:



John Ohlendorf

Associate, Cooper & Kirk PLLC

[The Federalist Society, accessed [06/06/23](#)]

- **Ohlendorf Has Appeared In At Least Two Federalist Society Events, As Of June 2023.** [The Federalist Society, accessed [06/06/23](#)]
- **Ohlendorf Joined Cooper & Kirk PLLC In 2014.** “Before joining the firm in 2014, Mr. Ohlendorf clerked for Judge Raymond Gruender of the United States Court of Appeals for the Eighth Circuit, taught at Northwestern University School of Law as an Olin-Searle-Smith Fellow, and then at Georgetown University Law Center as a Visiting Lecturer and Fellow at the Georgetown Center for the Constitution.” [The Federalist Society, accessed [06/06/23](#)]

Megan M. Wold, A Partner At Cooper & Kirk, Is A Federalist Society Contributor—Wold Was Also A Supreme Court Law Clerk For Justice Samuel Alito, Whose Nomination Process Saw Leonard Leo Play A “Crucial Part”:



Megan M. Wold

Partner, Cooper & Kirk

[The Federalist Society, accessed [06/06/23](#)]

- **Wold Has Appeared In At Least Three Federalist Society Events, As Of June 2023.** [The Federalist Society, accessed [06/06/23](#)]
- **Wold’s Federalist Society Profile States That She “Regularly Practices Before The U.S. Supreme Court,” Has Represented “Fortune 500 Clients,” And Focuses On “Complex Commercial Matters, Constitutional Litigation, And Administrative Law Disputes.”** “Megan M. Wold focuses her practice on legal issues and brief-writing in complex commercial matters, constitutional litigation, and administrative law disputes. She has argued cases in both state and federal court, drafted briefs at all levels of state and federal litigation, and regularly practices before the U.S. Supreme Court. She has represented Fortune 500 clients in international arbitrations, complex tort and fraud litigation, class actions, commercial property disputes, and complex multi-district litigation.” [The Federalist Society, accessed [06/06/23](#)]
- **Wold Was A “A Law Clerk To Justice Samuel A. Alito Of The U.S. Supreme Court.”** “Ms. Wold served as a law clerk to Justice Samuel A. Alito of the U.S. Supreme Court and to Judge Jeffrey Sutton of the U.S. Court of Appeals for the Sixth Circuit.” [The Federalist Society, accessed [06/06/23](#)]
- **Leonard Leo “Played A Crucial Part” In Samuel Alito’s Supreme Court Nomination Process.** “During the Administration of George W. Bush, Leo also played a crucial part in the nominations of John Roberts and Samuel Alito. Now that Gorsuch has been confirmed, Leo is responsible, to a considerable extent, for a third of the Supreme Court.” [The New Yorker, [04/10/17](#)]

Cooper & Kirk Has Been A Federalist Society Benefactor, Giving The Organization As Much As \$49,999 In The Latest Year Records Are Available.

In 2021, The Latest Year For Which The Federalist Society's Annual Report Is Available, Cooper & Kirk PLLC Appeared As A "Madison Club Silver" Benefactor, Giving The Group \$25,000-\$49,999:

Madison Club Silver

\$25,000-\$49,999

[...]

Cooper & Kirk PLLC

[The Federalist Society, [2021](#)]

Cooper & Kirk's Founding Member And Chairman Charles J. Cooper Is A Top Republican Ally, Has Been Named "Republican Lawyer Of The Year," And Advised The Reagan White House As A "Top Appointee" In The Justice Department.

Charles J. Cooper Is A Founding Member And Chairman Of Cooper & Kirk. "CHARLES J. COOPER is a founding member and the chairman of Cooper & Kirk, PLLC, "one of the Nation's leading litigation boutiques" (Above The Law 2017)." [Cooper & Kirk, PLLC, accessed [06/16/21](#)]

Cooper Has A Reputation For Being "Closely Allied With Top Republicans In Congress" And "One Of Washington's Leading Conservative Constitutional Lawyers." "One of Washington's leading conservative constitutional lawyers publicly broke on Sunday with the main Republican argument against convicting former President Donald J. Trump in his impeachment trial, asserting that an ex-president can indeed be tried for high crimes and misdemeanors. In an opinion piece posted on The Wall Street Journal's website, the lawyer, Charles J. Cooper, who is closely allied with top Republicans in Congress, dismissed as illogical the claim that it is unconstitutional to hold an impeachment trial for a former president." [The New York Times, [02/07/21](#)]

2010: Charles J. Cooper Was Named "Republican Lawyer Of The Year" By The Republican National Lawyers Association. "I'm very pleased to see that the Republican National Lawyers Association is honoring Charles J. Cooper (of the D.C. law firm of Cooper & Kirk) with its Republican Lawyer of the Year Award. Among the activities 'advancing conservative legal principles' for which the RNLA rightly praises Chuck is his ongoing defense of the constitutionality of California's Proposition 8 on marriage." [National Review, [09/30/10](#)]

Charles Cooper Was A "Top Appointee" In Ronald Reagan's Justice Department, Advising The White House, Attorney General, And The Executive Branch. "Charles Cooper was a top appointee in the Reagan Justice Department and is chairman of the Cooper & Kirk law firm, where he developed a specialty in commercial and civil rights cases. He defended

California's Proposition Eight outlawing same-sex marriage when that case came before the U.S. Supreme Court.” [The Washington Post, [04/09/15](#)]

- **As Assistant Attorney General For The Office Of Legal Counsel, Cooper Gave Legal Advice To The Reagan White House, Attorney General, And The Executive Branch.** “In 1985 President Reagan appointed him to the position of Assistant Attorney General for the Office of Legal Counsel, which is the office responsible for providing legal opinions and advice to the White House, the Attorney General, and Executive Branch departments and agencies on issues covering the full spectrum of federal constitutional, statutory, and regulatory law.” [Cooper & Kirk, accessed [06/17/21](#)]

303 Creative V. Elenis – A Challenge To Colorado’s Anti-Discrimination Law.

The Concerned Women For America Filed An Amicus Brief In 303 Creative v. Elenis– The Concerned Women For America Received Large Grants From The Leo Controlled Concord Fund.

The Concerned Women For America Filed An Amicus Brief In 303 Creative v. Elenis. “Protecting Petitioners’ free speech rights will not have the detrimental effects alleged by Respondents. The overwhelming evidence of the economic, social, and political power wielded by the LGBTQ+ community demonstrates that the slippery-slope arguments are invalid. This Brief will document the development of such power over the course of decades, using information from the beginning of these trends until the present day.” [Concerned Women for America amicus brief, SCOTUS Blog, [5/31/22](#)]

- **303 Creative V. Elenis Challenged Colorado’s Anti-Discrimination Law And Will Decide If Businesses Can Discriminate Against Individuals On Religious Grounds.** “On one side are people who say the government should not force them to violate their principles to make a living. On the other are same-sex couples and others who say they are entitled to equal treatment from businesses open to the public.” [New York Times, [12/4/22](#)]

Concerned Women For America Received Grants From Both The Concord Fund And The 85 Fund. Both Groups Are Controlled By Leonard Leo.

2020: Concerned Women For America Received A \$440,000 Grant From The Concord Fund.

Name and address	Concerned Women for America 1015 15th NW Washington, DC 20005	95-3580834	440,000
IRC code section	501(c)(4)		
Method of valuation			
Desc. of Non-Cash Asst.			
Purpose of grant	General Operating		

[Concord Fund 990, [2020](#)]

The Concord Fund Was Formerly The Judicial Crisis Network. “The Concord Fund is the new parent nonprofit of the Judicial Crisis Network, a secretive dark money group that has been bankrolling campaigns to install GOP judges and funding conservative advocacy campaigns around the country since 2004.” [The Lever, [6/29/21](#)]

“The Concord Fund Is Closely Tied To Top Trump Judicial Adviser Leonard Leo.” “The Concord Fund is closely tied to top Trump judicial adviser Leonard Leo. In early 2020, Leo stepped away from his day-to-day role at the Federalist Society, the national conservative lawyers group, to help steer the Concord Fund. Between mid-2019 and mid-2020, the Concord Fund paid \$1.6 million to a company affiliated with Leo called BH Group, LLC.” [The Lever, [6/29/21](#)]

Leo Changed The Judicial Crisis Network’s Name To The Concord Fund To Further Shield His Groups From Oversight. “Leo and his allies rebranded the Judicial Crisis Network as the Concord Fund, turning it into a social welfare organization that fiscally sponsors other organizations. This arrangement creates additional layers of opacity, allowing a nonprofit to host or create new advocacy groups at relatively little cost that simply exist as a trade name. Judicial Crisis Network is now a fictitious name registered under the Concord Fund in Virginia. Conservative operatives did the same thing with the Judicial Crisis Network’s charitable arm, the Judicial Education Project, renaming it the 85 Fund.” [The Lever, [6/29/21](#)]

2021: Concerned Women For America Received A \$25,000 Grant From The 85 Fund.

Name and address	Concerned Women for America 1015 15th St NW Washington, DC 20005	95-3580834	25,000
IRC code section	501 c 3		
Method of valuation			
Desc. of Non-Cash Asst.			
Purpose of grant	General Support		

[85 Fund 990, [2021](#)]

The Judicial Education Project Formally Changed Its Name To The 85 Fund, While Maintaining The Judicial Education Project As A Fictitious Name. “The organization has deftly hidden the changes to its name from public view. In December, the Judicial Education Project formally changed its legal name to The 85 Fund, a group Leo backed to funnel “tens of millions” of dollars into conservative causes, according to Axios. The Honest Elections Project is merely a fictitious name — an alias — the fund legally adopted in February. The change was nearly indiscernible because The 85 Fund registered two other legal aliases on the same day, including the Judicial Education Project, its old name. The legal maneuver allows it to operate under four different names with little public disclosure that it is the same group.” [Open Secrets, [5/27/20](#)]

Open Secrets: “The Judicial Education Project Is Closely Linked To Leonard Leo.” “The Judicial Education Project is also closely linked to Leonard Leo, one of the most powerful people in Washington who has shaped Trump’s unprecedented effort to remake the federal judiciary with conservative judges.” [Open Secrets, [5/27/20](#)]

The Claremont Institute’s Center For Constitutional Jurisprudence Filed An Amicus Brief In 303 Creative v. Elenis.

The Claremont Institute’s Center For Constitutional Jurisprudence Filed An Amicus Brief In Support Of 303 Creative In 303 Creative v. Elenis. “Unlike internet services such as ‘Twitter’ and ‘FaceBook,’ petitioners do more than simply host the speech of others. Instead, as recognized by the court below, petitioners creation of websites is itself speech. Petitioners ‘actively create each website, rather than merely hosting customer-generated content.’ Petition Appendix at 21a. Thus, this case turns on compelling individuals to speak and associate with a message with which they disagree. The Colorado law is a direct attack on freedom of belief.” [Claremont Institute amicus brief, SCOTUS Blog, [5/26/22](#)]

Leonard Leo And John Eastman, The Center’s Director, Have A Long History

John Eastman Is The Director Of The Center For Constitutional Jurisprudence.



JOHN C. EASTMAN
 CENTER FOR CONSTITUTIONAL JURISPRUDENCE
 Founding Director Of The Center For Constitutional Jurisprudence And Claremont Senior Fellow

[Claremont Institute, accessed [5/23/23](#)]

Leo Contributed \$500 To Eastman’s 2010 Campaign For California Attorney General.

Amount (\$)	Year	Date	From	To	Contributor_Occupation
500	2010	2010-03-23	LEONARD LEO :: FEDERALIST SOCIETY MCLEAN VA	JOHN EASTMAN FOR ATTORNEY GENERAL 2010	ATTORNEY

[The Accountability Project, accessed [5/23/23](#)]

Eastman Is A Member Of The Federalist Society.

HOME > CONTRIBUTORS > JOHN C. EASTMAN



Dr. John C. Eastman



Topics: Free Speech & Election Law · Federalism & Separation of Powers · Religious Liberties · Civil Rights



[Federalist Society, accessed [5/23/23](#)]

For About A Decade, Eastman Was “Invited...To Participate In The Annual Supreme Court Roundup Event Sponsored By The Los Angeles Lawyers Chapter Of The Federalist Society.” “It gives me no joy to fight him on this. I have known Eastman for roughly 20 years and considered him a friend. We were connected on Facebook, we have many mutual friends, I contributed to his campaign years ago for California attorney general, and each year for about a

decade, I invited him to participate in the annual Supreme Court roundup event sponsored by the Los Angeles Lawyers Chapter of the Federalist Society.” [The Atlantic, [10/20/21](#)]

Leonard Leo Was An Executive At The Federalist Society And Currently Serves As Chairman. “Leonard is Co-Chairman and former Executive Vice President of the Federalist Society, joining the organization over 25 years ago. Since that time he has been instrumental in helping the organization top 70,000, focusing on the growth of lawyers membership, operations and activities advancing limited, constitutional government.” [Federalist Society, accessed [5/23/23](#)]

The Claremont Institute Received Received Grants From Donors Trust, “The Dark Money ATM” Of The Right Which Was The “Biggest Beneficiary Of Leo’s Dark Money Vehicle” The 85 Fund In 2021.

2021: The Claremont Institute Received A \$120,500 Grant From Donors Trust.

Claremont Institute 1317 West Foothill Boulevard Suite Upland, CA 91786	95-3443202	501(c)(3)	120,500.	0, N/A	N/A	for general operations
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[Donors Trust 990, [2021](#)]

2020: The Claremont Institute Received A \$156,500 Grant From Donors Trust.

Claremont Institute 1317 West Foothill Boulevard Suite Upland, CA 91786	95-3443202	501(c)(3)	156,500.	0, N/A	N/A	for general operations
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[Donors Trust 990, [2020](#)]

2019: The Claremont Institute Received Two Grants Worth \$66,712 From Donors Trust.

Claremont Institute 1317 West Foothill Boulevard Suite 120 Upland, CA 91786	95-3443202	501(c)(3)	\$20,712.88	N/A	Cash	N/A	for general operations
Claremont Institute 1317 West Foothill Boulevard Suite 120 Upland, CA 91786	95-3443202	501(c)(3)	\$46,000.00	N/A	Cash	N/A	for general operations (1% of 2017 expenses)

[Donors Trust 990, [2019](#)]

Leonard Leo And Donors Trust Were Linked Through Dark Money

Headline: “Exposed: The Dark-Money ATM of the Conservative Movement” [Mother Jones, [2/5/13](#)]

Donors Trust Was The “Biggest Beneficiary Of Leo’s Primary Dark Money Vehicle...” “The society remains highly dependent on Leo’s network. It received \$5.6 million in grants in 2020 and \$3.5 million in 2021 from The 85 Fund, a rebranded dark money group that Leo has said he plans to use to fund conservative causes nationwide, according to federal disclosures. This makes the Federalist Society the second biggest beneficiary of Leo’s primary dark money vehicle, aside from Donors Trust, another conservative nonprofit.” [Politico, [5/2/23](#)]

2021: The 85 Fund Contributed Over \$71 Million To Donors Trust.

		grant	cash asst.
Name and address	Donors Trust 1800 Diagonal Rd Ste 280 Alexandria, VA 22314	52-2166327	71,145,000
IRC code section	501 c 3		
Method of valuation			
Desc. of Non-Cash Asst.			
Purpose of grant	General Support		

[85 Fund 990, [2021](#)]

The Becket Fund For Religious Liberty Filed An Amicus Brief On Behalf Of 303 Creative In 303 Creative v. Elenis, And Leonard Leo Serves On The Becket Fund Board.

The Becket Fund Filed An Amicus Brief In 303 Creative v. Elenis. “If its latest trip to this Court proves anything, it is that Colorado has learned nothing and forgotten nothing. By now Colorado ought to know that aggressively applying its public accommodation law to force conformity on religious dissenters violates Court-developed rules against compelled speech, content discrimination, and viewpoint discrimination. Yet Colorado obstinately continues, despite hornbook law that—as Petitioners explain—ought to make this a simple case.” [Becket Fund amicus brief, SCOTUS Blog, [6/2/22](#)]

Leonard Leo Serves On The Becket Fund’s Board.

Leonard Leo Serves On The Becket Fund’s Board. “Leonard Leo serves as Executive Vice President of the Federalist Society for Law and Public Policy Studies and as a member of its Board of Directors. He was appointed by President George W. Bush as well as the United States Senate to three terms to the US Commission on International Religious Freedom, where he served for three years as chairman.” [Becket Fund, [Accessed 2/17/21](#)]

- **Leo Received The Canterbury Medal “Religious Liberty’s Highest Honor” From The Becket Fund In 2017.** “Leonard Leo receives religious liberty’s highest honor Becket’s 2017 Canterbury Medal awarded to Leonard Leo for his work promoting religious freedom at home and abroad” [Becket Fund, [Accessed 2/17/21](#)]

The Becket Fund Received Grants From The 85 Fund And Donors Trust.

2021: The 85 Fund Gave The Becket Fund A \$400,000 Grant.

		52-1858532	400,000
Name and address	Becket Fund For Religious Rreedom 1919 Pennsylvania Ave NW Washington, DC 20006		
IRC code section	501 c 3		
Method of valuation			
Desc. of Non-Cash Asst.			
Purpose of grant	General Support		

[85 Fund 990, [2021](#)]

2020: The 85 Fund Gave The Becket Fund A \$150,000 Grant.

(28) Becket Fund for Religious Freedom 1919 Pennsylvania Ave, NW Washington, DC	52-1858532	501 c 3	150,000		n/a	general support
					n/a	general support

[85 Fund 990, [2020](#)]

2019: Donors Trust Gave The Becket Fund A \$180,200 Grant.

Washington, DC 20006	52-1858532	501(c)(3)	\$180,200.00	N/A	Cash	N/A	for general operations
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[Donors Trust 990, [2019](#)]

2020: Donors Trust Gave The Becket Fund A \$448,500 Grant.

Becket Fund for Religious Liberty 1200 New Hampshire Avenue, NW Suite Washington, DC 20036	52-1858532	501(c)(3)	448,500.	0, N/A	N/A	N/A	for general operations
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[Donors Trust 990, [2020](#)]

2021: Donors Trust Gave The Becket Fund A \$132,200 Grant.

Becket Fund for Religious Liberty 1919 Pennsylvania Avenue NW #400 Washington, DC 20006	52-1858532	501(c)(3)	132,200.	0, N/A	N/A	N/A	for general operations
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[Donors Trust 990, [2021](#)]

Leonard Leo And Donors Trust Were Linked Through Dark Money

Headline: “Exposed: The Dark-Money ATM of the Conservative Movement” [Mother Jones, [2/5/13](#)]

Donors Trust Was The “Biggest Beneficiary Of Leo’s Primary Dark Money Vehicle...”

“The society remains highly dependent on Leo’s network. It received \$5.6 million in grants in 2020 and \$3.5 million in 2021 from The 85 Fund, a rebranded dark money group that Leo has said he plans to use to fund conservative causes nationwide, according to federal disclosures. This makes the Federalist Society the second biggest beneficiary of Leo’s primary dark money vehicle, aside from Donors Trust, another conservative nonprofit.” [Politico, [5/2/23](#)]

2021: The 85 Fund Contributed Over \$71 Million To Donors Trust.

		grant	cash asst.
Name and address	Donors Trust 1800 Diagonal Rd Ste 280 Alexandria, VA 22314	52-2166327	71,145,000
IRC code section	501 c 3		
Method of valuation			
Desc. of Non-Cash Asst.			
Purpose of grant	General Support		

[85 Fund 990, [2021](#)]

The Ethics And Public Policy Center Filed A Brief In 303 Creative v. Elenis, And Leonard Leo Sits On Their Board

The Ethics And Public Policy Center Filed An Amicus Brief On Behalf Of 303 Creative In 303 Creative v. Elenis. “Nevertheless, the Tenth Circuit gleaned from this Court’s precedents—flowing initially from racial discrimination cases—a compelling government interest in ensuring that sexual minorities have access to all publicly available services, and then defined art and speech as services that are necessarily available from only a single artist or speaker, with no regard for the countervailing interests of people of faith. The Tenth Circuit’s analogy of this case

to racial discrimination is inapt.” [Ethics and Public Policy Center amicus brief, SCOTUS Blog, [6/2/22](#)]

Leonard Leo Is A Member Of The Ethics And Public Policy Center’s Board Of Directors.

Leonard Leo Is Member Of The Ethics And Public Policy Center’s Board Of Directors. “Leonard A. Leo is chairman of CRC Advisors and co-chairman of the board of directors of the Federalist Society. He also previously served as chairman of the U.S. Commission on International Religious Freedom. He has played an active role in public diplomacy, including as a U.S. delegate to the United Nations Council, the United Nations Commission on Human Rights, the Organization of Security and Cooperation in Europe, and the World Health Organization’s World Health Assembly.” [Ethics and Public Policy Center, accessed [5/24/23](#)]

The Ethics And Public Policy Center Recived Grants From Donors Trust And The 85 Fund Worth Over Two Million Dollars.

2021: The Ethics And Public Policy Center Recived Three Grants From Donors Trust Worth \$700,637.

Ethics & Public Policy Center 1730 M Street, NW Suite 910 Washington, DC 20036	52-1162185	501(c)(3)	335,000.	0.	N/A	N/A	for general operations
Ethics & Public Policy Center 1730 M Street, NW Suite 910 Washington, DC 20036	52-1162185	501(c)(3)	284,637.	0.	N/A	N/A	for the J. Bryson translation project
Ethics & Public Policy Center 1730 M Street, NW Suite 910 Washington, DC 20036	52-1162185	501(c)(3)	81,000.	0.	N/A	N/A	for the Faith Angle Forum

[Donors Trust 990, [2021](#)]

2020: The Ethics And Public Policy Center Recived A \$488,000 Grant From The 85 Fund.

1030 15th St. NW Ste. 374 Washington, DC 20004	82-3599047	501 c 3	500,000				
(14) Ethics and Public Policy Center 1730 M Street NW Washington, DC 20036	52-1162185	501 c 3	488,000			n/a	general support
						n/a	general support

[85 Fund 990, [2020](#)]

2021: The Ethics And Public Policy Center Recived A \$1.3 Million Grant From The 85 Fund.

Name and address	Ethics and Public Policy Center 1730 M St NW Washington, DC 20036	52-1162185	1,381,818
IRC code section	501 c 3		
Method of valuation			
Desc. of Non-Cash Asst.			
Purpose of grant	General Support		

[85 Fund 990, [2021](#)]

Five Of The Six Lawyers On 303 Creative’s Legal Team From The Group Alliance Defending Freedom—including ADF’s General Counsel And Four Senior Counsel—Are Active Federalist Society Contributors.

The Attorneys Arguing On Behalf Of 303 Creative Were From The Alliance Defending Freedom. The Team Included Alliance Defending Freedom Attorneys Jonathan A.

**Scruggs, Katherine L. Anderson, Bryan D. Neihart, Kristen K. Waggoner, John J. Bursch,
And Erin M. Hawley**

No. _____

IN THE
Supreme Court of the United States

303 CREATIVE LLC, A LIMITED LIABILITY COMPANY;
LORIE SMITH,

Petitioners,

v.

AUBREY ELENIS; CHARLES GARCIA; AJAY MENON;
MIGUEL RENE ELIAS; RICHARD LEWIS; KENDRA
ANDERSON; SERGIO CORDOVA; JESSICA POCOCK; PHIL
WEISER,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

JONATHAN A. SCRUGGS	KRISTEN K. WAGGONER
KATHERINE L. ANDERSON	<i>Counsel of Record</i>
BRYAN D. NEIHART	JOHN J. BURSCH
ALLIANCE DEFENDING FREEDOM	ERIN M. HAWLEY
15100 N. 90th Street	ALLIANCE DEFENDING FREEDOM
Scottsdale, AZ 85260	440 First Street NW
(480) 444-0020	Suite 600
	Washington, DC 20001
	(571) 707-4655
	kwaggoner@ADFlegal.org

Counsel for Petitioners

[Petition for a writ of certiorari, SCOTUS Blog, [9/24/21](#)]

**Jonathan Scruggs, Senior Counsel And Director Of The Center For Conscience Initiatives
At Alliance Defending Freedom, Was A Contributor To The Federalist Society.**



Jonathan Scruggs

Senior Counsel and the Director for the Center for Conscience Initiatives, Alliance Defending Freedom

[Federalist Society, [6/1/23](#)]

- **Scruggs Has Appeared In At Least One Federalist Society Event.** [Federalist Society, [6/1/23](#)]
- **Scruggs Is “Senior Counsel And Director Of The Center For Conscience Initiatives” At Alliance Defending Freedom.** “Jonathan Scruggs serves as senior counsel and director of the Center for Conscience Initiatives with Alliance Defending Freedom.” [Federalist Society, [6/1/23](#)]

Kate Anderson, Senior Counsel For Alliance Defending Freedom And Director Of Its Center For Parental Rights, Was A Contributor To The Federalist Society.



Kate Anderson

Senior Counsel, Director of Center for Parental Rights, Alliance Defending Freedom

[Federalist Society, [6/1/23](#)]

- **Anderson Has Appeared In At Least One Federalist Society Event, As Of June 2023.** [Federalist Society, [6/1/23](#)]
- **Anderson Is A Senior Counsel For Alliance Defending Freedom And Serves As Director Of Its Center For Parental Rights.** “Kate Anderson serves as senior counsel

with Alliance Defending Freedom, where she is the director of the Center for Parental Rights.” [Federalist Society, [6/1/23](#)]

Kristen K. Waggoner, Alliance Defending Freedom’s General Counsel Who Has Argued At Least Three Supreme Court Cases, Was A Contributor To The Federalist Society.



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Kristen K. Waggoner

General Counsel, Alliance Defending Freedom

[Federalist Society, [6/1/23](#)]

- **Waggoner Has Appeared In At Least Four Federalist Society Events, As Of June 6, 2023.** [Federalist Society, [6/1/23](#)]
- **Waggoner Is General Counsel For Alliance Defending Freedom And Has Argued Three Cases Before The Supreme Court, As Of Late 2022.** “Kristen K. Waggoner serves as general counsel [sic] with Alliance Defending Freedom. [...] She will argue her third case at the U.S. Supreme Court during the fall of 2022.” [Federalist Society, [6/1/23](#)]

John J. Bursch, Alliance Defending Freedom’s Senior Counsel And Vice President Of Appellate Advocacy, Was A Contributor To The Federalist Society.



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John J. Bursch

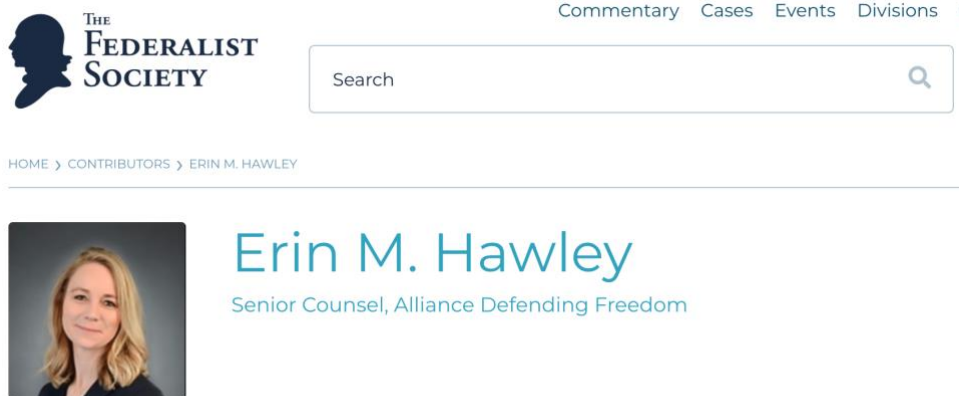
Senior Counsel and VP, Appellate Advocacy, Alliance Defending Freedom

[Federalist Society, [6/1/23](#)]

- **Bursch Has Appeared In At Least Eight Federalist Society Events.** [Federalist Society, [6/1/23](#)]

- **Bursch Is Alliance Defending Freedom’s Senior Counsel And Vice President Of Appellate Advocacy.** “John Bursch is senior counsel and vice president of appellate advocacy with Alliance Defending Freedom.” [Federalist Society, [6/1/23](#)]
- **Bursch’s Federalist Society Profile Touts That He “Has Argued 12 U.S. Supreme Court Cases” And Has “The 3rd Highest Success Rate For Persuading Justices To Adopt His Legal Position.”** “Bursch has argued 12 U.S. Supreme Court cases and more than 30 state supreme court cases since 2011, and a recent study concluded that among all frequent Supreme Court advocates who did not work for the federal government, he had the 3rd highest success rate for persuading justices to adopt his legal position.” [Federalist Society, [6/1/23](#)]

Erin M. Hawley, Senior Counsel For Alliance Defending Freedom’s Appellate Team And A Former Clerk For Leo-Backed Chief Justice John Roberts, Was A Contributor To The Federalist Society.



[Federalist Society, [6/1/23](#)]

- **Hawley Has Appeared In At Least 20 Federalist Society Events.** [Federalist Society, [6/1/23](#)]
- **Hawley Is Senior Counsel For The Appellate Team At Alliance Defending Freedom.** “Erin Morrow Hawley serves as senior counsel to the appellate team at Alliance Defending Freedom.” [Federalist Society, [6/1/23](#)]
- **Erin M. Hawley Is Sen. Josh Hawley’s (R-MO) Wife.** “As a Texas federal judge deliberates his decision in a high-profile case that could impose a nationwide ban on a leading abortion drug, reproductive rights activists are now raising scrutiny about a member of the plaintiffs’ legal team: Erin Morrow Hawley, an attorney and the wife of Missouri senator Josh Hawley.” [Vanity Fair, [3/23/23](#)]
- **Hawley Is A Former Clerk For Supreme Court Chief Justice John Roberts.** “Hawley is a former law clerk to U.S. Supreme Court Chief Justice John G. Roberts and Judge J. Harvie Wilkinson of the U.S. Court of Appeals for the Fourth Circuit.” [Federalist Society, [6/1/23](#)]
- **Leonard Leo “Played A Crucial Part” In John Roberts’ Supreme Court Nomination Process.** “During the Administration of George W. Bush, Leo also played a crucial part

in the nominations of John Roberts and Samuel Alito. Now that Gorsuch has been confirmed, Leo is responsible, to a considerable extent, for a third of the Supreme Court.” [The New Yorker, [04/10/17](#)]

The Alliance Defending Freedom Received Grants From Donors Trust, “The Dark Money ATM” Of The Right Which Was The “Biggest Beneficiary Of Leo’s Dark Money Vehicle” The 85 Fund In 2021.

2021: Donors Trust Granted The Alliance Defending Freedom \$6,183.

Alliance Defending Freedom 15100 North 90th Street Scottsdale, AZ 85260	54-1660459	501(c)(3)	6,183.	0.	N/A	N/A	for general operations
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[Donors Trust 990, [2021](#)]

Headline: “Exposed: The Dark-Money ATM Of The Conservative Movement” [Mother Jones, [2/5/13](#)]

Donors Trust Was The “Biggest Beneficiary Of Leo’s Primary Dark Money Vehicle...”
 “The society remains highly dependent on Leo’s network. It received \$5.6 million in grants in 2020 and \$3.5 million in 2021 from The 85 Fund, a rebranded dark money group that Leo has said he plans to use to fund conservative causes nationwide, according to federal disclosures. This makes the Federalist Society the second biggest beneficiary of Leo’s primary dark money vehicle, aside from Donors Trust, another conservative nonprofit.” [Politico, [5/2/23](#)]

2021: The 85 Fund Contributed Over \$71 Million To Donors Trust.

			grant	cash asst.
Name and address	Donors Trust 1800 Diagonal Rd Ste 280 Alexandria, VA 22314	52-2166327	71,145,000	
IRC code section	501 c 3			
Method of valuation				
Desc. of Non-Cash Asst.				
Purpose of grant	General Support			

[85 Fund 990, [2021](#)]

Alliance Defending Freedom Has Been A Federalist Society Benefactor, Giving It As Much As \$24,999 In The Latest Year Records Are Available.

In 2021, The Latest Year For Which The Federalist Society’s Annual Report Is Available, Alliance Defending Freedom Appeared As A “Madison Club” Benefactor, Giving The Group \$10,000-\$24,999:

Madison Club Benefactors

\$10,000-\$24,999

[...]

Alliance Defending Freedom

[The Federalist Society, [2021](#)]

Biden v. Nebraska & Department Of Education V. Brown – A Challenge To President Biden’s Student Debt Relief Program.

A Group Of 17 Republican Attorneys General Submitted An Amicus Brief On Behalf Of Nebraska Against The Biden Administration.

17 States Joined An Amicus Brief In Support Of The Respondents. “Amici curiae, the States of Utah, Ohio, Alabama, Alaska, Florida, Georgia, Idaho, Indiana, Louisiana, Mississippi, Montana, New Hampshire, Oklahoma, Tennessee, Texas, West Virginia, and Wyoming, respectfully submit this brief in support of Respondents.” [Amicus brief for States of Utah, Ohio, and 15 other states, SCOTUS Blog, [2/3/23](#)]

The 17 Attorneys General Who Signed On To The Brief Were Members Of The Republican Attorneys General Association.

State	Officeholder Name
Alabama	Steve Marshall
Alaska	Treg Taylor
Florida	Ashley B. Moody
Georgia	Chris Carr
Idaho	Raúl Labrador
Indiana	Todd Rokita
Louisiana	Jeff Landry
Mississippi	Lynn Fitch
Montana	Austin Knudsen
New Hampshire	John Formella
Ohio	Dave Yost
Oklahoma	Gentner Drummond
Tennessee	Jonathan Skrmetti
Texas	Ken Paxton

Utah	Sean D. Reyes
West Virginia	Patrick Morrissey
Wyoming	Bridget Hill

[Republican Attorney Generals Association, accessed [6/6/23](#)]

The Concord Fund, A Leonard Leo Backed Nonprofit Has Contributed Over \$13 Million To The Republican Attorneys General Association Since 2016.

The Concord Fund Contributed Over \$13 Million To The Republican Attorneys General Association Since 2016.

Year	Contribution amount to RAGA
2016	\$1,300,000.00
2017	\$3,550,000.00
2018	\$2,650,000.00
2019	\$766,000.00
2020	\$4,834,000.00
Total	\$13,100,000.00

[Judicial Crisis Network 990, [2016](#), [2017](#), [2018](#), [2019](#), [2020](#)]

The Concord Fund Was Formerly The Judicial Crisis Network. “The Concord Fund is the new parent nonprofit of the Judicial Crisis Network, a secretive dark money group that has been bankrolling campaigns to install GOP judges and funding conservative advocacy campaigns around the country since 2004.” [The Lever, [6/29/21](#)]

“The Concord Fund Is Closely Tied To Top Trump Judicial Adviser Leonard Leo.” “The Concord Fund is closely tied to top Trump judicial adviser Leonard Leo. In early 2020, Leo stepped away from his day-to-day role at the Federalist Society, the national conservative lawyers group, to help steer the Concord Fund. Between mid-2019 and mid-2020, the Concord Fund paid \$1.6 million to a company affiliated with Leo called BH Group, LLC.” [The Lever, [6/29/21](#)]

Leo Changed The Judicial Crisis Network’s Name To The Concord Fund To Further Shield His Groups From Oversight. “Leo and his allies rebranded the Judicial Crisis Network as the Concord Fund, turning it into a social welfare organization that fiscally sponsors other organizations. This arrangement creates additional layers of opacity, allowing a nonprofit to host or create new advocacy groups at relatively little cost that simply exist as a trade name. Judicial Crisis Network is now a fictitious name registered under the Concord Fund in Virginia. Conservative operatives did the same thing with the Judicial Crisis Network’s charitable arm, the Judicial Education Project, renaming it the 85 Fund.” [The Lever, [6/29/21](#)]

Leo Made Direct Campaign Contributions To The Attorney General Of Idaho

Leo Contributed Over \$2,000 To Idaho Attorney General Raúl Labrador's 2022 Campaign.

■ Donated to Candidates ■ Spent by Candidates
■ Donated to PACs ■ Spent by PACs

1 activity items for this candidate.

Sort: **Date (Newest)** | v

Download: 

Share:

■ 2022 Feb 21 **Leonard Leo** donated **\$2,082.03** to **Raúl Labrador** R - 2022.P Attorney General.

[Idaho Secretary Of State's Office, accessed [6/6/23](#)]

America First Policy Institute Filed An Amicus Brief On Behalf Of The Petitioners And Against The Biden Administration In The Case Challenging Biden's Student Debt Relief Program, And The Leonard Leo-Controlled Honest Elections Project Once Praised The Work Of AFPI.

America First Policy Institute Filed An Amicus Brief On Behalf Of The Respondents In The Case Challenging Biden's Student Loan Forgiveness And Argued The Biden Administration Did Not Have The Authority To Forgive Any Student Loan Debt. "The HEROES Act, which the Secretary of Education ('the Secretary') relies on to unilaterally forgive \$430 billion in student loan debt, 'does not mention loan forgiveness. If Congress provided clear congressional authorization for \$400 billion in student loan forgiveness via the HEROES Act, it would have mentioned loan forgiveness.' Res. App. 21. That is dispositive. In other words, that elephant cannot hide. Indeed, in *Brown v. Department of Education*, the U.S. District Court for the Northern District of Texas masterfully examined this Court's precedent and the text of the HEROES Act, finding that the Secretary's unilateral student loan forgiveness plan was a major question, and that Congress, not the executive branch, had the responsibility to decide how to address such an issue of vast national economic and political significance. See Res. App. 1-26. In AFPI's view, that decision was entirely correct." [America First Policy Institute amicus brief, SCOTUS Blog, [2/2/23](#)]

The Leonard Leo-Controlled Honest Elections Project Once Praised The Work Of America First Policy Institute In A Joint Press Release With Heritage Action. "These hard fought victories would not have been possible without Arizona Free Enterprise's President Scot Mussi and the team of dedicated advocates who work on behalf of all Arizona voters. His leadership on this issue has been instrumental in protecting Arizona's elections from the Left's attempts to eliminate protections for voters such as voter ID. We are proud to have worked alongside him, America First Policy Institute, and Restoring Integrity and Trust in Elections (RITE), and Arizonans are better off for the work of Scot and his team." [Heritage Action, [8/26/22](#)]

- **Honest Elections Project Is A Fictitious Name Of The Judicial Education Project.** "Despite appearing to be a free-standing new operation, the Honest Elections Project is just a legal alias for the Judicial Education Project, a well-financed nonprofit connected

to a powerful network of dark money conservative groups, according to business records reviewed by the Guardian and OpenSecrets.” [Open Secrets, [5/27/20](#)]

- “The Judicial Education Project Is Closely Linked To Leonard Leo.” “The Judicial Education Project is also closely linked to Leonard Leo, one of the most powerful people in Washington who has shaped Trump’s unprecedented effort to remake the federal judiciary with conservative judges.” [Open Secrets, [5/27/20](#)]

Two Of The Attorneys Representing Myra Brown In Department Of Education v. Brown Were Affiliated With The Federalist Society, Including Partner Of A Law Firm That Gave Up To \$49,999 To The Society In 2021 And Holds A Senior Position At The Leo-Influenced George Mason University..

J. Michael Connolly And Cameron T. Norris Were On Brown’s Legal Team.

No. 22-535

In the Supreme Court of the United States

UNITED STATES DEPARTMENT OF EDUCATION, ET AL.,
Petitioners,

v.

MYRA BROWN, ET AL.,
Respondents.

ON WRIT OF CERTIORARI BEFORE JUDGMENT
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

BRIEF FOR RESPONDENTS

J. Michael Connolly
Counsel of Record
Cameron T. Norris
Gilbert C. Dickey*
James F. Hasson
Steven C. Begakis
CONSOVOY MCCARTHY PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209
(703) 243-9423
mike@consovoymccarthy.com

**Admitted in AL, DC, NC, and WV.
VA bar application pending.*

January 27, 2023 *Counsel for Respondents*

[Brief for respondents, SCOTUS Blog, [1/27/23](#)]

J. Michael Connolly Was A Contributor To The Federalist Society, Was A Partner At A Law Firm Which Gave Up To \$49,999 To The Federalist Society In 2021 And Holds A Senior Role At George Mason University, Where Leonard Leo Has Influenced Hiring Decisions



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J. Michael Connolly

Partner, Consovoy McCarthy Park PLLC

[Federalist Society, accessed [6/1/23](#)]

- **Connolly Is A Partner At Law Firm Consovoy McCarthy Park PLLC.** “J. Michael Connolly [...] Partner, Consovoy McCarthy Park PLLC.” [Federalist Society, accessed [6/1/23](#)]
- **Consovoy McCarthy PLLC Was A “Madison Club Silver” Benefactor For The Federalist Society In 2021, Giving The Group \$25,000-\$49,999.** [The Federalist Society, [2021](#)]
- **Connolly Is Also Director Of The Free Speech Clinic At The Antonin Scalia Law School At George Mason University.** “Mr. Connolly is also the director of the Free Speech Clinic at the Antonin Scalia Law School at George Mason University.” [The Federalist Society, [2021](#)]
- **George Mason University Emails From The 2018 Document Release Show Federalist Society Officials Were “Involved In Hiring Discussions And Had Suggested A Student For Admission,” And The Federalist Society’s Then-Executive Vice President Leonard Leo “Was Among Those Directly Involved In The Correspondence.”** “Emails disclosed by the university show that Federalist Society officials were also involved in hiring discussions and had suggested a student for admission. [...] The records and emails, while heavily redacted, say that representatives of the Federalist Society were given discretion to cancel the donor agreement and that society representatives discussed faculty selection and recommended at least one student for admission. Leonard Leo, a Federalist Society official who was among those directly involved in the correspondence, did not return a phone call seeking comment.” [The New York Times, [5/5/18](#)]

May 2023: Cameron T. Norris Presented At A Federalist Society Event Titled “A Discussion on Students for Fair Admissions v. Harvard.”

A Discussion on Students for Fair Admissions v. Harvard

Knoxville Lawyers Chapter

May
18
2023

Thursday
6:00 p.m.
EDT

Sponsors: Knoxville Lawyers Chapter

 In-Person Event

Law Offices of Bass, Barry & Sims
900 S. Gay Street, Suite #1700
Knoxville, TN 37902

Here to discuss this important case is Cameron T. Norris, who argued the case on behalf of Students for Fair Admissions.

Featuring:

- **Cameron T. Norris**, Partner, Consovoy McCarthy PLLC

[Federalist Society, accessed [6/1/23](#)]

Tyler Green, A Partner For The Law Firm Representing Myra Brown, Consovoy McCarthy PLLC, Is The Administrative Trustee For For Leonard Leo's Marble Freedom Trust, Which Received An Unprecedented \$1.6 Billion Donation In 2021.

The Lead Attorney For Myra Brown In Department Of Education Et Al. V. Myra Brown Et Al. Was John Michael Connolly Of Consovoy McCarthy PLLC:

Attorneys for Respondents

John Michael Connolly
Counsel of Record

Consovoy McCarthy PLLC
1600 Wilson Blvd
Suite 700
Arlington, VA 22209

mike@consovoymccarthy.com

Party name: Myra Brown, et al.

[Supreme Court of the United States, accessed [06/09/23](#)]

John Michael Connolly Is A Partner At Consovoy McCarthy PLLC Alongside Tyler Green—The Firm Had Only Eight Living Partners As Of June 8, 2023:

OUR TEAM



WILLIAM S. CONSOVOY
PARTNER
(IN MEMORIAM)



THOMAS R. MCCARTHY
PARTNER



PATRICK STRAWBRIDGE
PARTNER



JEFFREY M. HARRIS
PARTNER



J. MICHAEL CONNOLLY
PARTNER



TYLER GREEN
PARTNER



TAYLOR MEEHAN
PARTNER



CAMERON T. NORRIS
PARTNER



BRYAN WEIR
PARTNER



GILBERT DICKEY
COUNSEL

[Consovoy McCarthy PLLC, accessed [06/08/23](#)]

Tyler Green Is The Administrative Trustee Of The Marble Freedom Trust, Which Was Originally Headquartered At A Utah Address Owned By Green. “Tax documents show Marble Freedom Trust is headquartered at an address in North Salt Lake owned by Tyler Green, who is listed as the administrative trustee of the nonprofit. An administrative trustee is typically responsible for the day-to-day operations of an organization.” [Salt Lake Tribune, [08/24/22](#)]

- **The Marble Freedom Trust’s “Address Is A House In North Salt Lake Owned By Tyler Green.”** “The trust was formed in Utah. Its address is a house in North Salt Lake owned by Tyler Green, a lawyer who clerked for Supreme Court Justice Clarence Thomas.” [ProPublica, [08/22/22](#)]
- **Marble Freedom Trust’s Address No Longer Appeared To Be Located At A Residential Address In Its Latest IRS Filing:**

calendar year, or tax year beginning 00/00/00 thru	
C Name of organization	Marble Freedom Trust
Doing business as	
Number and street (or P.O. box if mail is not delivered to street address)	331 W. Parrish Lane, Suite 106-315
City or town, state or province, country, and ZIP or foreign postal code	Centerville UT 84014

[Marble Freedom Trust IRS Form 990, 2021, [03/15/23](#)]

C Name of organization	Marble Freedom Trust
Doing business as	
Number and street (or P.O. box if mail is not delive	915 S Silvertree Ln
City or town, state or province, country, and ZIP or	North Salt Lake, UT 84054

[Marble Freedom Trust IRS Form 990, 2020, accessed [06/08/23](#)]

In 2021, The Marble Freedom Trust, A Conservative Group “Controlled By Leonard Leo,” Received \$1.6 Billion From “Electronics Mogul” Barre Seid, Which Was “Thought To Be The Largest Single Gift Ever To A Political Organization.” “A conservative nonprofit group with several ties to Utah received a massive \$1.6 billion gift from an electronics mogul last year. The donation, thought to be the largest single gift ever to a political organization, came from electronics mogul Barre Seid. The contribution was first reported by The New York Times on Monday. The nonprofit, Marble Freedom Trust, is controlled by Leonard Leo, a longtime conservative activist who was one of the first paid employees of the Federalist Society. He’s now the co-chairman of the group’s board of directors.” [Salt Lake Tribune, [08/24/22](#)]

Tyler Green Was Still Listed As Administrative Trustee In Marble Freedom Trust’s 2021 IRS Filing, Signed In March 2023:

(4) Tyler Green
 Administrative Trust

[Marble Freedom Trust IRS Form 990, 2021, [03/15/23](#)]

Tyler Green Has Been With Consovoy McCarthy Since 2020, Previously Serving As Utah’s Solicitor General Starting In 2015—Green “Successfully Argued Cases Before The Supreme Court” While In This Role. “Green, a native Utahn who earned his law degree from the University of Utah, is also part of the Federalist Society. He was named Utah’s solicitor general by Attorney General Sean Reyes in 2015. He served in the position until 2020, when he joined Washington, D.C., law firm Consovoy McCarthy. That firm most notably represented former President Donald Trump in his efforts to shield his financial records from congressional investigators and New York prosecutors.” [Salt Lake Tribune, [08/24/22](#)]

- **While Utah’s Solicitor General, Tyler Green “Successfully Argued Cases Before The Supreme Court Of The United States.”** “Mr. Green helps clients litigate constitutional, statutory, and regulatory issues in courts and agencies throughout the country. Before joining the firm, he served as the Solicitor General of the State of Utah for five years. In that role, he oversaw all civil and criminal appellate matters in which the State of Utah or its officers or agencies were a party. While serving as solicitor general, he successfully argued cases before the Supreme Court of the United States, the U.S.

Court of Appeals for the Tenth Circuit, and the Utah Supreme Court.” [Consovoy McCarthy PLLC, accessed [06/08/23](#)]

Tyler Green Was Counsel Of Record For The Honest Elections Project’s Amicus Brief In Voting Restriction Case Schwab v. Fish— The Honest Elections Project Was “Set Up By” Leonard Leo And Is A Registered Alias For Leo’s Dark Money 85 Fund.

September 2020: While With Consovoy McCarthy PLLC, Tyler Green Was Counsel Of Record For The Honest Elections Project’s Amicus Brief In Support Of Kansas Secretary Of State Scott Schwab’s Petition For Writ Of Certiorari In Schwab v. Fish:

No. 20-109

IN THE
Supreme Court of the United States

SCOTT SCHWAB, SECRETARY OF STATE OF KANSAS,
Petitioner,

v.

STEVEN WAYNE FISH, ET AL.,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

**BRIEF OF *AMICUS CURIAE* HONEST ELECTIONS
PROJECT IN SUPPORT OF PETITIONER**

TYLER R. GREEN
Counsel of Record
TIFFANY H. BATES
CONSOVOY MCCARTHY PLLC
222 S. Main Street, 5th Floor
Salt Lake City, UT 84101
(703) 243-9423
tyler@consovoymccarthy.com

[Amicus Curiae Brief for Honest Elections Project, Supreme Court Case No. 20-109, [09/02/20](#)]

- **Fish V. Schwab Disputed “Kansas’ Documentary Proof-Of-Citizenship Law,” Which Opponents Said Violated The National Voter Registration Act.** “Fish v. Schwab (formerly Fish v. Kobach) [...] This lawsuit challenges Kansas’ documentary proof-of-citizenship law which requires people, when they register to vote, to show documents to prove their citizenship. It violates the National Voter Registration Act, a federal law designed to make it easier for Americans to register to vote and maintain their registrations.” [American Civil Liberties Union, accessed [06/09/23](#)]
- **After Kansas’ Law Was Struck Down In 2018 By A Federal Trial Court, The State Appealed.** “In June 2018, a federal trial court struck down the law after finding it violated the National Voter Registration Act and the U.S. Constitution. The state appealed.” [American Civil Liberties Union, accessed [06/09/23](#)]

In The Brief, The Honest Elections Project Stated A “Significant Interest” In The Case And Said It “Supports Common- Sense Voting Rules And Opposes Efforts To Reshape

Elections For Partisan Gain.” “The Honest Elections Project is a nonpartisan organization devoted to supporting the right of every lawful voter to participate in free and honest elections. [...] The Project supports common- sense voting rules and opposes efforts to reshape elections for partisan gain. It thus has a significant interest in this important case.” [Amicus Curiae Brief for Honest Elections Project, Supreme Court Case No. 20-109, [09/02/20](#)]

The Honest Elections Project Has “Ties To Leonard Leo,” Was Reportedly “Set Up By” Leo, And The Group Has Been A Registered Alias For The 85 Fund, A “Dark Money Group That Leo Has Said He Plans To Use To Fund Conservative Causes Nationwide.” “The group calls itself the Honest Elections Project, which since 2020, according to corporate records filed in Virginia, has been a registered business alias for The 85 Fund. That organization has federal tax-exempt status, millions of dollars in donations and spending that are hard to trace, and ties to Leonard Leo — the Federalist Society's co-chairman and former executive vice president who helped build the Supreme Court's majority of conservative justices.” [NPR, [08/12/22](#)]

- **The Honest Elections Project Was Reportedly “Set Up By” Leonard Leo.** “The Honest Elections Project, which was set up by Federalist Society Vice Chair Leonard Leo, issued a dramatic statement claiming, ‘Nearly every single policy in H.R. 1 is designed to make our elections less secure, create more confusion, invite more uncertainty, and cause greater division in this country.’” [Truthout, [03/26/21](#)]
- **The 85 Fund Is “A Rebranded Dark Money Group That Leo Has Said He Plans To Use To Fund Conservative Causes Nationwide.”** “The society remains highly dependent on Leo’s network. It received \$5.6 million in grants in 2020 and \$3.5 million in 2021 from The 85 Fund, a rebranded dark money group that Leo has said he plans to use to fund conservative causes nationwide, according to federal disclosures.” [Politico, [05/02/23](#)]

February 2020: 85 Fund Director Gary Marx Signed A Fictitious Name Certificate To Authorize The 85 Fund To Operate At The Honest Elections Project:

Fictitious Name - Fictitious Name Certificate		
Entity Information		
Entity Name:	The 85 Fund	Entity Type: Nonstock Corporation
Fictitious Name		
Fictitious Name:	Honest Elections Project	
Signature Information		
Date Signed: 02/07/2020		
Printed Name	Signature	Title
Gary Marx	Gary Marx	Director

[Filing Number 200207323507, Virginia State Corporation Commission, [02/07/20](#)]

- **Gary Marx, A Senior Adviser To The Leo-Tied Judicial Crisis Network, Led “The Two Main Tax-Exempt Groups In Leo’s New Network” He Established In 2020.** “There was also Gary Marx, a political strategist and Judicial Crisis Network senior

adviser, who worked to build support in key states. Marx now leads the two main tax-exempt groups in Leo's new network, corporation filings show.” [NBC News, [11/01/20](#)]

December 2020: The Supreme Court Denied Writ Of Certiorari For The Case:

Dec 14 2020	Petition DENIED. Justice Gorsuch took no part in the consideration or decision of this petition.
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[Supreme Court of the United States, accessed [06/09/23](#)]

Green Is An Active Federalist Society Contributor Who Previously Clerked For Justice Thomas, Whose Confirmation Leo “Helped Shepherd.”

Tyler Green Is A Federalist Society Contributor Who Has Been Featured In At Least Eight Of The Group’s Events, As Of June 2023:



Tyler Green
Partner, Consovoy McCarthy

[Federalist Society, accessed [06/08/23](#)]

- **Green Has Been Featured In At Least Eight Federalist Society Events, As Of June 2023.** [The Federalist Society, accessed [06/08/23](#)]

In 2009, Tyler Green Was A Clerk For Justice Clarence Thomas, Whose Supreme Court Nomination Leonard Leo “Helped Shepherd.” “Before Marble Freedom Trust was formed, Leo and Green shared a connection through Supreme Court Justice Clarence Thomas. Leo helped shepherd Thomas’s Supreme Court nomination through the Senate in 1991. Green was a clerk for Thomas in 2009.” [Salt Lake Tribune, [08/24/22](#)]

- **Justice Thomas Filed A Dissent In Allen v. Milligan, Which Was Joined In Part By Justices Amy Coney Barrett And Samuel Alito.** “Adjudged to be AFFIRMED. Roberts, C. J., delivered the opinion of the Court, except as to Part III–B–1. Sotomayor, Kagan, and Jackson, JJ., joined that opinion in full, and Kavanaugh, J., joined except for Part III–B–1. Kavanaugh, J., filed an opinion concurring in all but Part III–B–1. Thomas, J., filed a dissenting opinion, in which Gorsuch, J., joined, in which Barrett, J., joined as to Parts II and III, and in which Alito, J., joined as to Parts II–A and II–B. Alito, J., filed a dissenting opinion, in which Gorsuch, J., joined. VIDED.” [SCOTUSblog, accessed [06/08/23](#)]

Conservative Justice Clarence Thomas’ “Slashing Dissent” In Allen V. Milligan Was Joined Entirely Or In Part By Justices Samuel Alito, Neil Gorsuch, And Amy Coney

Barrett. “Justice Clarence Thomas filed a slashing dissent. The majority’s approach, he wrote, ‘does not remedy or deter unconstitutional discrimination in districting in any way, shape or form.’ [...] Justices Samuel A. Alito Jr., Neil M. Gorsuch and Amy Coney Barrett joined all or large parts of Justice Thomas’s dissent.” [The New York Times, [06/08/23](#)]

In 2021, Consovoy McCarthy PLLC Gave Up To \$49,999 To The Federalist Society As A “Madison Club Silver” Benefactor Of The Group.

In 2021, Consovoy McCarthy PLLC Was A “Madison Club Silver” Benefactor Of The Federalist Society, Giving The Group \$25,000-\$49,999:

Madison Club Silver

\$25,000-\$49,999

[...]

Consovoy McCarthy PLLC

[The Federalist Society, 2021]

Groff V. DeJoy – A Case In Which The Court Will Clarify What Constitutes An “Undue Hardship” When An Employee Alleges Discrimination Based On Religion.

The Becket Fund For Religious Liberty Filed An Amicus Brief In Groff v. DeJoy. Leonard Leo Serves On Their Board.

The Becket Fund Filed An Amicus Brief In Groff v. DeJoy Arguing That The Court Had Taken A “Five-Decade Detour Away From The Text And History Of Title VII.” “Hardison took the law of workplace religious accommodation on an almost five-decade detour away from the text and history of Title VII. As scholars have long recognized, that harmful detour in 1977 resulted from the Court’s then-current understanding of the Establishment Clause after Lemon. But now that this Court has abandoned Lemon, it faces the important question of how to interpret Title VII’s reasonable accommodation/undue hardship standard properly, without allowing outdated Establishment Clause misunderstandings to weaken federal civil rights granted by Congress.” [Becket Fund amicus brief, SCOTUS Blog, [2/28/23](#)]

In Groff v. Dejoy, Groff Accused The Post Office Of Religious Discrimination After They Forced An Employee To Work On Sunday. “The case centers on Gerald Groff, a Christian who observes the Sunday Sabbath and is therefore unable to work on that day. Groff began working at the United States Postal Service in 2012. After the Postal Service made a deal with Amazon to deliver some of the company’s packages on Sundays, Groff initially received an exemption from working on that day, but was later told he would have to do so. Instead, Groff transferred to another post office location that had not yet implemented Sunday deliveries.” [Harvard Law Today, [4/7/23](#)]

Leonard Leo Serves On The Becket Fund’s Board.

Leonard Leo Serves On The Becket Fund’s Board. “Leonard Leo serves as Executive Vice President of the Federalist Society for Law and Public Policy Studies and as a member of its Board of Directors. He was appointed by President George W. Bush as well as the United States Senate to three terms to the US Commission on International Religious Freedom, where he served for three years as chairman.” [Becket Fund, [Accessed 2/17/21](#)]

Leo Received The Canterbury Medal “Religious Liberty’s Highest Honor” From The Becket Fund In 2017. “Leonard Leo receives religious liberty’s highest honor Becket’s 2017 Canterbury Medal awarded to Leonard Leo for his work promoting religious freedom at home and abroad” [Becket Fund, [Accessed 2/17/21](#)]

The Becket Fund Received Grants From The 85 Fund And Donors Trust.

2021: The 85 Fund Gave The Becket Fund A \$400,000 Grant.

Name and address	Becket Fund For Religious Freedom 1919 Pennsylvania Ave NW Washington, DC 20006	52-1858532	400,000
IRC code section	501 c 3		
Method of valuation			
Desc. of Non-Cash Asst.			
Purpose of grant	General Support		

[85 Fund 990, [2021](#)]

2020: The 85 Fund Gave The Becket Fund A \$150,000 Grant.

(28) Becket Fund for Religious Freedom 1919 Pennsylvania Ave, NW Washington, DC	52-1858532	501 c 3	150,000			n/a	general support
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[85 Fund 990, [2020](#)]

2019: Donors Trust Gave The Becket Fund A \$180,200 Grant.

Becket Fund for Religious Liberty 1200 New Hampshire Avenue, NW Suite 700 Washington, DC 20036	52-1858532	501(c)(3)	\$180,200.00	N/A	Cash	N/A	for general operations
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[Donors Trust 990, [2019](#)]

2020: Donors Trust Gave The Becket Fund A \$448,500 Grant.

Becket Fund for Religious Liberty 1200 New Hampshire Avenue, NW Suite Washington, DC 20036	52-1858532	501(c)(3)	448,500.	0	N/A	N/A	for general operations
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[Donors Trust 990, [2020](#)]

2021: Donors Trust Gave The Becket Fund A \$132,200 Grant.

Becket Fund for Religious Liberty 1919 Pennsylvania Avenue NW #400 Washington, DC 20006	52-1858532	501(c)(3)	132,200.	0	N/A	N/A	for general operations
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[Donors Trust 990, [2021](#)]

Leonard Leo And Donors Trust Were Linked Through Dark Money

Headline: “Exposed: The Dark-Money ATM of the Conservative Movement” [Mother Jones, [2/5/13](#)]

Donors Trust Was The “Biggest Beneficiary Of Leo’s Primary Dark Money Vehicle...”

“The society remains highly dependent on Leo’s network. It received \$5.6 million in grants in 2020 and \$3.5 million in 2021 from The 85 Fund, a rebranded dark money group that Leo has said he plans to use to fund conservative causes nationwide, according to federal disclosures. This makes the Federalist Society the second biggest beneficiary of Leo’s primary dark money vehicle, aside from Donors Trust, another conservative nonprofit.” [Politico, [5/2/23](#)]

2021: The 85 Fund Contributed Over \$71 Million To Donors Trust.

			grant	cash asst.
Name and address	Donors Trust 1800 Diagonal Rd Ste 280 Alexandria, VA 22314	52-2166327	71,145,000	
IRC code section	501 c 3			
Method of valuation				
Desc. of Non-Cash Asst.				
Purpose of grant	General Support			

[85 Fund 990, [2021](#)]

Gerald E. Groff’s Legal Team Includes As Least Six Federalist Society Contributors, One Of Whom Personally Gave Up To \$4,999 To The Federalist Society In 2021 And One Of Whom Chairs The Supreme Court Practice Of A Firm That Gave The Society Up To \$24,999 In 2021.

Kelly Shackelford, Jeffrey C. Mateer, Hiram Sasser, David Hacker, Stephanie Taub, And Aaron M. Streett Were Members Of Groff’s Legal Team.

No. __ - ____

IN THE
Supreme Court of the United States

GERALD E. GROFF,

Petitioner,

v.

LOUIS DEJOY, POSTMASTER GENERAL,
UNITED STATES POSTAL SERVICE,

Respondent.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Third Circuit**

PETITION FOR A WRIT OF CERTIORARI

KELLY J. SHACKELFORD
JEFFREY C. MATEER
HIRAM S. SASSER, III
DAVID J. HACKER
STEPHANIE N. TAUB
FIRST LIBERTY INSTITUTE
2001 W. Plano Parkway
Suite 1600
Plano, TX 75075
(972) 941-4444

AARON M. STREETT
Counsel of Record
J. MARK LITTLE
CHRISTOPHER E. TUTUNJIAN
BAKER BOTTS L.L.P.
910 Louisiana Street
Houston, TX 77002
(713) 229-1234
aaron.streett@bakerbotts.com

Counsel for Petitioner Gerald E. Groff
(additional counsel listed on inside cover)

[Petition for a writ of certiorari, SCOTUS Blog, [8/23/22](#)]

Kelly Shackelford Was A Contributor To The Federalist Society And President And CEO Of The First Liberty Institute, Which Claims To Be “The Largest Legal Firm In The Nation Dedicated Exclusively To Protecting Religious Freedom.”



Kelly Shackelford

President and CEO, First Liberty Institute

[Federalist Society, accessed [6/1/23](#)]

- **Shackelford Has Appeared In At Least Eight Federalist Society Events, As Of June 2023.** [Federalist Society, accessed [6/1/23](#)]
- **Shackelford Is President And CEO Of The First Liberty Institute, Which Claims To Be “The Largest Legal Firm In The Nation Dedicated Exclusively To Protecting Religious Freedom.”** “Kelly Shackelford, Esq., is President and CEO of First Liberty Institute, the largest legal firm in the nation dedicated exclusively to protecting religious freedom for all Americans.” [Federalist Society, accessed [6/1/23](#)]

Jeffrey C. Mateer Was A Contributor To The Federalist Society And Chief Legal Officer Of The First Liberty Institute.



Jeffrey C. Mateer

Chief Legal Officer, First Liberty Institute

[Federalist Society, accessed [6/1/23](#)]

- **Mateer Is Chief Legal Officer Of The First Liberty Institute.** “Jeff Mateer is the Chief Legal Officer of First Liberty Institute, where he serves as a member of the executive leadership team and oversees and directs First Liberty’s legal operations, including its litigation, media/communications, and external affairs teams.” [Federalist Society, accessed [6/1/23](#)]

Hiram Sasser Was A Contributor To The Federalist Society And Executive General Counsel for The First Liberty Institute—Sasser Gave Up To \$4,999 To The Federalist Society In 2021.



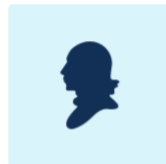
Hiram Sasser

Executive General Counsel, First Liberty Institute

[Federalist Society, accessed [6/1/23](#)]

- **Hiram Sasser Is Executive General Counsel for The First Liberty Institute.** “Hiram Sasser is Executive General Counsel for First Liberty Institute, where he oversees First Liberty’s litigation and media efforts. Sasser’s practice focuses primarily on First Amendment and other constitutional and civil rights issues.” [Federalist Society, accessed [6/1/23](#)]
- **In 2021, Hiram Sasser Was A “Madison Club” Benefactor For The Federalist Society, Giving The Group \$1,000-\$4,999.** [Federalist Society, [2021](#)]

David Hacker Was A Contributor To The Federalist Society.



David Hacker

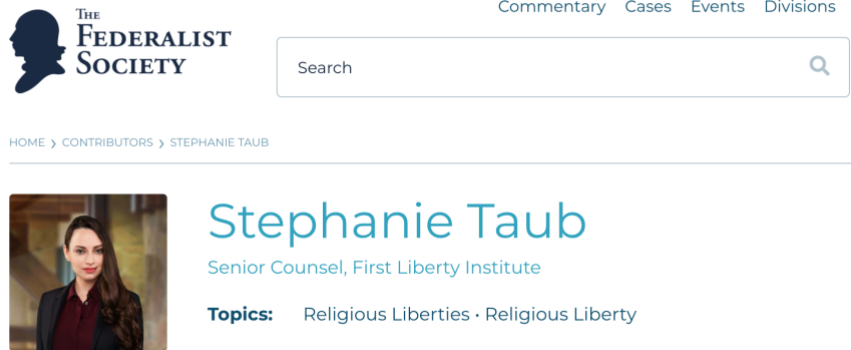
Special Litigation, Office of the Attorney General of Texas

[Federalist Society, accessed [6/1/23](#)]

- **Hacker Has Appeared In At Least Two Federalist Society Events, As Of June 2023.** [Federalist Society, accessed [6/1/23](#)]
- **David Hacker Formerly Worked In The Office Of The Texas Attorney General.** “Prior to joining First Liberty, David served in various appointed positions in the Executive Administration of the Office of the Texas Attorney General, including as Associate Deputy Attorney General for Civil Litigation, managing over 600 lawyers and staff in twelve practice groups working on more than 35,000 cases. He also served as Special

Counsel to the Attorney General and First Assistant Attorney General. In those roles he advised the Executive Administration on a wide variety of legal and policy issues.” [FirstLiberty.org, accessed [6/1/23](#)]

Stephanie Taub, A Senior Counsel For The First Liberty Institute, Was A Contributor To The Federalist Society.

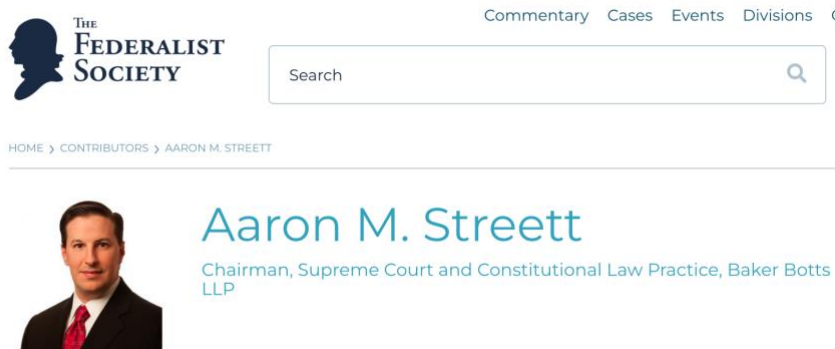


The screenshot shows the profile page for Stephanie Taub on The Federalist Society website. At the top left is the logo for 'THE FEDERALIST SOCIETY' featuring a silhouette of a man's head. To the right are navigation links: 'Commentary', 'Cases', 'Events', and 'Divisions'. Below the logo is a search bar with the word 'Search' and a magnifying glass icon. A breadcrumb trail reads 'HOME > CONTRIBUTORS > STEPHANIE TAUB'. The profile itself includes a portrait of Stephanie Taub, her name 'Stephanie Taub' in large blue text, her title 'Senior Counsel, First Liberty Institute' in smaller blue text, and a 'Topics:' section listing 'Religious Liberties' and 'Religious Liberty'.

[Federalist Society, accessed [6/1/23](#)]

- **Taub Has Appeared In At Least Six Federalist Society Events, As Of June 2023.** [Federalist Society, accessed [6/1/23](#)]
- **Taub Is Senior Counsel For The First Liberty Institute.** “Stephanie N. Taub serves as Senior Counsel with First Liberty Institute, focusing on litigation, appellate advocacy, and legal education.” [Federalist Society, accessed [6/1/23](#)]

Aaron M. Streett Was A Contributor To The Federalist Society And Chair Of The Supreme Court Practice Of Law Firm Baker Botts LLP, Which Gave Up To \$24,999 To The Federalist Society In 2021.



The screenshot shows the profile page for Aaron M. Streett on The Federalist Society website. It features the same header as the previous screenshot, including the logo and navigation links. The breadcrumb trail reads 'HOME > CONTRIBUTORS > AARON M. STREETT'. The profile includes a portrait of Aaron M. Streett, his name 'Aaron M. Streett' in large blue text, his title 'Chairman, Supreme Court and Constitutional Law Practice, Baker Botts LLP' in smaller blue text, and no topics are listed.

[Federalist Society, accessed [6/1/23](#)]

- **Streett “Chairs Baker Botts’ Supreme Court And Constitutional Law Practice.”** “Aaron Streett chairs Baker Botts’ Supreme Court and Constitutional Law practice. He has argued numerous cases in state and federal appellate courts across the country, including two in the U.S. Supreme Court and 30 in the Fifth and D.C. Circuits alone.” [Federalist Society, accessed [6/1/23](#)]

- In 2021, Baker Botts LLP Was A “Madison Club” Benefactor For The Federalist Society, Giving The Group \$10,000-\$24,999. [Federalist Society, 2021]

Sackett v. EPA – A Challenge To The Clean Water Act And Waters Of The U.S. In Its Decision, The Supreme Court Sided With The Plaintiffs Against The EPA, Eliminating Long Standing Clean Water Protections.

The Claremont Institute Filed An Amicus Brief In Sackett v. EPA, And They Are Connected To Leonard Leo Through The Federalist Society.

The Claremont Institute Filed An Amicus Brief Supporting The Petitioners In Sackett v. EPA. “One might be tempted to claim that arguments about whether so-called ‘wetlands’ fall within the Clean Water Act’s regulation of navigable waters is just so much ‘water under the bridge.’ The problem with such a claim is that the respondents have built their bridge in a place where there is no water, navigable or otherwise. This case demonstrates that the Environmental Protection Agency and the Army Corps of Engineers have pulled off a naked power grab. Not only have they usurped the power of Congress to make the laws and the power of the courts to interpret those laws, but they have also usurped state and local governments’ police power authority to regulate local land use. This was accomplished because, decades ago, this Court ‘deferred’ to the agencies’ interpretation of the Clean Water Act pursuant to the Court’s troubled Chevron deference doctrine.” [Claremont Institute Amicus Brief, SCOTUS Blog, [4/18/22](#)]

The Claremont Institute’s Brief In Sackett v. EPA Was Drafted By John Eastman.

In the
Supreme Court of the United States

MICHAEL SACKETT, ET UX.,
Petitioners,

v.

ENVIRONMENTAL PROTECTION AGENCY, ET AL.,
Respondents.

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

**BRIEF OF *AMICUS CURIAE* THE
CLAREMONT INSTITUTE'S CENTER FOR
CONSTITUTIONAL JURISPRUDENCE
IN SUPPORT OF PETITIONERS**

JOHN C. EASTMAN
ANTHONY T. CASO
Counsel of Record
CONSTITUTIONAL COUNSEL GROUP
174 W. Lincoln Ave., #620
Anaheim, CA 92805
(916) 601-1916
atcaso@ccg1776.com

Counsel for Amicus Curiae

[SCOTUS Blog, [4/18/22](#)]

John Eastman Is The Director Of The Center For Constitutional Jurisprudence.



JOHN C. EASTMAN
CENTER FOR CONSTITUTIONAL JURISPRUDENCE
Founding Director Of The Center For Constitutional Jurisprudence And Claremont Senior
Fellow

[Claremont Institute, accessed [5/23/23](#)]

Leonard Leo And John Eastman Have A Long History

Leonard Leo Contributed \$500 To John Eastman's 2010 Campaign For California Attorney General.

Amount (\$)	Year	Date	From	To	Contributor_Occupation
500	2010	2010-03-23	LEONARD LEO :: FEDERALIST SOCIETY MCLEAN VA	JOHN EASTMAN FOR ATTORNEY GENERAL 2010	ATTORNEY

[The Accountability Project, accessed [5/23/23](#)]

John Eastman Was A Member Of The Federalist Society.

HOME > CONTRIBUTORS > JOHN C. EASTMAN



Dr. John C. Eastman



Topics: Free Speech & Election Law · Federalism & Separation of Powers · Religious Liberties · Civil Rights



[Federalist Society, accessed [5/23/23](#)]

For About A Decade, Eastman Was “Invited...To Participate In The Annual Supreme Court Roundup Event Sponsored By The Los Angeles Lawyers Chapter Of The Federalist Society.” “It gives me no joy to fight him on this. I have known Eastman for roughly 20 years and considered him a friend. We were connected on Facebook, we have many mutual friends, I contributed to his campaign years ago for California attorney general, and each year for about a decade, I invited him to participate in the annual Supreme Court roundup event sponsored by the Los Angeles Lawyers Chapter of the Federalist Society.” [The Atlantic, [10/20/21](#)]

- **Leonard Leo Was An Executive At The Federalist Society And Served As Chairman.** “Leonard is Co-Chairman and former Executive Vice President of the Federalist Society, joining the organization over 25 years ago. Since that time he has been instrumental in helping the organization top 70,000, focusing on the growth of lawyers membership, operations and activities advancing limited, constitutional government.” [Federalist Society, accessed [5/23/23](#)]

The Claremont Institute Received Received Grants From Donors Trust, “The Dark Money ATM” Of The Right Which Was The “Biggest Beneficiary Of Leo’s Dark Money Vehicle” The 85 Fund In 2021.

2021: The Claremont Institute Received A \$120,500 Grant From Donors Trust.

Claremont Institute 1317 West Foothill Boulevard Suite Upland, CA 91786	95-3443202	501(c)(3)	120,500.	0./N/A	N/A	for general operations
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[Donors Trust 990, [2021](#)]

2020: The Claremont Institute Received A \$156,500 Grant From Donors Trust.

Claremont Institute 1317 West Foothill Boulevard Suite Upland, CA 91786	95-3443202	501(c)(3)	156,500.	0./N/A	N/A	for general operations
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[Donors Trust 990, [2020](#)]

2019: The Claremont Institute Received Two Grants Worth \$66,712 From Donors Trust.

Claremont Institute 1317 West Foothill Boulevard Suite 120 Upland, CA 91786	95-3443202	501(c)(3)	\$20,712 88	N/A	Cash	N/A	for general operations
Claremont Institute 1317 West Foothill Boulevard Suite 120 Upland, CA 91786	95-3443202	501(c)(3)	\$46,000 00	N/A	Cash	N/A	for general operations (1% of 2017 expenses)

[Donors Trust 990, [2019](#)]

Leonard Leo And Donors Trust Were Linked Through Dark Money

Headline: “Exposed: The Dark-Money ATM of the Conservative Movement” [Mother Jones, [2/5/13](#)]

Donors Trust Was The “Biggest Beneficiary Of Leo’s Primary Dark Money Vehicle...”
 “The society remains highly dependent on Leo’s network. It received \$5.6 million in grants in 2020 and \$3.5 million in 2021 from The 85 Fund, a rebranded dark money group that Leo has said he plans to use to fund conservative causes nationwide, according to federal disclosures. This makes the Federalist Society the second biggest beneficiary of Leo’s primary dark money vehicle, aside from Donors Trust, another conservative nonprofit.” [Politico, [5/2/23](#)]

2021: The 85 Fund Contributed Over \$71 Million To Donors Trust.

		grant	cash asst.
Name and address	Donors Trust 1800 Diagonal Rd Ste 280 Alexandria, VA 22314	52-2166327	71,145,000
IRC code section	501 c 3		
Method of valuation			
Desc. of Non-Cash Asst.			
Purpose of grant	General Support		

[85 Fund 990, [2021](#)]

The Legal Team Arguing On Behalf Of Sackett In Sackett v. EPA Are All Active Federalist Society Contributors And Work For Or Previously Worked For The Pacific Legal Foundation, Which Has Been Tied To Leonard Leo’s Judicial Influence Network.

The Attorneys Representing Sackett Were Anthony L. François, Paige E. Gilliard, Damien M. Schiff, And Charles T. Yates.

In The
Supreme Court of the United States

MICHAEL SACKETT; CHANTELL SACKETT,
Petitioners,

v.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY;
MICHAEL S. REGAN, Administrator,
Respondents.

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

PETITION FOR WRIT OF CERTIORARI

ANTHONY L. FRANÇOIS
Briscoe, Ivester &
Bazel LLP
235 Montgomery Street,
Suite 935
San Francisco, CA 94101
Telephone: (415) 402-2707
tfrancois@briscoelaw.net

DAMIEN M. SCHIFF*
**Counsel of Record*
CHARLES T. YATES
Pacific Legal Foundation
930 G Street
Sacramento, CA 95814
Telephone: (916) 419-7111
DSchiff@pacificlegal.org
CYates@pacificlegal.org

PAIGE E. GILLIARD
Pacific Legal Foundation
3100 Clarendon Blvd.,
Suite 610
Arlington, VA 22201
PGilliard@pacificlegal.org

Counsel for Petitioners

[Petition for a writ of certiorari, SCOTUS Blog, [9/22/21](#)]

Tony Francois Was A Contributor To The Federalist Society And Has Been A Lawyer For The Pacific Legal Foundation, Which Has Been Tied To Leonard Leo's Efforts To Influence The Judicial System.



Tony Francois

Partner, Briscoe Ivester & Bazel

[Federalist Society, accessed [5/31/23](#)]

- **Francois Has Appeared In At Least 23 Federalist Society Events, As Of June 2023.** [Federalist Society, accessed [5/31/23](#)]
- **Francois Was Previously A Pacific Legal Foundation Attorney From 2012 To 2021.** “Tony was an Attorney at the Pacific Legal Foundation from 2012 to 2021.” [Federalist Society, accessed [5/31/23](#)]
- **The Pacific Legal Foundation Is Part Of “One Scheme Pulling The Strings Behind The Scene” In Leonard Leo’s Efforts To Influence The Judicial System.** “The first is the Federalist Society, which famously promotes or, as Whitehouse says, selects conservative candidates for Republican court nominations. The second is the Judicial Crisis Network, which mounts a public relations effort on behalf of the nominees. Finally, a group of “legal” organizations—like the Pacific Legal Foundation—bring cases and orchestrate a chorus of amicus briefs to tell the courts what to do. These aren’t three separate groups, but one scheme pulling the strings behind the scene, which was demonstrated when Leonard Leo gave up leadership of the Federalist Society and Carrie Sevarino, who had previously been in charge of the Judicial Crisis Network, easily took his place.” [Washington Monthly, [10/14/20](#)]

Paige E. Gilliard Was A Contributor To The Federalist Society And Is A Lawyer For The Pacific Legal Foundation, Which Has Been Tied To Leonard Leo’s Efforts To Influence The Judicial System.



Paige E. Gilliard

Attorney, Pacific Legal Foundation

[Federalist Society, accessed [5/31/23](#)]

- **Gilliard Has Appeared In At Least One Federalist Society Event, As Of June 2023.** [Federalist Society, accessed [5/31/23](#)]
- **Gilliard Is An Attorney For The Pacific Legal Foundation.** “Paige Gilliard is an attorney in Pacific Legal Foundation’s D.C. office, where she focuses on property rights and environmental law.” [Federalist Society, accessed [5/31/23](#)]
- **The Pacific Legal Foundation Is Part Of “One Scheme Pulling The Strings Behind The Scene” In Leonard Leo’s Efforts To Influence The Judicial System.** “The first is the Federalist Society, which famously promotes or, as Whitehouse says, selects conservative candidates for Republican court nominations. The second is the Judicial Crisis Network, which mounts a public relations effort on behalf of the nominees. Finally, a group of “legal” organizations—like the Pacific Legal Foundation—bring cases and orchestrate a chorus of amicus briefs to tell the courts what to do. These aren’t three separate groups, but one scheme pulling the strings behind the scene, which was demonstrated when Leonard Leo gave up leadership of the Federalist Society and Carrie Sevarino, who had previously been in charge of the Judicial Crisis Network, easily took his place.” [Washington Monthly, [10/14/20](#)]

Damien Schiff Was A Contributor To The Federalist Society And Is A Senior Attorney For The Pacific Legal Foundation, Which Has Been Tied To Leonard Leo’s Efforts To Influence The Judicial System.



Damien Schiff

Senior Attorney, Pacific Legal Foundation

[Federalist Society, accessed [5/31/23](#)]

- **Schiff Has Appeared In At Least 13 Federalist Society Events.** [Federalist Society, accessed [5/31/23](#)]
- **Schiff Is A Senior Attorney For The Pacific Legal Foundation And Has Been With The Group Since 2005.** “Currently a Senior Attorney at Pacific Legal Foundation, Damien joined PLF in 2005. His practice has focused on federal and state environmental and land-use issues.” [Federalist Society, accessed [5/31/23](#)]
- **The Pacific Legal Foundation Is Part Of “One Scheme Pulling The Strings Behind The Scene” In Leonard Leo’s Efforts To Influence The Judicial System.** “The first is the Federalist Society, which famously promotes or, as Whitehouse says, selects conservative candidates for Republican court nominations. The second is the Judicial Crisis Network, which mounts a public relations effort on behalf of the nominees. Finally, a group of “legal” organizations—like the Pacific Legal Foundation—bring cases and orchestrate a chorus of amicus briefs to tell the courts what to do. These aren’t three separate groups, but one scheme pulling the strings behind the scene, which was demonstrated when Leonard Leo gave up leadership of the Federalist Society and Carrie Sevarino, who had previously been in charge of the Judicial Crisis Network, easily took his place.” [Washington Monthly, [10/14/20](#)]

Charles Yates Was A Contributor To The Federalist Society And Is A Lawyer For The Pacific Legal Foundation, Which Has Been Tied To Leonard Leo’s Efforts To Influence The Judicial System.

HOME > CONTRIBUTORS > CHARLES YATES



Charles Yates

[Federalist Society, accessed [5/31/23](#)]

- **Yates Has Appeared In At Least Two Federalist Society Events, As Of June 2023.** [Federalist Society, accessed [5/31/23](#)]
- **Yates Is An Attorney For The Pacific Legal Foundation.** “Charles Yates is an attorney in Pacific Legal Foundation’s environmental practice group, where he litigates to defend private property rights and uphold the structural protections guaranteed by the Constitution’s separation of powers.” [Federalist Society, accessed [5/31/23](#)]
- **The Pacific Legal Foundation Is Part Of “One Scheme Pulling The Strings Behind The Scene” In Leonard Leo’s Efforts To Influence The Judicial System.** “The first is the Federalist Society, which famously promotes or, as Whitehouse says, selects conservative candidates for Republican court nominations. The second is the Judicial Crisis Network, which mounts a public relations effort on behalf of the nominees. Finally, a group of “legal” organizations—like the Pacific Legal Foundation—bring cases and orchestrate a chorus of amicus briefs to tell the courts what to do. These aren’t three separate groups, but one scheme pulling the strings behind the scene, which was demonstrated when Leonard Leo gave up leadership of the Federalist Society and Carrie Sevarino, who had previously been in charge of the Judicial Crisis Network, easily took his place.” [Washington Monthly, [10/14/20](#)]

2021: The Pacific Legal Foundation, One Of The Organizations That Represented Sackett, Received Grants From Donors Trust, “The Dark-Money ATM of the Conservative Movement.”

2021: The Pacific Legal Foundation Received Grants From Donors Trust.

Pacific Legal Foundation 930 G Street Sacramento, CA 95814	94-2197343	501(c)(3)	152,000.	0.	N/A	N/A	\$151,750 for general operations/ \$250 in support of the Coalition for TJ v. Fairfax County
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[Donors Trust 990, [2021](#)]

Leonard Leo And Donors Trust Were Linked Through Dark Money

Headline: “Exposed: The Dark-Money ATM of the Conservative Movement” [Mother Jones, [2/5/13](#)]

Donors Trust Was The “Biggest Beneficiary Of Leo’s Primary Dark Money Vehicle...”

“The society remains highly dependent on Leo’s network. It received \$5.6 million in grants in 2020 and \$3.5 million in 2021 from The 85 Fund, a rebranded dark money group that Leo has said he plans to use to fund conservative causes nationwide, according to federal disclosures. This makes the Federalist Society the second biggest beneficiary of Leo’s primary dark money vehicle, aside from Donors Trust, another conservative nonprofit.” [Politico, [5/2/23](#)]

2021: The 85 Fund Contributed Over \$71 Million To Donors Trust.

			grant	cash asst.
Name and address	Donors Trust 1800 Diagonal Rd Ste 280 Alexandria, VA 22314	52-2166327	71,145,000	
IRC code section	501 c 3			
Method of valuation				
Desc. of Non-Cash Asst.				
Purpose of grant	General Support			

[85 Fund 990, [2021](#)]

Carrie Severino, A Close Leo Associate, Wrote An Op-Ed Siding With The Landowners And Attacking The EPA In Sackett v. EPA.

Severino Attacked The EPA’s Jurisdictional Claim In Sackett v. EPA As “Convolutated.”

“Although their lot has no surface water that is connected to any other body of water, the EPA contended that it contains wetlands that qualify as “navigable waters” defined as “waters of the United States” (WOTUS) subject to regulation under the Clean Water Act. The agency demanded that the Sacketts restore the lot to its original condition. The Sacketts’ brief on the merits sets out how convoluted the EPA’s jurisdictional claim is...” [National Review, [10/1/22](#)]

Severino Wrote Optimistically That A Majority Of The Court Would Side With The Land Owners And Against The EPA In Sackett v. EPA.

“So the Court will begin a momentous new term with a deep dive into WOTUS under the Clean Water Act. This case should not have been necessary, but it is an instructive example of how a court’s failure to set forth clear, administrable rules can be expected to keep generating similar litigation until the court speaks with clarity and fidelity to text. Hopefully a majority of the Supreme Court will adopt Scalia’s clearer textualist interpretation of the Act. That would end the Sacketts’ ordeal, not to mention that of many other WOTUS litigants or potential litigants who may otherwise find themselves drowning in federal bureaucracy.” [National Review, [10/1/22](#)]

- **Carrie Severino Is The President Of The Leo Backed Judicial Crisis Network.** “In December, the Judicial Education Project formally changed its legal name to The 85 Fund, a group Leo backed to funnel ‘tens of millions’ of dollars into conservative causes, according to Axios. The Honest Elections Project is merely a fictitious name — an alias — the fund legally adopted in February. The change was nearly indiscernible because The 85 Fund registered two other legal aliases on the same day, including the Judicial Education Project, its old name. ... There is a lot of overlap between the Honest Elections Project and the Judicial Crisis Network. Both groups share personnel, including Carrie Severino, the influential president of the Judicial Crisis Network.” [OpenSecrets, [5/27/20](#)]

In Its Decision, The Supreme Court Sided With Sackett And Eliminated Clean Water Protections.

The Supreme Court Limited “The Environmental Protection Agency’s Authority To Police Millions Of Acres Of Wetlands...” “The Supreme Court on Thursday curtailed the Environmental Protection Agency’s authority to police millions of acres of wetlands, delivering another setback to the agency’s ability to combat pollution. Writing for five justices, Justice Samuel A. Alito Jr. said that the Clean Water Act does not allow the agency to regulate discharges into wetlands near bodies of water unless they have ‘a continuous surface connection’ to those waters.” [New York Times, [5/25/23](#)]

Environmental Law Experts Called The Decision A “Disastrous Outcome For Wetlands...”

“Experts in environmental law said the decision would leave many wetlands subject to pollution without penalty, sharply undercutting the E.P.A.’s authority to protect them under the Clean Water Act. ‘This is a really disastrous outcome for wetlands, which have become absolutely vital for biodiversity preservation and flood control,’ said Patrick Parenteau, a professor at Vermont Law School.” [New York Times, [5/25/23](#)]

###