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## **Leonard Leo**

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- + CAREER AND ROLE AT THE FEDERALIST SOCIETY
- + ROLE IN SUPREME COURT NOMINATIONS
- + NETWORK OF POLITICALLY FOCUSED NONPROFITS
- + BH GROUP AND CRC ADVISORS
- + CLOSE ASSOCIATES
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ABOUT LEONARD LEO

## Leo Has Had Unparalleled Influence in Shaping the Federal Judiciary Over the Last Twenty Plus Years

Leonard Leo is an American lawyer and conservative activist who has been called "arguably the most powerful figure in the federal justice system." Leo has been active in American politics since the early 1990s when he joined the Federalist Society, the United States' most prominent law association for conservatives. Since then, Leo has operated a "network of interlocking nonprofits" that aggressively support conservative judges and champion right-wing causes through "dark money" media campaigns.

Leo has funneled huge sums of money through this web of politically oriented organizations, including an unprecedented \$1.6 billion "donation" from the tech billionaire and Republican financier Barre Seid in 2021. Many of Leo's other donors are not publicly known.

Leo-linked nonprofits have been particularly active in the fight for ideological control of the federal judiciary. Leo's Judicial Crisis Network alone spent \$12.3 million on average to support the confirmations of each of President Trump's Supreme Court nominees, totaling \$37 million between 2016 and 2020.

In addition to his nonprofits, Leo has worked directly with Republican administrations to shape the makeup of the federal judiciary. Since Justice Thomas's confirmation to the Supreme Court in 1991, Leo has helped build a right-wing majority on the high court with significant consequences for American life. In the early 2000s, he advised President George W. Bush on his two appointments to the Supreme Court. He was also "widely known as a confidant" to President Trump and served as Trump's Supreme Court Advisor during the nominations of Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett. Through these efforts, Leo aided the conservative movement in securing an ideological majority on the Supreme Court, leading to the overturn of Roe v. Wade, the expansion of gun rights, and the restriction of environmental protections.

# Career and Role at the Federalist Society Role in Supreme Court Nominations

# Network of Politically Focused Nonprofits

Since President George W. Bush's victory in the 2004 presidential election, Leonard Leo has operated a growing web of politically focused nonprofit organizations that have infused hundreds of millions of dollars into election campaigns and judicial nominations. Aided by other conservative activists, Leo's network of "dark money" groups have promulgated multi-million dollar right-wing campaigns backed by undisclosed donors. Through these, Leo and his allies have successfully championed several right-wing causes, most notably the creation of a conservative majority on the Supreme Court.

#### Judicial Crisis Network/Concord Fund

Leonard Leo and longtime political ally Neil Corkery conceived the Judicial Crisis Network (called the Concord Fund as of December 2019) at a dinner party in late 2004 attended by conservative Supreme Court Justice Antonin Scalia. Leo and Corkery, a fellow right-wing ideologue and operative, wanted to create an organization to help confirm conservative nominees in anticipation of Supreme Court vacancies that George W. Bush ultimately filled with Justices John Roberts and Samuel Alito.

At the time, Leo was also working for the Bush White House as an <u>outside adviser and coordinator</u> of "all outside coalition activity regarding judicial nominations." At the Bush White House, Leo was known as a <u>money man</u> who was able to secure funding and drum up support for key judicial nominations among grassroots and advocacy organizations. He would also provide media training for key pundits.

Reporting from *OpenSecrets* states that Neil's wife Ann Corkery, an experienced lawyer, conservative fundraiser, and <u>Koch brothers ally, and</u> California "foreclosure king" Robin Arkley II were also in attendance and were instrumental in securing initial funding for the organization, then called the Judicial Confirmation Network. Seed funding for JCN was <u>funneled through the now-defunct Wellspring Committee</u>, a "dark money conduit," founded with the help of conservative donors, most notably the Koch Brothers and <u>Robin Arkley II</u>, who was also a major funder of <u>the</u> <u>Federalist Society</u>.

Leonard Leo's now-defunct dark money fundraiser, Wellspring Committee, "accounted for more than 90 percent of JCN's total funding" until the Committee was dissolved in 2018. McClatchy DC reported that despite his lack of official status at the group, Leo himself played a key role in fundraising for Wellspring. In 2016 alone, the Wellspring Committee donated \$23 million to JCN, and in total, between 2012 and 2018, the Wellspring Committee gave JCN \$53,684,772. While the Wellspring Committee was the preeminent funder of JCN for a decade, JCN also received funding from various other sources for the first three years of its lifespan.

In 2020, the Rule of Law Trust, a nonprofit organization whose sole employee is Leonard Leo, made a \$21.5 million grant to JCN, accounting for nearly half of JCN's revenue that year. JCN spent nearly \$40 million on efforts to confirm Donald Trump's Supreme Court nominees, primarily through advertisement campaigns. JCN's campaigns were also key to the appointments and confirmations of Supreme Court Justices John Roberts and Samuel Alito to the Supreme Court—as well as the obstruction of Merrick Garland's confirmation to the Court.

#### Judicial Education Project/The 85 Fund

The 85 Fund was founded in 2011 by prominent Republican operatives and is closely tied to <u>Leonard Leo.</u> The fund was called the Judicial Education Project at the time of its founding.

In 2020, Leonard Leo <u>announced his plans to rebrand the Judicial Education Fund</u> as the 85 Fund, with the goal of funneling large sums of money into conservative causes. After <u>legally changing its name</u> from the Judicial Education Project, the 85 Fund's <u>fundraising skyrocketed to over \$50 million</u>, up from an average of \$5-15 million in years prior.

The 85 Fund has paid millions of dollars for contracting work to groups and individuals connected to Leonard Leo. In 2020 alone, the 85 Fund paid over \$12 million to CRC Advisors, which pushed the 85 Fund's total payments to CRC Advisors to over \$21 million since 2012. The BH Group, a for-profit entity that remains partially owned by Leonard Leo, has received over \$3 million for contracting services since 2017, and the Center for Rule of Law has received nearly \$4 million since 2017.

#### Honest Elections Project /Honest Elections Project Action

The 85 Fund operates and finances the **Honest Elections Project**, which was founded by Leo in 2020 and whose <u>leadership</u> includes all three of The 85 Fund's current officers: Carrie Severino, Todd Graves, and Gary Marx. The organization also operates Honest Election Project Action, it's 501(c)(4) arm.

Prior to the 2020 election, HEP <u>spread disinformation</u> and made unfounded allegations the Democrats were "cheating" and pushed for <u>voter roll purges</u>. HEP spent \$250,000 on ads against mail-in voting, calling the practice a "<u>brazen attempt to manipulate the election system for partisan advantage</u>."

HEP also sent letters and threatened to sue Colorado, Florida, and Michigan over what they called "<u>suspiciously high</u>" voter rolls.

HEP Executive Director Jason Snead <u>hosted a webinar</u> for the State Policy Network ahead of the 2020 election on "voter fraud messaging." As the group's spokesperson, Snead has <u>penned op-eds</u> and <u>spoken on behalf</u> of the organization.

Since the 2020 election, the organization has advocated for laws to <u>roll back policies designed to expand voting access</u>.

#### Free To Learn

Free To Learn and Free To Learn Action, also known as the Free To Learn Coalition, is responsible for funding a national anti-critical race theory ad campaign. The coalition is one of several fictitious entities tied to the Judicial Crisis Network (now operating under the name The Concord Fund) and The 85 Fund. The leadership of Free To Learn includes all three of The 85 Fund's current officers: Carrie Severino, Todd Graves, and Gary Marx.

The BH Fund was formed in January 2016 with two employees: Leonard Leo as president and Jonathan Bunch as treasurer. As of August 2022, the BH Fund is officially "<u>inactive</u>," due to either an overdue annual registration fee, a lack of annual reporting, or both.

While it was active, the BH Fund, along with the Freedom and Opportunity Fund and American Engaged, seemingly funneled millions between themselves and other Leo-connected groups.

In their first year, these three nonprofits raised nearly \$33 million, "with the BH Fund taking in \$24,250,000 from a single donor whose identity is still not publicly known."

In the <u>same year</u>, the BH Fund sent \$400,000 to the Freedom and Opportunity Fund, \$2.3 million to America Engaged, and \$200,000 to Donors Trust; and paid \$400,000 to the public relations firm Creative Response Concepts Advisors.

In 2018, BH Fund sent America Engaged another <u>\$2 million</u>, and in <u>2019</u> the organization sent \$6 million to the Judicial Crisis Network; \$5.5 million to Fidelity Charitable, a donor-advised fund similar to Donors Trust; and \$600,000 to the Hispanic Leadership Fund.

Leo reportedly used the BH Fund and its related entities to <u>hide a donation</u> aimed at getting George Mason University (GMU) to <u>rename</u> its law school after Supreme Court Justice Antonin Scalia.

#### America Engaged

America Engaged is a nonprofit organization that <u>describes itself</u> as "a public policy organization dedicated to promoting the Constitution of the United States and its core structural features," though it does not maintain a public profile. The organization was incorporated alongside the BH Fund and Freedom and Opportunity Fund by the conservative law firm Holtzman Vogel. These three entities have since been used to <u>funnel millions to organizations</u> that boosted the Supreme Court nominations of Neil Gorsuch and Brett Kavanaugh. Leonard Leo <u>became the president of all three organizations</u> at the time of their formation, and within the first two years of incorporation, these three groups <u>raised about \$33 million</u>. However, Leo's involvement with these groups was not known to the public for three years.

America Engaged has received millions in donations from groups affiliated with Leo, and seems to be involved in shuffling money between Leonard Leo-linked entities. Notably, America Engaged has paid CRC Advisors, Leo's forprofit public relations firm, over \$1.5 million since America Engaged was incorporated in 2016.

In 2017, America Engaged <u>made a grant totaling \$950,000</u> to the NRA Institute Legislative Affairs. That same year, the NRA announced a \$1 million ad campaign in support of Neil Gorsuch's Supreme Court nomination.

#### Freedom and Opportunity Fund

The Freedom and Opportunity Fund is <u>another nonprofit incorporated in 2016</u>, alongside BH Fund and America Engaged, by the conservative law firm Holtzman Vogel. Leo serves as president of all three groups, though that was not disclosed publicly for nearly three years.

FAOF gave <u>\$4 million</u> to the organization Independent Women's Voice as it assisted the effort to block Merrick Garland's confirmation to the Supreme Court. In 2017, the organization gave <u>\$500,000</u> to the pro-Trump Super PAC Making America Great and \$593,000 to Koch groups.

#### Rule Of Law Trust

Rule of Law Trust is a 501(c)(4) group founded in 2018. Its sole employee is Leonard Leo. RLT's stated <u>mission</u> is to "advance conservative principles and causes through communications, research, strategy, and assistance to other organizations," yet the group keeps its operations completely private. RLT does not have a website and "<u>claimed it had no employees and no volunteers in its first year and listed what appears to be a virtual office in Virginia as its main address."</u>

Over its lifetime, RLT has given over \$33 million to Leo-connected groups. The lion's share of this money went to Judicial Crisis Network. In 2020, RLT gave \$21.5 million to the Judicial Crisis Network. In September 2020, eight days after the passing of Justice Ruth Bader Ginsburg, Judicial Crisis Network announced its plans to spend \$10 million on an ad blitz supporting the nomination of Amy Coney Barrett. This \$21.5 million donation from RLT to JCN makes up nearly 59% of all payments to other groups made by RLT.

#### Marble Freedom Trust

Leonard Leo is the chairman of Marble Freedom Trust, a newly formed nonprofit which received a \$1.6 billion contribution in 2021 from electronics manufacturing mogul and conservative mega donor Barre Seid. The unprecedented single-gift contribution was likely the largest donation of its kind to a politically oriented nonprofit in American history, and according to an <u>analysis by the New York Times</u>, it is "more than the total of \$1.5 billion spent in 2020 by 15 of the most politically active nonprofit organizations that generally align with Democrats." In the same timeframe as the donation, Marble Freedom Trust <u>donated over \$200 million</u> to organizations associated with Leonard Leo.

#### Becket

reproductive rights. Leo sits on the organizations board. The Southern Poverty Law Center dubbed Becket a "hardline" group that promotes "religious freedom restoration acts to justify anti-gay discrimination." Becket has a relatively small budget, with many of its lawyers working pro-bono. Becket successfully defended the right of adoption agencies to discriminate against same-sex couples before the Supreme Court, actively fought to allow discrimination in healthcare, and fought for private schools to be exempt from anti-discrimination laws. According to the Washington Post, Becket "[boasted] an 87 percent success rate" in all cases it took on from 1994 to 2014.

Becket's highest profile victory came in 2014 with the <u>infamous Burwell v. Hobby Lobby</u> Supreme Court case. Becket represented Hobby Lobby and secured the right of businesses to deny contraception and other healthcare practices to their employees under "religious freedom" protections. The Washington Post claimed that Burwell v. Hobby Lobby "was the legal power behind the Supreme Court's decision...to extend religious rights to corporations for the first time." The case greatly elevated the profile of Becket, and Hobby Lobby <u>maintains a website</u> thanking Becket for their role in the case.

Becket <u>also litigated</u> Little Sisters of the Poor v. Pennsylvania, <u>which expanded</u> on the Hobby Lobby decision by allowing for-profit and nonprofit entities to deny contraception and other healthcare practices for religious or 'moral' reasons without notice.

#### Rule Of Law Defense Fund

The Rule of Law Defense Fund is the 501(c)(4) political and fundraising arm of the Republican Attorneys General Association; together, the organizations facilitate coordination between GOP attorneys general and aid legal challenges to federal programs and protections. RLDF and RAGA are heavily funded by groups in Leonard Leo's network: the Concord Fund (formerly known as the Judicial Crisis Network), a dark money operation led by Leo's close associate Carrie Severino, has given RLDF nearly \$1.6 million. The Concord Fund has given millions more to RAGA, donating \$1 million to the group in 2022 alone.

RLDF helped organize the "March to Save America" rally on January 6, 2021, that preceded the violent attack on the Capitol: RLDF <u>sent robocalls</u> urging "patriots" to "<u>call on Congress to stop the steal</u>," and RAGA and RLDF were both <u>listed as organizers</u> on the March to Save America website. The organizations have also played key roles in supporting GOP attorneys general in their <u>fight against the Biden administration's climate initiatives</u>, and pushing to anti-abortion candidates who are responsible <u>enforcing restrictive abortion laws</u> at the state level.

#### Council For National Policy

Leonard Leo serves on the <u>board of governors</u> for the Council for National Policy, an <u>influential and highly secretive</u> <u>networking group</u> for major conservative donors and activists, right-wing religious extremists, and Republican lawmakers. In 2004, the <u>New York Times</u> called the CNP a "little-known club of a few hundred of the most powerful conservatives in the country." The group holds private meetings three times a year.

CNP's membership lists have included leaders of right-wing groups, including ALEC, the Heritage Foundation, the Federalist Society, and Alliance Defending Freedom. Former <u>Vice President Mike Pence</u> was listed as a member on a January 2022 roster along with DonorsTrust and Donors Capital Fund president Lawrence Bader and Judicial Crisis Network president Carrie Severino. According to *Documented*, U.S. Supreme Court <u>Justice Clarence Thomas</u> has spoken at CNP events, and his wife Ginni Thomas is a <u>board member of CNP's 501(c)(4)</u> arm and a frequent speaker.

The Southern Poverty Law Center described the CNP as "a body that mixes large numbers of ostensibly <u>mainstream conservatives with far-right and extremist ideologues</u>, mostly from the far fringes of the religious right." Many current and former members of the CNP have ties to SPLC-designated hate groups, particularly <u>anti-LGBTQ and anti-Muslim</u> groups. According to journalist and author Anne Nelson, the CNP was "instrumental in <u>convincing Trump</u> to institute his infamous Muslim travel ban" and "has been active at the state level helping to promote voter suppression measures."

The CNP almost exclusively works in closed meetings, and more recently has used the Conservative Partnership Institute "as a public face for CNP tactics developed behind closed doors." The CPI actsas an incubator for right-wing advocacy groups and held "election integrity" summits in <a href="Georgia.Arizona">Georgia.Arizona</a>, Florida, Pennsylvania, Virginia, and <a href="Michigan">Michigan</a>, which screened a <a href="documentary">documentary</a> by the Capital Research Center about how Mark Zuckerberg "manipulated" the 2020 election, and held panels promoting false claims of fraud and conspiracies about <a href="mailto-inand absentee">mailto-inand absentee</a> voting.

#### Tea Party Patriots

Tea Party Patriots was founded in 2009 by Jenny Beth Martin alongside Amy Kremer and Mark Meckler. The group claims to be the <u>nation's largest grassroots Tea Party organization</u>. The Tea Party movement was characterized as a <u>backlash to the election</u> of Barack Obama by political scientists. Progressive commentary from outlets such as <u>Vox</u> and writers like <u>Will Bunch</u> specifically claimed the Tea Party backlash was racial in nature.

Tea Party Patriots <u>was a key ally</u> of Leo and the Federalist Society's effort to block the nomination of Merrick Garland to the Supreme Court. Tea Party Patriots co-founder and president Jenny Beth Martin said the organization "overwhelmingly supported" Leo's effort to ensure Antonin Scalia's seat was not "filled by a lame-duck president during his final months in office."

Since 2016, Judicial Crisis Network has donated over \$3.2 million to Tea Party Patriots:

Name	Amount	Year

TOTAL:	\$3,215,000.00	
Judicial Crisis Network	\$100,000.00	<u>2018</u>
Judicial Crisis Network	\$150,000.00	2019
Judicial Crisis Network	\$200,000.00	<u>2017</u>
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Tea Party Patriots were listed as <u>one of the sponsors</u> of the March To Save America Rally which was scheduled on January 6th, 2021 in Washington D.C.. The rally, which was organized to protest the 2020 election, <u>immediately preceded</u> the Capitol Riot.

#### Students For Life

Leonard Leo is the <u>co-chairman</u> of the board of the powerful anti-abortion group Students for Life. SFLA was created "recruit, train, and mobilize" younger generations to completely abolish abortion. SFLA <u>does not support any exemptions</u> to abortion bans, including <u>rape and incest exemptions</u>. SFLA tells its members that those who support abortion do "<u>not care about rape, incest, or even the woman.</u>"

Students for Life attempts to reach children and teens "during the crucial developmental years" in order to turn them into effective anti-abortion activists. It encourages middle schoolers to screen movies that call abortion "black genocide" and parents to show their children graphic content to turn them against abortion.

In its <u>2020-21 annual report</u>, SFLA claimed to have over 1,200 chapters in all 50 states, Washington D.C., and Puerto Rico. On its website, SFLA claims to have trained over <u>127,000 activists since its inception in 2006</u>. In the annual report, SFLA encourages supporters to write the organization into their wills as a means of fundraising.

#### Reclaim New York

Leonard Leo <u>sits on the board of directors</u> of Reclaim New York alongside Rebekah Mercer and Jennifer Mercer. The group <u>was founded</u> by Rebekah Mercer, Trump advisor <u>Kellyanne Conway</u>, and former Breitbart editor-in-chief Steve Bannon in 2013. It is financed by Rebekah's father, billionaire <u>right-wing megadonor</u> Robert Mercer. Leo joined the <u>organization in 2013</u>. Bannon <u>left the organization in 2016</u> as he "<u>masterminded</u>" Trump's presidential campaign.

Rebekah Mercer and Steve Bannon are key figures in the alt-right movement, which holds white ethnonationalism as a key value according to the <u>Southern Poverty Law Center</u>. The Washington Post called Mercer the "First Lady Of The <u>Alt-Right</u>" and Bannon proudly called Breitbart under his stewardship "the <u>platform for the alt-right</u>." Bannon has also been connected to <u>neo-nazi</u> and <u>white supremacist movements</u>. Together, Bannon and Rebekha and Robert Mercer built a <u>powerful right-wing base</u> in the 2010s. Recently, Bannon called on his radical supporters to <u>take over the U.S. election system</u> after attempts to overturn the 2020 election failed.

Reclaim New York has been criticized as "being a front to espouse [Robert] Mercer's views." Mercer is reportedly racist, claiming the <u>Civil Rights Act was a mistake</u> and that there are no "white racists," only "black racists." He is also known to be a climate change denier and a believer of fundamentalist Christianity. Reclaim New York attacked <u>universal health care initiatives, wind power projects, taxes,</u> and <u>the construction of a new hospital</u>. It also sued <u>at least 11 school districts</u> for denying or delaying responses to public records requests. A judge had to grant one of these districts, Rockland County, a so-called "<u>Mercer Mercy Rule</u>" to exempt them from paying Reclaim New York's legal fees.

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