

A stylized illustration of a hand in a dark red color, holding a red ribbon that runs diagonally across the page. The background is a gradient of red and dark red with abstract, angular shapes.

...Who Is Targeting State Supreme Courts to Limit Our Freedoms

by Evan Vorpahl and Lisa Graves
True North Research

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IN AMERICA, we value our freedoms. But powerful people have always tried rigging the rules in their favor. Now they are targeting our courts. They are trying to take America backward and control who we can be, who we can love, and how we can care for our bodies, our families, and our world. They are trying to put their thumbs on the scales of justice. In 2024, America will witness some of the most expensive state judicial elections in history, with attack ads largely fueled by men with vast fortunes trying to make their personal agendas into binding law.

But, together, we can and must take a stand to protect our freedoms and have truly just courts.

Pulling Back the Curtain on the Effort to Target State Supreme Courts and Limit Our Freedoms

By Evan Vorpahl and Lisa Graves,
True North

In 2024, the U.S. will see some of the most expensive state judicial elections ever in history. This report describes some of the main antagonists who are using their vast financial resources to advance a regressive policy agenda and try to impose their personal or religious opposition to abortion, marriage equality, and more as binding law on other Americans.

In recent years, these repressive forces have targeted numerous judicial posts—and even the methods for choosing judges—to try to capture the nation’s highest courts and get people on the bench to limit our freedoms (other than religious rights) rather than to secure fair courts.

In 2022, when six of the justices on the U.S. Supreme Court overturned *Roe v. Wade*, they gave a big win to Leonard Leo—whose secret funders helped five of them get appointed and helped one of them, Clarence Thomas, stay on the Court and use his public office unethically for private gain. But Justice Sam Alito’s aggressive ruling deployed his personal opposition to abortion and that of five other appointees to the Court to displace long-standing legal precedents.

That ruling also unwittingly unleashed a mighty unintended consequence: millions of Americans were awakened to this abuse of judicial power and are alarmed by the Court’s extremism in reversing decades of federal

constitutional protections for accessing abortion care.

The public’s trust in the fairness of the Court plummeted and, in numerous significant elections since that 2022 ruling, the party that backed those U.S. Supreme Court appointments lost big.

Since then, majorities of tens of millions of Americans have voted to protect abortion access through ballot measures, electing Democratic politicians defending the right to abortion, and rejecting judicial candidates with close ties to anti-abortion groups. Deep investigations documenting the Court’s lack of high standards or any real ethics enforcement only underscore the destruction that has been unleashed by the right-wing’s win-at-any-cost approach to the law.

Leo’s win on *Roe* has already harmed countless Americans.

In state after state draconian rules are supplanting people’s freedom to make decisions about their health and wellbeing based on the advice of their doctors rather than controlled by dictates of anti-abortion zealots in power.

This assault on freedom and autonomy has mobilized millions of Americans to take a stand against this kind of tyranny of minority rule. Majorities are rejecting the well-financed efforts of a handful of people who control big

fortunes to repress the freedom of others to choose their destiny.

What’s at stake includes the freedom to choose if and when to have children, to marry the person you love, to access safe medicines for abortion, to access contraception, and much more.

Due to such rulings by the faction dominating the U.S. Supreme Court, high-dollar contests for state judicial offices are going to be a central feature of the policy battles of 2024 and the years ahead.

The devastating decisions of the Court’s right-wing faction to push the issue of abortion access to the states—along with largely withdrawing federal courts from resolving disputes over redistricting, the voting maps that affect the representativeness of our democracy—have raised the stakes of state judicial races.

State courts are where these and other rights will now be won or lost.

The role of state courts was already significant, although often under the radar even though state judiciaries handle far more cases than federal courts and play a key role in whether civil or criminal justice is fairly administered and rights are vindicated, or not.

State supreme courts are also

likely to play a key role in potential claims over the 2024 presidential election.

Back in 2020, 150 state judges ruled in cases where Donald Trump sought to upend Americans’ ballots against his re-election, according to a tally by the Brookings Institute. That is, 75 percent of the judges who ruled on those cases were from state courts and 25% were from federal courts.

In four state courts, the votes were unanimously against Trump’s claims. But in three states where the presidential election results were especially close—Michigan, Wisconsin, and Pennsylvania—his claims were endorsed by a minority of judges, almost all of whom had GOP ties.

Notably, the Michigan Supreme Court has elections this year and the spending overall could be huge in that state, which is crucial to the Electoral College count and also has an open U.S. Senate seat.

Likewise, in 2023, we saw two of the richest men in the world and their confederates trying to install judicial candidates aligned with Trump and endorsed by anti-abortion groups on the supreme courts of Wisconsin (the most expensive judicial election in U.S. history, so far) and Pennsylvania (the most expensive judicial election in the Keystone State’s history).

Those billionaires lost. But the threat of court capture posed by their vast resources remains.

In 2024, 82 of the 344 state supreme court seats will be on the ballot in 33 states. About a dozen key seats will likely be targeted by big right-wing anti-abortion funders and operatives.

Reproductive freedom will be at the forefront of these state court battles, but fair elections, fair maps, fair trials, and more—like climate mitigation—are at stake, too. The attack ads procured by right-wing dark money groups rarely talk about those issues.

Instead, their disinformation playbook deploys dog-whistle politics by painting opponents as “soft on crime” and claiming those they favor are “rule of law” judges—who often have had ties to groups seeking to ban abortion access.

Leo, who has used the Republican State Leadership Committee in state court fights for years, is not the only one seeking to use the riches at his disposal to impose his views on America.

Dick Uihlein, a billionaire business supplier who has backed anti-choice judicial candidates along with insurrectionists, is also poised to spend big in 2024. His main group in this arena has selected the name “Fair Courts America” as its brand.

They are not alone.

Multi-million dollar groups run by evangelical leaders have also targeted state courts, including Focus on the Family, the Family Policy Alliance, and the Family Research Council. Other right-wing evangelical billionaires may jump in, too.

Each of them has a guaranteed freedom to exercise their religion in America, just as all Americans have the freedom to worship or not, as they choose. Yet the leaders of the right-wing efforts to capture the courts are seemingly attempting to impose a version of “Biblical citizenship” on our citizenry, at odds with America’s founding as a place of refuge from state imposed religion.

The Constitution expressly bars the establishment of religion and bans religious tests for public office, in stark contrast to the reference to a creator in the Declaration of Independence, which was penned by revolutionaries more than a decade before America’s governing document was ratified after states insisted on the addition of a Bill of Rights.

Under our system of “checks and balances,” we entrust judges to make decisions *because* they are expected to apply the law with fairness and not favor the powerful, no matter how rich the powerful may be. That includes faithfully following the Constitution and precedents that protect our freedoms from the policymakers—and their

billionaire backers—who may try to transmute theocratic doctrines into law.

Some anti-abortion zealots, who have failed to persuade majorities of their fellow citizens with their arguments, are spending millions to circumvent the popular will and instead secure judicial decrees by like-minded right-wing activists installed as judges.

Some of these judges seek to impose the most restrictive laws to take away our right to control our bodies, while also limiting the power of our government to regulate corporations that fuel the extreme wealth that is then used to distort the law by advancing invented doctrines to limit the power to regulate companies.

This report describes how these zealots and their aligned front groups have sought to capture courts to impose their personal agenda through the force of law—and how “We the People” are countering them and working together to prevail and restore core freedoms for all Americans.

Who?

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Is Targeting Our State Courts for Capture?

Who Is Leonard Leo?



Leonard Leo is the central figure in the long-term campaign to capture the federal and state judiciaries and to install people on the bench who oppose abortion and corporate regulation.

A 58-year old Ivy League lawyer, Leo co-chairs the board of the Federalist Society, a group created over 40 years ago with the help of then-professor Antonin Scalia and others to create pathways to power for “conservative and libertarian” lawyers. For years, Leo was the Executive Vice President of the Federalist Society until a *Washington Post* investigation revealed that—while working there and also hand-picking potential judges for Trump to appoint—Leo was suddenly flush with enough money to pay off his 30-year mortgage more than 20 years early.

That year, 2018, on the eve of the Senate vote to confirm the controversial Brett Kavanaugh to the U.S. Supreme Court, Leo also closed on a \$3.3 million+ mansion on the coast of Maine with \$1 million cash down. Just months after the *Post*’s 2019 story on how Leo wielded more than \$250 million to capture the courts and move the law to suit his agenda, he paid off the mansion with more than \$2 million in cash, while he was still working for the Federalist Society.

Then in 2020, Leo announced he was leaving his day job to launch a for-profit firm called “CRC Advisors.” Later that year, a billionaire named Barre Seid arranged to transfer \$1.6 billion to Marble Freedom Trust for Leo to control. With those funds and the \$600

million True North tracked to update the *Post*’s tally, the total amount of money that has been available for Leo to help direct to advance his agenda is more than two billion dollars.

News of Seid’s huge secret gift did not break until late 2022. As that huge transfer of funds was in process, Leo was helping to usher Amy Coney Barrett onto the Court on the eve of the 2020 presidential election, an election that resulted in Trump’s defeat.

Leo had previously worked to block President Obama’s nominee, Merrick Garland, from being confirmed in a presidential election year, and then worked to get Neil Gorsuch confirmed to that seat. Years earlier, Leo had also helped John Roberts get confirmed to the bench. He also spearheaded the effort to maneuver Sam Alito onto the Court after Leo blocked a George W. Bush candidate who was not doctrinaire enough to suit Leo’s agenda.

Leo also helped get Clarence Thomas confirmed despite Anita Hill’s testimony about his sexual misconduct. Over the years, Leo has been on numerous luxury trips with Thomas and his wife, Ginni Thomas, and Leo even arranged for her to be secretly and generously paid over the years, without Thomas or Leo disclosing that.

Leo’s role in arranging gifts of travel to Thomas is under investigation by the U.S. Senate Judiciary Committee, which recently voted to approve subpoenas for information from him and from

billionaire Harlan Crow. Leo is also under investigation by the D.C. Attorney General based on allegations of “self-dealing”—where non-profit groups he directs funding to then hire his for-profit firm, CRC Advisors. Leo has denied any wrongdoing and refused to cooperate.

Leo began targeting state supreme courts over 20 years ago, as revealed by True North Research, which was credited in *ProPublica*’s podcast investigation called “We Don’t Talk About Leo.” (The origins of Leo’s efforts to capture state courts are detailed on p. 32 in the Spotlight section.)

Leo’s Views

Leo recently spoke about how his mission of Catholic evangelization “extends to every facet of life, including law, public policy, and politics.” In a 2022 speech to a non-profit group he funds, the Opus Dei-affiliated Catholic Information Center, he claimed:

“[V]ile and amoral current day barbarians, secularists, and bigots... have been growing more numerous over the past few years. They control and use many levers of power, yet even so, we cannot lose hope in the ultimate success of the New Evangelization... Our opponents are not just uninformed or unchurched, they are often deeply wounded people whom the devil can easily take advantage of. He has hardened their hearts and closed their minds which means reason alone will not win this struggle...”

Leo, who also smeared his opponents by calling them “the Progressive Ku Klux Klan,” has played an extraordinary role getting his allies powerful jobs as federal and state judges and state attorneys general, where they have used their power to block abortion access, assail LGBTQ rights, target the separation of church and state, attack renewable energy, and more.

Core Groups Aiding Leo's Court Capture

With his control of a trust now valued at about \$1.2Bn, Leo moved nearly \$200 million into groups during the midterm election year. So it seems likely he will spend a similar amount in 2024 trying to reshape American society and law to suit him. He funnels cash through conduits to dozens of right-wing groups, some of which target states. Those listed below are only those that are in his core control—or led by his lieutenants.

Marble Freedom Trust

Leo helms this trust and pays himself \$400,000 a year for working there for about 25 hours a week. He is also in business with one of three other men he chose for the Trust, Jonathan Bunch. Another employee is married to a CRC executive and longtime Leo confidante. The group's books are held by Neil Corkery, a long-time anti-abortion and anti-gay marriage activist who for years has handled the accounting for groups tied to Leo, including the one used to secretly pay Ginni Thomas—the Judicial Education Project. Despite having more than a billion dollars in assets, Marble has no apparent office (though it reportedly spent almost \$250,000 on office expenses) and does not even have its own phone number, instead listing one that Corkery has used for other groups over the years. Leo's Rule of Law Trust is a related group that has received more than \$237 million since 2018, but like Marble has no website and no phone number of its own. It's a shell Leo passes funds through.

STATE SUPREME COURT ACTIVITIES:

- In 2022, Leo directed \$28 million to the Concord Fund

(described at right), which has spent millions to influence state supreme court elections via other fronts.

- Leo also passed more than \$128 million to be distributed through the Schwab Charitable Fund, which effectively cloaks who received those funds and thus obscures which, if any, weighed in on recent state supreme court battles.

CRC Advisors

This is a for-profit corporation Leo launched with anti-choice/anti-gay rights publicist Greg Mueller in 2020, rebranding a company Leo had been using for public relations since at least 2007, if not before. Jonathan Bunch is its Executive Director. Leo is facing investigation by the D.C. Attorney General for allegations of self-dealing, where groups he directs money to—largely via Marble Freedom Trust—then pay six- or seven-figure sums for advice from Leo's CRC. Accountable.us has tallied more than \$100 million from groups tied to Leo going to Leo's CRC Advisors. As a private company, the amount Leo receives in

compensation as an owner of CRC Advisors is not public.

STATE SUPREME COURT ACTIVITIES:

- CRC Advisors' activities on state court issues—such as any polling, campaign, or PR advice—are not required to be detailed by CRC as a private for-profit firm.
- Leo first started working with CRC on state supreme court issues in 2007.

Federalist Society

Leo is co-chair of the board of the Federalist Society, a 501(c)(3) non-profit that had more than \$33 million in revenue in 2022. He receives no compensation directly from it, but it has paid nearly \$4.7 million to CRC Advisors since 2020, when Leo became an owner of the firm and rebranded it—plus millions more to CRC, under its prior name. Notably, Ginni Thomas, who is married to Clarence Thomas, bragged that Leo “has single-handedly changed the face of the judiciary under the auspices” of the Federalist Society, adding “He has many hats. That isn't even all he does. He doesn't really tell all that he does...” The Federalist Society has denied it plays any role in the selection of judges despite countless news accounts showing otherwise, in addition to its gala events where it lauds the appointees. It is funded by several huge corporations, including Koch Industries, but its largest donor is “anonymous.” It has received tens of millions via the conduit DonorsTrust.

STATE SUPREME COURT ACTIVITIES:

- A review by Billy Corriher recently detailed Federalist Society influence on state supreme courts, including eight states that had a majority of justices who were heavily involved with the Federalist Society as of 2019: Arizona, Florida, Georgia, Indiana, Ohio, Tennessee, Texas, and Wisconsin. In many instances, GOP governors had expanded the courts or flouted other norms to install them.
- Leo launched the Federalist Society's focus on the state courts in 2001 and its “State Court Project” in 2006 (as detailed in the Spotlight below). Through it, the Federalist Society has held “candidate forums” in judicial races, like the one in North Carolina in 2022, released white papers attacking merit selection, and even launched media campaigns timed around state supreme court elections.

Concord Fund / Judicial Crisis Network (JCN) / Free to Learn Action

It paid CRC Advisors more than \$3.7 million for consulting out of the nearly \$29 million it received from Marble Freedom Trust in 2022. Its public face is Carrie Severino, who clerked for Thomas, but “JCN is absolutely Leonard's group. Carrie was working out of the Federalist Society office.... JCN is Leonard Leo's PR organization—nothing more and nothing less,”

according to Leo's former press secretary. JCN was conceived at a post-election dinner in 2004 attended by GOP funder Robin Arkley, Ann Corkery, Leo, and Justice Antonin Scalia. JCN is most known for running ad campaigns backing Trump's Supreme Court nominees, but it has expanded its reach since 2020 when Seid gave Leo the \$1.6 billion Marble Freedom Trust.

STATE SUPREME COURT ACTIVITIES:

- Concord Fund/JCN has been the top contributor to the Republican State Leadership Committee (RSLC), giving it about \$5 million since 2020, based on True North Research's analysis of IRS 527 filings. (See RSLC at right.)
- RSLC is the sole funder of its Judicial Fairness Initiative, which is designed to run ads and other activities to influence state supreme court elections.
- JCN has also directly spent on or given money to state groups in elections, as with Arkansas, Louisiana, Michigan, North Carolina, Tennessee, and Wisconsin.

Concord has a related 501(c)(3), called The 85 Fund/Judicial Education Project, which has not been visibly active in state supreme court races. (That group also uses the names Honest Elections Project and Free to Learn.) The Judicial Education Project is the group Leo has used to secretly pay Ginni Thomas, though it is now called The 85 Fund. In 2022, the most recent year of IRS filings available, Concord and The 85 Fund received

a combined \$165 million, \$120 million of which was given to other groups, most of which went to DonorsTrust to be passed through to groups without the direct fingerprints of Concord and The 85 Fund. Such groups may be involved in litigation before the U.S. Supreme Court or state courts or may be involved in reaching out to the public about issues involved in state court elections, or not.

Republican State Leadership Committee / Judicial Fairness Initiative (RSLC-JFI)

Leonard Leo does not work for RSLC-JFI or sit on its board, but groups tied to him have been RSLC's biggest funders in recent years. RSLC's other big funders include the U.S. Chamber of Commerce, Koch Industries, and the billionaire Miriam Adelson.

RSLC's focus is state elections, with JFI as the public brand RSLC uses when focusing on state supreme court elections. For years, Concord Fund/JCN has been transferring big checks, often around a million dollars, to RSLC, which then transfers a similar amount to JFI. This arrangement makes RSLC the only disclosed funder of JFI. RSLC-JFI then typically reserves ad time and creates ads about a month before the general election in state court races. It then cuts the checks or transfers the cash to vendors in the week before election day, filing any state spending reports then.

True North Research calls this tactic the “million-dollar cash bomb,”

scorching opponents of RSLC-JFI who cannot themselves raise enough money—and have little time—to counter such last-minute attacks designed to aid RSLC-JFI’s preferred candidates. With that push, their candidates sometimes win, by narrow margins.

STATE SUPREME COURT ACTIVITIES:

- The Concord Fund/JCN has given RSLC at least about \$5 million since 2020. RSLC has moved similar amounts shortly thereafter to JFI, which has then spent those funds on ads and other related activities in state supreme court races.
- As True North discussed with *Grid News*, Leo-tied groups have spent millions in dozens of state supreme court races over the past decade, including in Arkansas, Pennsylvania, and North Carolina. As *Grid* reported “a network of political nonprofits connected to Leo has funneled at least \$31 million in campaign funds into at least 42 races for seats on state supreme courts or other high-level state judgeships in 15 states since 2010” through mid-2022.

RSLC is most widely known for the Redistricting Majority Project, known as “REDMAP,” which successfully flipped nearly 1,000 state legislative seats in 2010 to capture state legislatures in order to control redistricting: to create what the project was named for, red maps, that would dramatically favor Republicans. Then GOP legislators severely gerrymandered election maps, locking in GOP con-

trol even in states where more than half the votes that were cast state-wide (with only the fixed map of the state) were for Democrats.

As the Center for Media and Democracy detailed, the main operative deploying these mapping strategies, Thomas Hofeller, was working with Magellan Data and Mapping Strategies, which was contracted for the work and paid through the Corkerys’ Wellspring Committee, a long-time conduit for funding Leo’s main court group, JCN/Concord. Wellspring was shut down by Neil Corkery after Kavanaugh was confirmed in late 2018 and after reporting that it was the largest single donor to JCN, which was the most visible group running ads to put the people Leo chose on the U.S. Supreme Court.

RSLC has been active in numerous state supreme court races, first as RSLC and then, since 2014, as JFI.

For example, in 2020, when three seats on the West Virginia Supreme Court of Appeals were up for election, JFI spent just over \$1.6 million helping Tim Armstead, John Hutchinson, and William Wooton win. It has also been active in several Wisconsin Supreme Court races. In 2020, it split about \$2 million in outside spending with the state business group backing Dan Kelly, who was first appointed by Scott Walker. Kelly lost to Judge Jill Karofsky. Kelly’s largest backer was Dick Uihlein, whose activities are discussed later in this report.

Other Leo-Tied Groups

The groups listed on this page and the preceding couple of pages are not the only entities closely tied to Leo, though they are the ones notably active in state supreme court issues.

Other noteworthy groups in Leo’s network that are still active in some way include:

- BH Group
- Catholic Voices
- the Catholic Association/Foundation
- the Greenwich Fund
- the Article III Project
- the 45 Committee
- Students for Life
- the Napa Institute, and
- the Teneo Network

Defunct groups include the Wellspring Committee (which was used to give JCN more than \$53 million, largely from a secret single source) and America Engaged (which gave \$1 million to the NRA and \$700,000 to Koch’s Freedom Partners as those groups backed Neil Gorsuch).

BH Fund closed after Heidi Przybyla at *Politico* revealed BH Fund was involved in the sale of Kellyanne Conway’s “The Polling Company” to CRC.

The Freedom and Opportunity Fund, which distributed secretly-sourced funds to block the appointment of President Obama’s Supreme Court nominee, Merrick Garland, and backed Trump’s Supreme Court nominees, including \$4 million to Independent Women’s

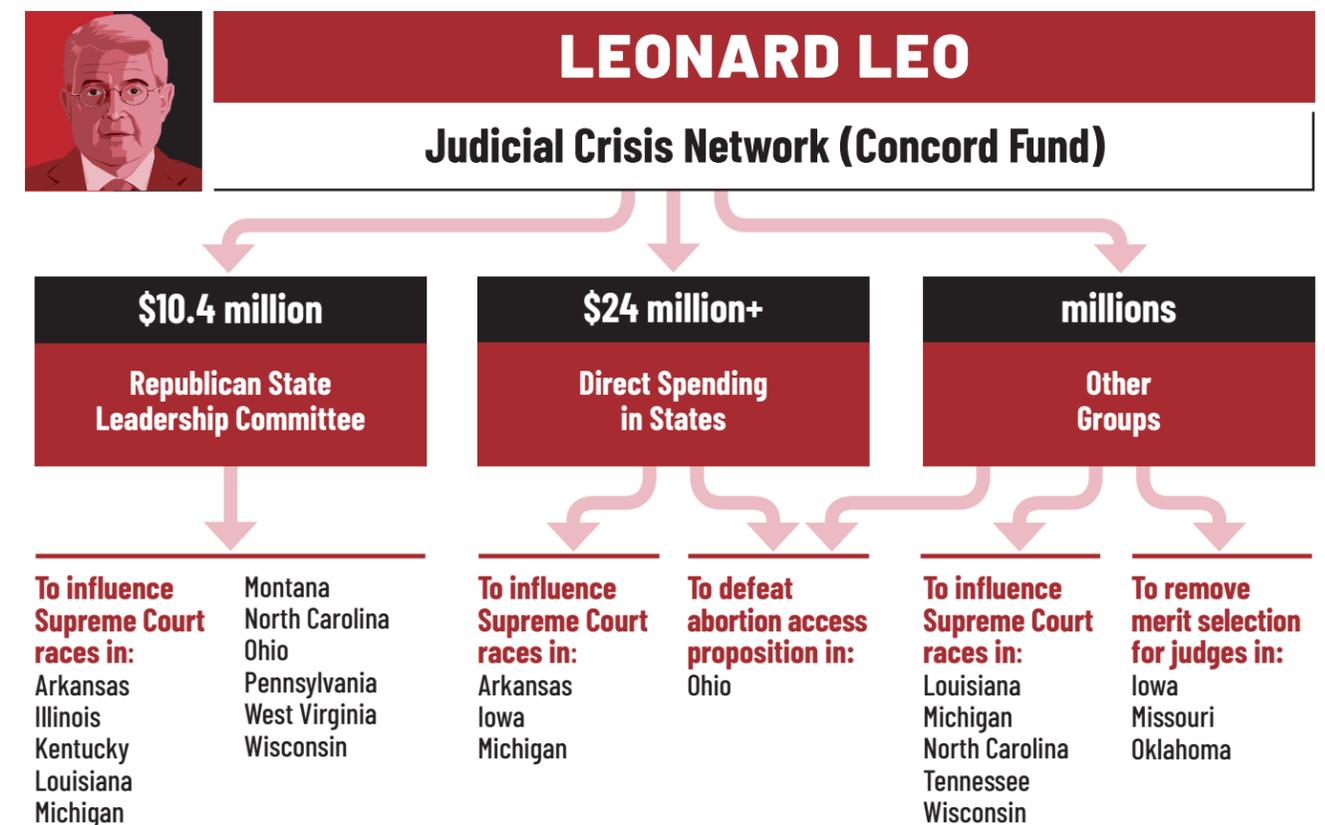
Voice, also shut down after critical reporting.

This list includes some groups where Leo has been on the board, but it does not include dozens of other entities he has helped fund like the Catholic Information Center, Becket Fund (where Leo sits on the board), Americans for Public Trust, the Independent Women’s Forum, Ethics and Public Policy Center, and more.

It also does not include George Mason University’s Antonin Scalia Law School, where Leo plays a singular role as a benefactor and as the designee of another benefactor to advance his right-wing legal agenda and guide some key activities.

“Leonard Leo is with the Federalist Society: he is the reason there is a conservative legal movement across the country that has lawyers and judges who find their way to sessions where they learn things and where they get elevated. Leonard Leo has single-handedly changed the face of the judiciary under the auspices of Edwin Meese and many of the people who started the Federalist Society. He has many hats, that isn’t even all he does, he doesn’t really tell all that he does, but I know enough to know the man is a force of nature. So, he’s a disciplined strategist... [and] he knows food and wine.”

– Ginni Thomas, the wife of Supreme Court Justice Clarence Thomas, praising Leo in 2017 while giving him an award she created with a group called United in Purpose to reward her allies in the right-wing infrastructure



[2012-2023]

Wisconsin Case Study

In 2019, RSLC-JFI deployed its million-dollar-cash-bomb playbook in Wisconsin, turning the tide for Judge Brian Hagedorn, an anti-abortion attorney who won by 5,000 votes after trailing Judge Lisa Neubauer in polls throughout the campaign. It touted that:

“Going into the final week of the election, RSLC... found Judge Brian Hagedorn to be down by 8 points... [W]e identified that Judge Hagedorn’s biggest challenge was that he was not winning among Republicans as much as his opponent was winning among Democrats. Equalizing the partisan intensity made this a two point race. The RSLC data team identified a large number of Republican turnout targets. These voters were highly likely to support Republicans and had not consistently voted in April judicial elections... JFI implemented this strategy through targeted digital ads, tv ads on conservative cable networks, radio ads, mail, and text messaging [including] three targeted mail pieces to voters in targeted households. We also sent 1.2 million GOTV text messages to an audience of low-propensity, conservative voters over the last few days of the election.”



Notably, JCN gave RSLC \$1 million on March 19, 2019. In the week following that transaction, RSLC

transferred \$1.1 million to JFI, which then spent over a million on ads that ran the week before Wisconsin’s April supreme court election. The ads said they were paid for by RSLC but made no mention of where its parent group got the money, a key gap in current disclosure laws.

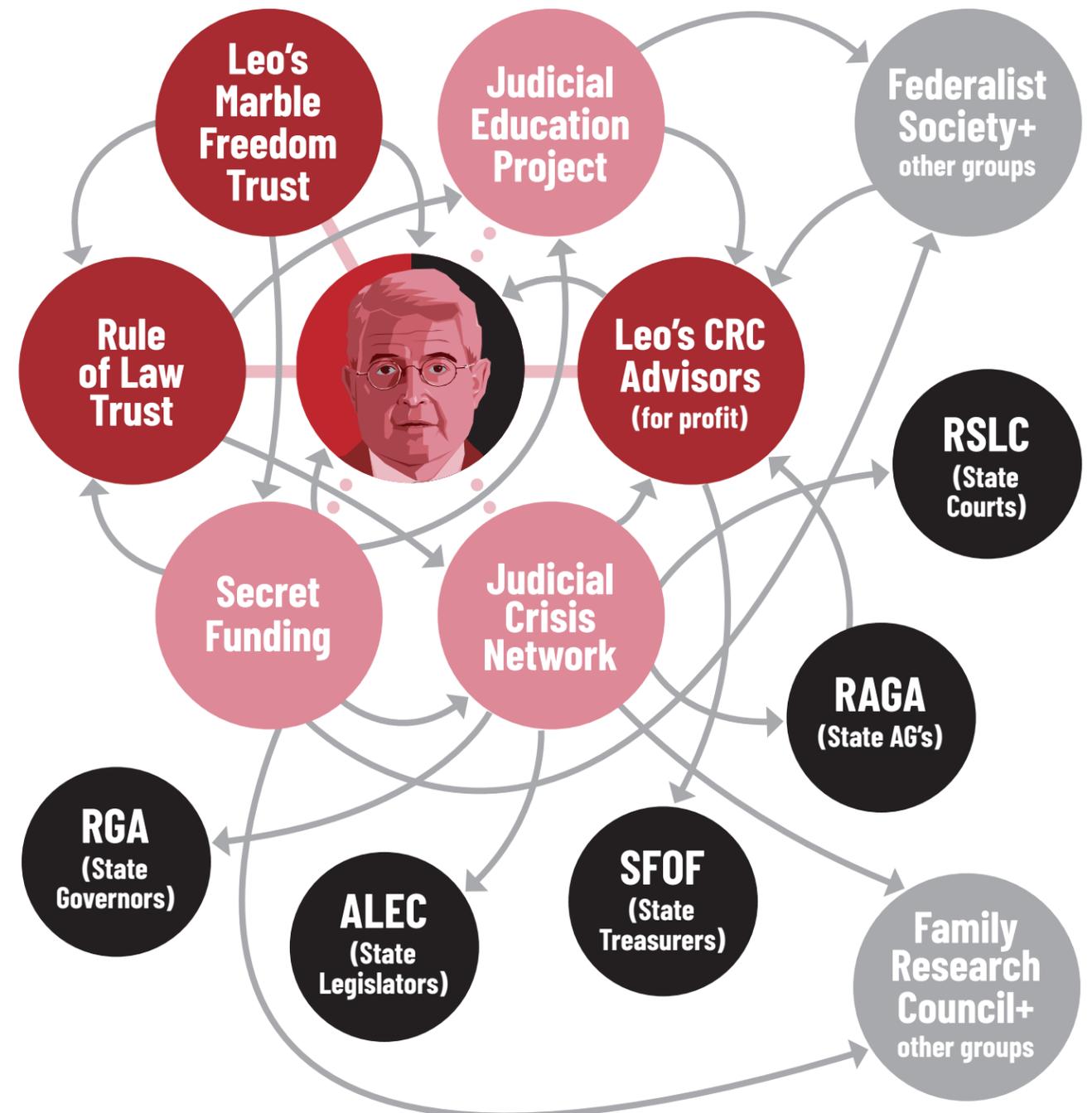
RSLC’s last minute surge upended the race and expanded the right-wing majority on the state’s highest court.

Hagedorn would later cast the deciding vote in a number of controversial rulings. For example, in 2022, the Court ruled 4-3 against ballot drop boxes. In doing so, it sided with the right-wing litigation firm called WILL, the Wisconsin Institute for Law and Liberty, a group that has been incubated by the Bradley Foundation. Notably, Leo’s Honest Elections Project, a legal alias of the 85 Fund, also filed an amicus brief against ballot drop boxes. About two million Wisconsinites voted by absentee ballot in 2020, so the ruling could depress voting in 2024.

The 4-3 Republican-aligned majority on that court also rejected maps drawn by a nonpartisan redistricting commission—basing its decision on a newly invented “least change” standard pushed by Republican legislators, effectively ensuring that the 2010 Republican gerrymander would remain durable. The state legislature then issued maps that continued to be severely malapportioned to protect minority party rule in Wisconsin, where Democrats hold the top two state-wide offices where voters are not packed and cracked into distorted districts but instead the map is the map of the whole state. After the 2023 Wisconsin Supreme Court election, the new majority on that court found those maps unconstitutional. Subsequently, the Democratic governor, Tony Evers, and the Republican-controlled legislatures agreed on new, fairer maps.

Leonard Leo Money Targets State Levers of Power to Limit Our Freedoms

- Anti-abortion
- Anti-ESG
- Limit voting
- Anti-LGBTQ + rights and other freedoms



Who Is Dick Uihlein?



Forget the 1%, Richard (Dick) Uihlein is in the top .00006% (.000000006) of all the people in the U.S. in terms of wealth, with a net worth of \$5.3 billion. That makes him the 227th richest person in America and one of the thousand richest people on the planet.

Together, with his spouse Liz Uihlein, he has spent over \$200,000,000 on political campaigns and PACs, in addition to untold sums that are not required to be disclosed. Their total spending so far includes \$92 million of known federal political spending in 2022 alone, which is a lot in real dollars, but it does not make a dent in their fortune. Dick's father, an heir to the Schlitz beer dynasty, staked the launch of their shipping supply company, Uline, which has become one of the 100 largest companies in the U.S. Their box company grew even larger in the pandemic.

The Uihleins, who are 78 years old, are doling out tens of millions to try to win elections for people who have taken extreme positions, including backing insurrectionist groups that helped organize the events on Jan. 6 before a violent mob of Trump supporters attacked U.S. Capitol police to try to stop the legitimate certification of the 2020 election.

Of the more than \$200 million they have spent on elections, almost two-thirds has gone to support candidates who tried to block the certification of the majority vote in the 2020 election or PACs that support them.

That's not all.

In 2022, Dick Uihlein was literally the biggest known funder of an anti-abortion group that calls itself "Women Speak Out," an appendage of an anti-abortion group that calls itself "Susan B. Anthony Pro-Life America" (SBA). Its wish list is to ban abortion everywhere in America.

In 2023, Uihlein also waded into the abortion fight in Ohio, bankrolling a group called "Protect Our Constitution" to the tune of \$4 million. The group pushed Issue One, rejected by voters, which sought to raise the bar for amending the state constitution, a shot at direct democracy and a means to combat other initiatives in the state, in particular ahead of the November abortion amendment.

Secretary of State Frank LaRose conceded that change was about abortion access, which he described in incendiary terms: "This is 100% about keeping a radical proabortion amendment out of our constitution. The left wants to jam it in there this coming November." That amendment was adopted by an overwhelming majority of Ohioans in 2023.

In recent years, Leo has been one of the main sources funneling money into state supreme court battles, but other billionaires have jumped into state court fights too, including Uihlein.

Uihlein's new group is called "Fair Courts America" (FCA) which has promoted Sen. Ted Cruz as an authority and touted his claim that "I think that, unfortunately, for the left the law is viewed as optional.

If they disagree with it they refuse to enforce it." Cruz infamously sought to overturn the 2020 election results and stop the count. He also recently voted against Senate subpoenas to investigate the corruption the press has reported about Thomas' luxury life of secret gifts.

FCA was launched in February 2022 and is a Super PAC project of Uihlein's "Restoration of America"/ Restoration PAC.

FCA is led by Andrew Wynne, a former leader of RSLC-JFI while it has been infused with millions via groups closely tied to Leo. Following the U.S. Supreme Court's disastrous Dobbs decision that reversed *Roe v. Wade* and nearly half a century of legal precedent, stripping millions of Americans of federal constitutional protection for abortion access, Wynne proclaimed he "was so excited about the Supreme Court's reversal of that decision."

After eight justices on the Alabama Supreme Court ruled that embryos created for in vitro fertilization (IVF) are considered "minor children," leading to the closure of multiple IVF clinics, FCA spent more than \$600,000 on ads backing a state supreme court candidate named Bryan Taylor. Taylor has declared that "embryos were human beings whose lives begin at fertilization," according to *The Guardian*. Taylor lost his bid for the high court to Justice Sarah Stewart just days after the IVF ruling. Stewart will be facing Greg Griffin in the November general election.

STATE SUPREME COURT ACTIVITIES:

- In 2022, FCA circulated a proposal titled "Defending State Courts from the Radical Left," seeking \$22 million to elect right-wing judges and prosecutors.
- That same year, FCA described spending \$1 million backing Evan Young in the Texas Supreme Court primary and \$250,000 backing Maria Lazar for an appeals court in Wisconsin, both of whom won. Its memo sought millions from other right-wing investors to spend in other races in Illinois, Kentucky, Louisiana, Michigan, North Carolina, and Ohio, promising that "85% of every dollar donated will be spent directly on content development and placement."
- In 2022 and 2023, FCA also backed right-wing candidates in Illinois, Kentucky, and Pennsylvania. In Wisconsin, in 2023, FCA spent an unprecedented \$5.5 million backing Dan Kelly, who lost to Janet Protaciewicz. FCA has also targeted local district attorneys in at least eight states with soft-on-crime ads, labeling them as "Soros prosecutors."

Notably, it is not just Uihlein money: Leo's Concord Fund gave Uihlein's Foundation for Fair Courts (FFC) \$1 million in 2022-2023. Plus, in 2023, one of Jeff Yass' groups also gave \$100,000 to FFC. (See later section.)

Illinois Case Study

In 2022, groups tied to Uihlein's groups unsuccessfully targeted the highest court of his home state, Illinois, where judges who ran as Democrats in the state's partisan election process held the majority of seats, 4-3.

FCA targeted an open seat and ran nearly half million dollars in attack ads against the Democratic candidate, Judge Elizabeth Rochford, to aid former sheriff Mark Curran, who was "not recommended" for judicial power by the Illinois Bar Association.

FCA's ads deployed its regular refrain, claiming that Curran's opponent was soft on crime, while depicting her next to a video of a man smashing a glass door while a voice intoned "we got out-of-control prices, crime, and taxes." It said Curran would be "tough on criminals." (The Brennan Center captures judicial ads to help educate the public.)

Rochford's ads noted that Illinois Right to Life endorsed Curran as "the most pro-life candidate." Her backers, like All for Justice, noted that access to abortion was hanging by one vote and Curran supported banning abortion, even in cases of rape and incest. He lost.

Before launching FCA, Uihlein aided a different group called "Citizens for Judicial Fairness" (CJF), which was largely bankrolled by hedge fund billionaire Ken Griffin, whose net worth is \$37.9 billion

In 2020, CJF helped defeat Illinois Justice Thomas Killbride, who received about 56% of the vote but needed 60% to be retained. RSLC added \$75,000. This was the first retention loss in Illinois history, and in a retention election that came *before* the U.S. Supreme Court reversed *Roe v. Wade*. CJF also backed anti-abortion, anti-trans candidate Richard Irving for Illinois governor in 2022. He lost.

Uihlein Efforts to Expose Voters' Names

Uihlein is also funding efforts that threaten to dox voters and drive unfounded conspiracies about the integrity of our elections as part of his Restoration of America operation. A new entity calling itself the "Voter Reference Foundation" (VoteRef), a subsidiary of Uihlein's Restoration of America, has filed lawsuits in Pennsylvania and New Mexico to overturn data privacy laws that prevent voter records, including their names and addresses, from being published online. Safety and privacy concerns have been flagged as reasons why some

would-be voters do not un-register to vote. Unfortunately, for example, some abusers have used voter registration rolls to locate and harass the survivors of their abuse.

According to *Politico*, "VoteRef alone has published details on more than 161 million voters in 32 states and Washington, D.C." It has also spread unfounded hysteria about voter registration discrepancies based on flawed methodology, and even engaged in actions that may be illegal, according to election officials' allegations, which VoteRef has denied.

VoteRef's Executive Director is Gina Swoboda, organizer for Trump's

2020 campaign in Arizona who was endorsed by Trump and election denialist Kari Lake in her unsuccessful bid to become governor of Arizona.

According to a sworn affidavit as part of Trump's failed challenge to the 2020 election in Arizona, Swoboda took complaints from people who thought poll workers erroneously allowed ballots written in Sharpie to be submitted, even though the state later determined those ballots count as voters' intent. Far-right Trump lawyer and election denialist, Cleta Mitchell, also has connected Swoboda to right-wing state election officials.

Other notable activities

Uihlein also gave more than \$4.3 million to the Tea Party Patriots (TPP) PAC. TPP co-organized the Jan. 6 events where Donald Trump incited the crowd to march on the capitol to fight, leading to a violent insurrection. Uihlein also underwrote efforts by Thomas More Society lawyers to overturn the will of American voters for Joe Biden in 2020.

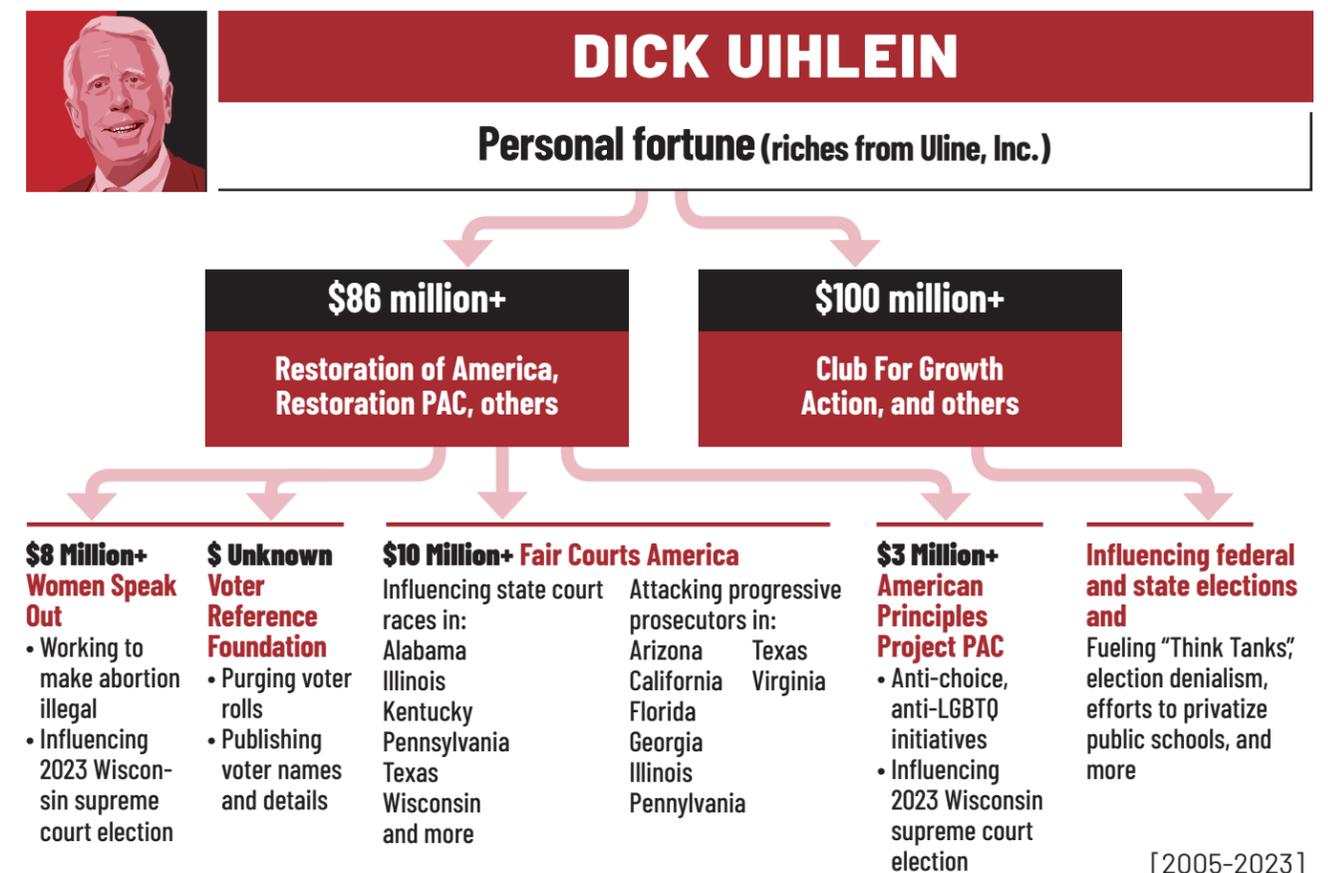
Uihlein also fueled critics of efforts to mitigate Covid-19, including stay-at-home public health orders at the peak of the pandemic. Notably, an "internal document seen by the Guardian shows that at

Dick Uihlein and his wife Liz told the *New York Times* that they "choose to personally support candidates that share our policy beliefs."

The Times noted: "They backed an Illinois candidate for governor who ran a television commercial playing on a deep-voiced transgender caricature, and a congressman from Georgia, Jody Hice, who divines significance in blood moons that fall on Jewish holidays. They supported Representative Louie Gohmert of Texas, who has suggested that reducing Alaskan oil flows could diminish caribou mating."

least 14% of Uline's corporate workforce has tested positive for Covid-19 since last April [2020], compared with 8.7% of the population in Kenosha county, where

the company's corporate office is located." Uihlein also backed policymakers who attacked Covid-19 mitigation efforts, including Gov. Ron DeSantis.



Who Is Charles Koch?



Charles Koch is one of the most influential politicians in America who has never been elected.

As researcher Connor Gibson observed: “Charles Koch is unique among corporate CEOs. He controls a multibillion-dollar fleet of non-profits that he and other wealthy business people have built into a massive influence machine over the past [40+] years. This enables the Koch network to make a significant impact on U.S. courts, politics, and media, regardless of who is in the White House.”

One of the richest men in the world, Koch, owns one of the world’s biggest oil refining conglomerates, the second largest privately held corporation in the U.S. His net worth is estimated by *Forbes* to be \$54 billion, making him the 16th richest man in the world.

As Nancy MacLean and Lisa Graves, who are on the Board of the Center for Media and Democracy (CMD), recently wrote:

“Koch, the single most influential billionaire shaping American political life, never changed course. And the head fake he pulled off in 2020 succeeded in securing for his vast donor network—and the hundreds of organizations they underwrite—the freedom to operate, virtually without scrutiny, over the two years since. In that time, far from ceasing their efforts to divide the country, they have ramped them up. Like a snake shedding its skin as it grows, Koch was merely rebranding—yet again after exposure—and grouping his numerous operations under a sunny new name: Stand Together.”

During the last presidential election cycle in 2020, Koch-funded organizations spent over \$1.1 billion. Despite a PR blitz claiming that Koch had changed course due to concerns about Donald Trump, the Koch network spent far more than the record amount it had raised in the 2016 cycle: \$750 million.

The Koch network did not endorse Trump but his spending on GOTV and more buoyed the top of the ticket. It also helped maintain a GOP Senate majority to secure Koch-backed policies that Trump would sign into law. And the Koch fortune helped pack the U.S. Supreme Court with Trump appointees drawn from a list hand-picked by Leonard Leo.

And while some reporters credit

Koch’s claim to be “pro-choice” the reality is that almost every candidate Koch has backed, including judicial candidates, is anti-abortion. His money talks.

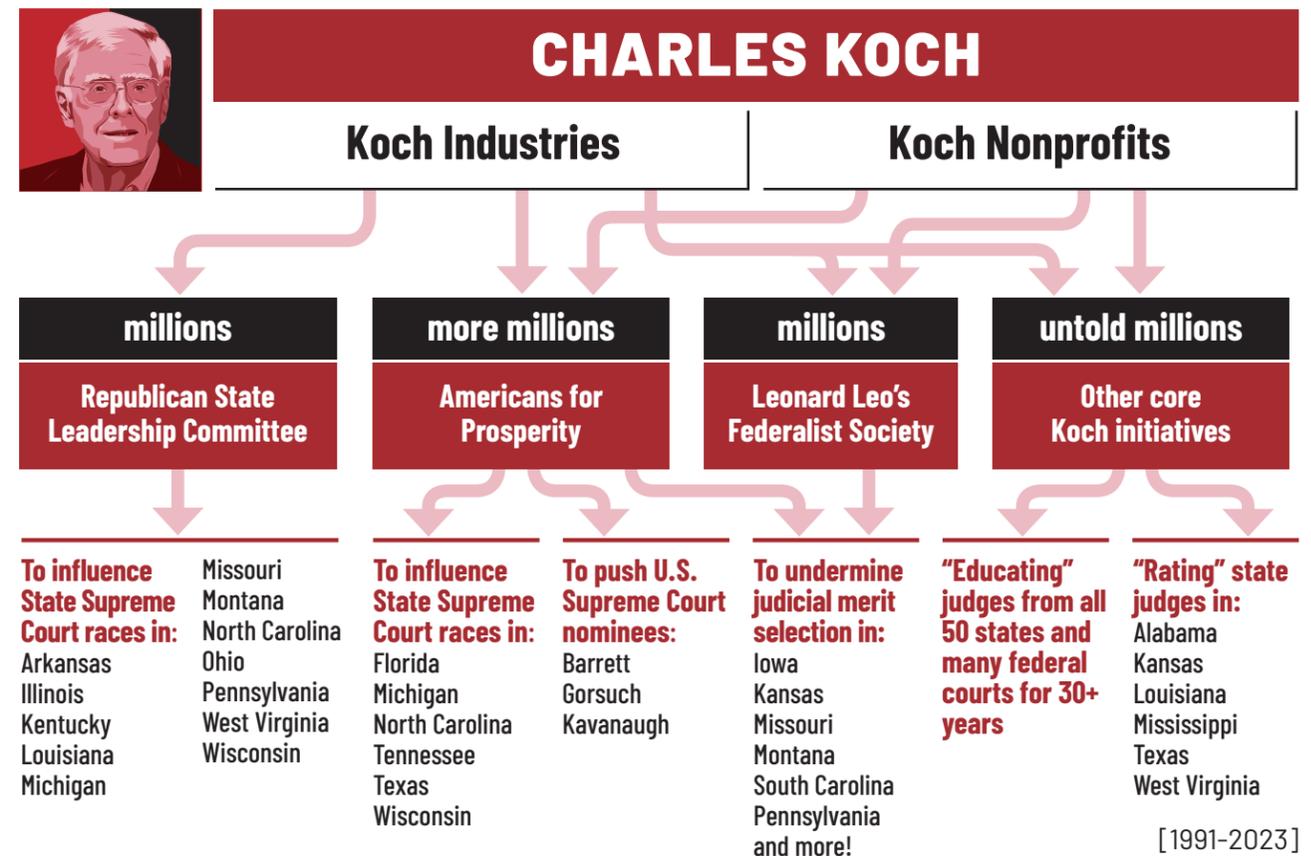
Koch’s political-policy empire has relentlessly attacked climate mitigation efforts, the Affordable Care Act, public schools, banking reforms, and anti-corruption laws. Koch has invested in Leo’s court-packing plans for years, using both his personal fortune deployed via his non-profits and Koch Industries to fund the Federalist Society, which Leo co-chairs.

Leo has used the Federalist Society as a way to screen for right-wing operatives who share his agenda and install them on federal and state courts, as state attorneys general,

and in other influential posts.

Koch groups

As Gibson has documented for CMD: “Americans for Prosperity (AFP) is the most recognizable brand controlled by the Stand Together Chamber. AFP is the 501(c)(4) political arm of its sister organization, the 501(c)(3) Americans for Prosperity Foundation, which was long overseen by its founding chairman, the late David Koch. Other Koch-controlled campaigning brands like the LIBRE Initiative and Concerned Veterans for America used to be distinct non-profit organizations. Now they are simply registered with the Virginia Corporation Commission as ficti-
—continued on following page



Wisconsin Case Study

In the 2023 Wisconsin Supreme Court race, Koch groups backed Dan Kelly, who had been endorsed by anti-abortion/anti-LGBTQ groups.

As we previously wrote:

“Charles Koch’s political operation, ‘Americans for Prosperity,’ has spent nearly \$400K so far on digital ads, mail, and door hangers to aid Wisconsin Supreme Court candidate Dan Kelly, who graduated from televangelist Pat Robertson’s law school before it was fully accredited. Koch... is bankrolling ads claiming Kelly is a “rule of law” judge, the same claim his political operatives made about Donald Trump’s nominees to the U.S. Supreme Court—Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett—who ignored the rule of law when they combined to overturn Roe v. Wade and nearly 50 years of legal precedents last summer. Koch has aided Leonard Leo’s efforts to pack the courts with right-wing extremists.

Leo has also personally donated to Kelly’s campaign, and funding conduits tied to his core groups have previously funded the Republican State Leadership Committee’s “Judicial Fairness Initiative,” which is also spending to back Kelly...

Kelly has boasted that his campaign will spend little, because those with interests before the court are going to spend big. The biggest issue in the race is the state’s archaic 1849 abortion ban, which is now in play. He is backed by several groups aiming to make abortion illegal without exception, and his campaign is being buoyed by out-of-state billionaires like Koch and Dick Uihlein.”

tious names for AFP, the AFP Foundation, and AFP Action, a super PAC regulated by the FEC.”

As we also wrote: “Koch’s AFP has previously misled Wisconsin voters about elections, specifically sending materials to likely Democratic voters that told them the wrong deadline for voting by mail and giving them a false address for returning ballots during the 2011 recall elections. The address was actually the P.O. box of ‘Wisconsin Family Action’ (WFA), a right-wing group trying to ban abortion and gay rights. WFA is closely tied to

a group called ‘Alliance Defending Freedom’ (ADF), a group that also attacks abortion and LGBTQ rights. Dan Kelly has worked with ADF in litigation assailing the rights of LGBTQ+ Wisconsinites.”

Koch’s focus on state and federal courts goes back decades.

One tactic Koch has employed since the 1990s is to indoctrinate judges about interpreting the law in the ways he prefers through funding “judicial junkets.” Over the years, some of the judicial education Koch has underwritten has

amounted to privately-funded all-expenses paid trips. Junket sponsors like Koch’s empire use seminars for judges to bankroll judges’ flights, hotel rooms, meals, and other perks. As Greenpeace has documented, Koch, Exxon, Dow, and other corporations have “educated” judges who have then presided over cases that affect their industries or bottom lines.

There are other examples of Koch’s focus on the courts.

For example, Koch’s effort to get Kavanaugh confirmed was led by

In 2018, Koch’s Americans for Prosperity placed ads telling voters: “Judge Kavanaugh will protect our rights. Judge Kavanaugh will defend the Constitution. Judge Kavanaugh will interpret the law as written and won’t legislate from the bench.” In 2022, Kavanaugh joined a ruling overturning Roe v. Wade and nearly 50 years of legal precedents and also a ruling overturning a law on the books since 1905 restricting concealed carrying of firearms, among other rulings legislating from the bench and rewriting our rights.

Sarah Field, who had worked with Leonard Leo at the Federalist Society for several years until 2018. Before that she worked with Ginni at Liberty Central, the group Ginni stood up to take advantage of the Supreme Court’s then looming decision in *Citizens United*.

As *Politico* reported, Cleta Mitchell helped Ginni create that group after the unusually-timed oral arguments in that case in 2009. Then, after billionaire Harlan Crow staked Ginni with a \$500,000 donation to fund the group, Ginni rushed to get papers filed on New Year’s eve, just days before the U.S. Supreme Court issued its ruling, striking down key provisions of the Bipartisan Campaign Reform Act in a 5-4 decision, with her husband not recusing from the case.

Only later did the public learn that Ginni had launched this Tea Party group, where Leo was a member of the Board and Sarah Field, who had been working with Leo, had revolved in to help staff Ginni. Then when Ginni had to depart the group in controversy, Field helped the group. Meanwhile Leo secretly arranged for Ginni to be paid via the Judicial Education Project. Before Field’s role with the Federalist Society and Liberty Central, she worked in the Koch non-profit world.

Koch’s flagship group, called “Americans for Prosperity” (AFP) has also played a role in backing judicial candidates Leo has backed for the courts.

In addition, a group now subsumed within AFP called “Concerned Veterans for America” was deployed

on a direct mail campaign in seven states claiming that Gorsuch “respects the rule of law and won’t legislate from the bench.” Since being confirmed to the U.S. Supreme Court, however, Gorsuch has imposed the unprecedented “major questions” theory fueled by Koch to limit the power of the EPA to mitigate the climate change.

AFP also spent seven-figures knocking on doors, producing and placing TV and social media advertisements, and directly lobbying the U.S. Senate in support of Kavanaugh’s 2018 confirmation, a campaign which was launched before the hearing began. It reached more than one million voters by phone or mail to pressure Senators to confirm Kavanaugh even as evidence emerged he had repeatedly lied under oath and had attempted to sexually assault Dr. Christine Blasey Ford.

When Amy Coney Barrett was nominated, AFP said it was “all in,” on her confirmation.

In an internal memo to wealthy donors, Koch’s Seminar Network (later rebranded as Stand Together Chamber of Commerce and previously called “Freedom Partners Chamber of Commerce”) described how Koch’s network mobilized activists to back Trump-appointed judges. It stated that AFP and other Koch nodes “have also been engaged in direct, under the dome tactics, working with allies like the Federalist Society,” while also describing large-scale media and canvassing campaigns and claiming credit for getting Democrat Senators to vote to confirm Gorsuch.

Who Is Jeff Yass?

Jeff Yass is a billionaire who has spent big in the past two Pennsylvania Supreme Court elections.

As True North recently noted in the *Washington Spectator*, he is the 49th richest man in the world, with an estimated \$28.5 billion fortune. Through betting on markets, he rakes in about \$1.3 billion a year or an average of \$625,000/hr. The company he created, Susquehanna International Group (SIG) located near Philadelphia, is what's known as a "market maker" in the stock market. It trades more than 100 million shares a day, as part of its ultra-rapid trading strategy. He has invested in training traders on "quant" or algorithmic trading to beat the market. The investigative team at *ProPublica* has raised questions on how he has minimized his taxes.

SIG's portfolio was valued at nearly one-half of a trillion dollars (\$491,756,191,898) in mid-2023. That total includes significant holdings in Tesla, ByteDance/TikTok, Meta (Facebook), Google, and Dow. As of 2018, Yass reportedly owned about 75% of the privately-held SIG.

Yass' election-related spending is growing.

In the three election cycles from the 2018 to 2022, the disclosed money Yass has given to outside groups to influence federal elections has increased more than sevenfold, from \$7 million to more than \$50 million.

In the 2022 midterm elections, Yass was the fourth largest funder

of outside groups, behind Ken Griffin, Dick Uihlein, and George Soros. That is, in the most recent federal cycle, he was one of top three GOP mega-donors. In all, Yass has spent about \$100 million betting on politics to change the rules of the game.

Billionaires like Yass have been expanding their political investment portfolios beyond legislators to include a newly hot commodity: our courts. And the Pennsylvania Supreme Court has been one of his targets. In 2023, Yass was the biggest individual funder, by far, in Pennsylvania judicial elections. Yass spent nearly \$4.5 million to aid Republican Carolyn Carluccio via his Commonwealth Leaders Fund.

So far in the 2024 cycle, Jeff Yass is the single largest contributor to federal outside spending groups, closely followed by the Uihleins, according to Open Secrets.

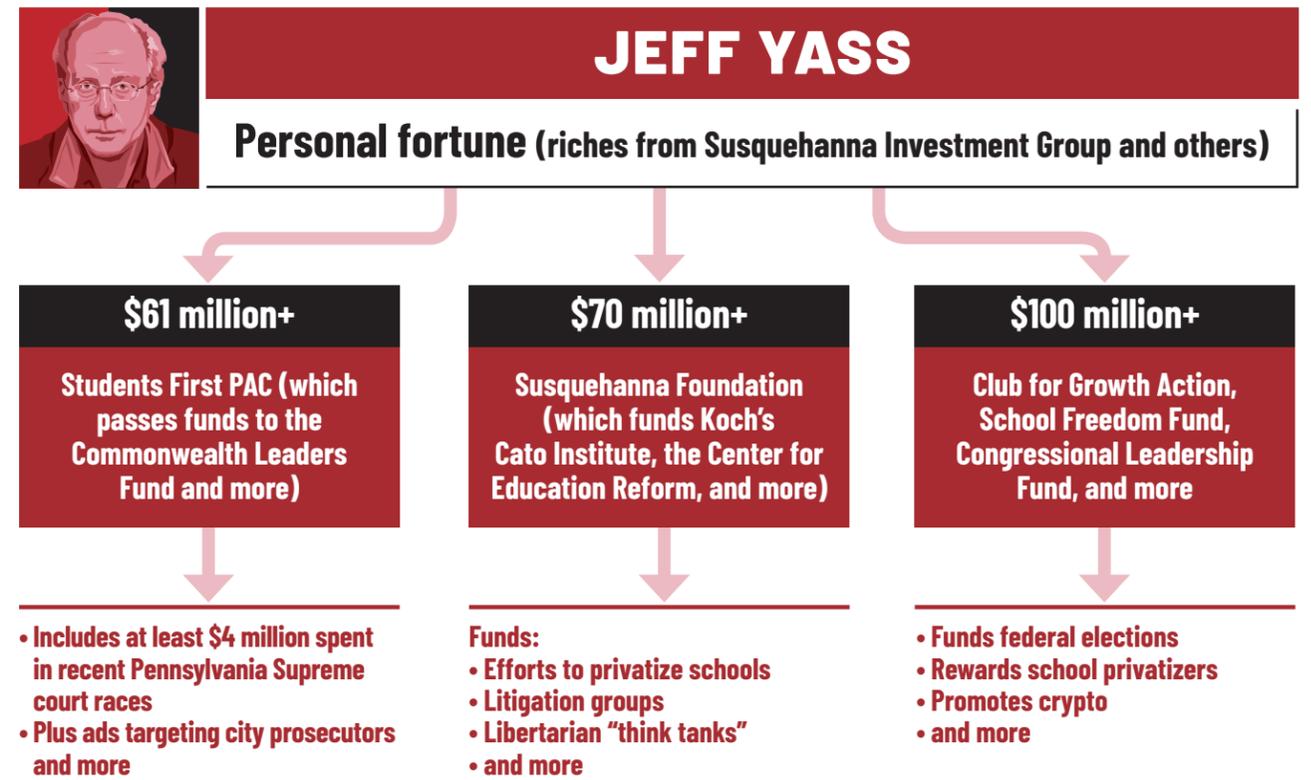
In December, Yass also contributed \$6 million to Texas Governor Greg Abbott, which Abbott touted as the single largest contribution in Texas' history.

Yass also spent heavily backing Republican Daniel Cameron's 2023 gubernatorial campaign in Kentucky. Yass bankrolled two groups in that race: \$3 million to Protect Freedom PAC and \$2 million to the School Freedom Fund (along with another \$1 million from Uihlein) backing Cameron. Club for Growth, with heavy funding from Yass and Uihlein,

also spent \$2.4 million in that race. Cameron lost.

Yass has quickly become one of the most influential billionaires in the American political system.

The seemingly distorting influence of Yass' fortune was on full display recently when Donald Trump reversed his position and announced support for TikTok as it faced legislation to force Chinese company ByteDance, which Yass owns a large stake in, to divest. It was later reported that Trump met with Yass days before publicly reversing course on the app. Yass has reportedly fueled a PR campaign in support of TikTok which also deployed former Trump official Kellyanne Conway.



[2010-2023]

Yass' Groups

Yass has directed more than \$60 million to Club for Growth Action since 2018. Yass gave CFG more than any other billionaire last year: \$16 million, almost half of its budget. One of its other top donors in 2023 was Dick Uihlein.

Yass is also the main funder of two PACs, the "Commonwealth Leaders Fund" and "Commonwealth Children's Choice Fund," via a third PAC: Students First.

The Commonwealth Leaders Fund is the one that ran ads attacking Carluccio's opponent, Judge Dan McCaffery, in the 2023 Pennsylvania Supreme Court election. RSLC-JFI also backed Carluccio with a \$600,000 ad buy in May during the primary, and another \$400,000 ad buy in the general. RSLC also received \$300,000 from Uihlein's Fair Courts America in October and another \$100,000 from the Leo-tied Concord Fund just days before that election.

The Pennsylvania Family Institute (PFI), the state's Family Policy Alliance ally (see below), also played ball: Carluccio answered PFI's candidate questionnaire by saying Justice Antonin Scalia most reflected her "judicial philosophy." (Scalia opposed *Roe v. Wade*, gay rights, and more.) Carluccio lost.

Notably, Yass' Commonwealth Partners also received funding from Leo's Concord Fund in 2019. That year, it also received \$100,000 from the Rule of Law Defense Fund (RLDF), a project of the Republican

Attorneys General Association (RAGA), whose top funder has been the Concord Fund.

RLDF notoriously helped promote the "March to Save America" protest that preceded the January 6th insurrection and ran robocalls to get people to Washington, DC.

"What's the difference between a billionaire and a guy who's making \$100,000 a year? They're both at home watching Netflix and they're both on their iPhones and they're both listening to the same music. The disparity between how rich people live and how poor people live in America has never been smaller... Everyone is living almost the same life. Except rich people have jobs they like and poor people have jobs they don't like, but they have all the stuff that they need to a much greater extent than ever."

—Jeff Yass

Other notable activities

When it comes to the growing wealth gap between billionaires like himself and other Americans, Yass has made some astonishing claims, such as asserting that "The left came up with this idea of

income inequality. It's like, what are you talking about? It's just the opposite." Yet so many families are struggling from paycheck to paycheck, with corporate greed and shrinkflation of groceries squeezing working Americans pretty hard.

Despite this reality, Yass told the right-wing "think tank" called the Manhattan Institute that "[O]nce you make \$70,000 a year, your financial concerns are pretty much, you know, not completely over, but largely over. We're almost at a point in America, not around the rest of the world, but we're getting there, that... everybody has all the stuff they need. No one's hungry, no one's cold, no one doesn't have some basic health insurance."

Notably, Yass has been bankrolling the Club for Growth as one of its top priorities has been trying to repeal the Affordable Care Act and slash federal welfare programs that provide food assistance to the poor, in order to cut the deficit—which spiraled due to huge tax cuts pushed by Charles Koch and signed into law by Donald Trump.

Yass also remarked that a "guy I gave a lot of money to was in favor of the minimum wage, all kinds of cockamamie stuff. But he was great on school choice. So you've got to make a bet." Yes, Yass said ensuring that workers are paid at least a minimum wage for their labors is ridiculous, but most Americans support having a minimum wage and raising it, a lot. That is right in line with the Cato Institute, a "think tank" launched by Charles Koch in the 1970s.

Pennsylvania Case Study

As True North previously noted, 14 of Trump's 65 lawsuits challenging the 2020 election were filed in Pennsylvania.

That year, the Pennsylvania Supreme Court protected voters by stopping ballots of thousands of Pennsylvanians from being thrown out by then-lower court Judge Kevin Brobson, due to minor details like a signed envelope not being dated.

Then in 2021, Yass spent almost \$2 million to get Brobson elected to a ten-year term on the Pennsylvania Supreme Court.

Before being elected to the state high court, Brobson had sided with Trump and the state Republican Party and ordered over 2,000 votes tossed in the 2020 election. As noted above, his ruling was overturned on appeal. After Yass helped him get a seat on that Court, he dissented from a ruling that upheld an expansion to vote-by-mail.

Yass was not alone in backing Brobson: RSLC-JFI spent big, too.

It executed its playbook, spending more than \$1.6 million in total on independent expenditures to aid

Brobson, who had won the GOP primary also with a push from RSLC-JFI. The Concord Fund gave RSLC \$900,000 on September 28th, 2021. One month later, RSLC launched an ad claiming "Judge McLaughlin puts Pennsylvania Families at risk."

Afterward, RSLC-JFI noted that it spent "\$250,000 in the primary, including polling and a cable television buy." It took credit for helping to sweep Brobson to victory by spending "\$1.375 million in the general election on polling, broadcast and cable TV, and text messaging," including TV ads that ran in the Philadelphia, Harrisburg, Pittsburgh, and Scranton and the Wilkes-Barre media markets. Its ads portrayed Brobson's opponent as soft on crime, a typical tactic of RSLC and others on the right.

Whether Yass will spend big in supreme court elections in other states in 2024 remains to be seen, but in 2025 three Pennsylvania Supreme Court seats, all held by Democrats, are up. Yass will likely weigh-in heavily on those, in addition to his interest in the U.S. Senate race in Pennsylvania and in the presidential election this year.

Since 2002 Yass has also had a seat on the Board of Cato and is its vice-chair. Cato has been increasing its participation in briefs to the U.S. Supreme Court. For example, Cato filed an amicus brief in 2009 in the *Citizens United* case, where the Court struck down the McCain-Feingold campaign finance reforms. Cato also joined right-wing efforts to assail crucial enforcement provisions of the Voting Rights Act

that were adopted in 1964 and that Congress overwhelmingly voted to extend in 2006. But in 2013, in a 5-4 ruling, Chief Justice John Roberts struck down key VRA protections, letting loose a new era of GOP voter suppression bills.

In a case against the EPA, Cato also attacked the Obama administration's Clean Power Plan and efforts to mitigate climate change.

Cato also has submitted a brief in a case called *Loper Bright*, where litigation by Cause of Action—stacked with lawyers whose day job is working for the Koch network—are trying to overturn the Chevron rule that requires judicial deference to agency expertise, rules that protect the health of American families from corporate pollution and more.

Who Are Focus on the Family, Family Policy Alliance, Family Research Council, and the Alliance Defending Freedom?



Another anti-abortion/anti-gay set of groups has also been involved in numerous state supreme court battles. Christian broadcaster James Dobson co-founded Focus on the Family (FOF) in 1977, Family Research Council (FRC) in 1981, and the Family Policy Alliance (FPA) in 2004. Dobson also co-founded the Alliance Defending Freedom, a litigation group, in 1993.

Dobson gained an early following as an associate professor of pediatrics who urged corporal punishment for children—he was beaten by his mother when he was young and promoted intentional physical punishment of children in his book *Dare to Discipline*. Shockingly, after a young man with an assault weapon murdered 20 first graders and six educators in Sandy Hook, Connecticut, in 2012, Dobson asserted that the mass shooting was because Americans “turned our back on the Scripture and on God Almighty and I think He has allowed judgment to fall upon us” because U.S. law has allowed gay marriage and legal abortion.

Focus on the Family has hosted a daily radio broadcast for over 40 years, a major component to the group’s power and reach. It boasts that it reaches 6 million listeners a week on over 2,000 radio stations in the U.S. Before launching FOF, Dobson resigned from the American Psychological Association because it had removed its classification of homosexuality as a mental disorder. The Dobson co-founded group named the Alliance Defending Freedom has called for the “criminalization of sexual acts between

consenting LGBTQ adults.” ADF litigates in state and federal courts, but has run no known ads in state supreme court races—yet.

The Southern Poverty Law Center designates the Dobson co-founded groups ADF and FRC as extremist “hate groups.” Dobson retired a few years back, but his trio of policy groups—FOF, FPA, and FRC—have continued to target state supreme courts while opposing access to abortion and LGBTQ+ rights, including attacking trans rights.

Here is a snapshot of the four core Dobson-founded groups involved in court issues:

FOF which is headquartered in Colorado Springs, is one of the largest evangelical groups in the U.S. It is a 501(c)(3) non-profit that had \$132 million in revenue in 2022. In 2017, it declared itself a church and so is no longer required to file forms about income or expenses with the IRS, but it has continued to make that information public. Since 2005, the group has been led by Jim Daly, an evangelist who has added active support for adoption out of foster care to the group’s opposition to abortion and “dialogue” about the LGBTQ community while still opposing gay rights. FOF pays Daly more than \$350,000 per year. It also employs Tim Goeglin, a controversial former Bush administration staffer, as its lobbyist. Goeglin represented FOF in meetings with Trump at the White House, including meeting alongside Leonard Leo

and Tim Phillips, who led Koch’s Americans for Prosperity.

FPA a 501(c)(4), acts as an umbrella for an alliance of 40 state-based Family Policy Councils, which use a variety of brands, some of which have non-profit status and some of which do their own fundraising. FPA’s budget flexes up in election years: in 2020, it raised nearly \$2 million and spent almost \$3 million; in 2021, it raised and spent about one and one-half million dollars. It also has a related 501(c)(3) called the Family Policy Foundation, which raised and spent about \$2.5 million in 2021. FPA also has a small Super PAC. FPA is led by Craig DeRoche, a former GOP Speaker of the House in Michigan. FPA is a proponent of “Biblical citizenship.” In addition to efforts to install anti-abortion and anti-LGBTQ candidates in office, it also trains legislators and school board members and opposes trans rights.

FRC is a D.C.-based evangelical advocacy group that opposes access to abortion, divorce, gay marriage, trans rights, embryonic stem cell research, and more. It has spread an array of vile disinformation about LGBTQ people, and it even lobbied for repression in Uganda, which passed a law imposing the death penalty on gay Ugandans (although the law was later blocked). FRC is led by Tony Perkins, a Southern Baptist pastor who previously served in the Louisiana legislature. FRC had revenue of more than \$24 million in 2022, and pays Perkins more than \$400,000

per year in total compensation. FRC Action is its 501(c)(4) arm, which once employed Josh Duggar before he was outed as a sexual predator against his sister and other children. When Duggar was employed, Charles Koch's political umbrella was found to be funding both FRC and Focus on the Family. In 2022, FRC declared itself a church and no longer bound by annual disclosure requirements of the IRS for other non-profits.

ADF a designated "hate group" by the Southern Poverty Law Center is a Christian Right 501(c)(3) litigation center that plays a pivotal role in restricting abortion access, now that Leo has packed the federal courts. According to its most recent tax filing, ADF's revenue was over \$100 million from mid-2021 to mid-2022. From writing the legislation for Mississippi's anti-abortion law that led to the Dobbs decision (with the help of Erin Hawley, who is married to U.S. Sen. Josh Hawley) to demanding a nationwide ban on mifepristone, ADF has been at the forefront of the campaign to end abortion healthcare in the U.S. For decades, ADF has sought to use the law to allow adoption agencies, schools, and companies to discriminate against LGBTQ+ Americans who want to be parents. Its "legislative advocacy" center pushes state-level bills that would force public schools to be at the whim of a vocal parents who do not want teachers to be free to teach the truth about history and more.

Wisconsin Case Study

In 2023, when anti-abortion/anti-gay activist Dan Kelly ran for the tie-breaking seat on the 4-3 Wisconsin Supreme Court, FOF asked its members to "Please pray for the election and for the people of Wisconsin, whose lives—as well as future preborn lives—will definitely be impacted by the important choice they make at the ballot box." FPA's anti-abortion/anti-gay Wisconsin affiliate, Wisconsin Family Action (WFA), also spent more than a quarter of a million dollars.

- Uihlein's FCA spent millions more backing Kelly, who lost. RSLC also ran weighed in with an ad that tried to paint Judge Janet Protasiewicz as a D.C. outsider and Kelly as a "rule of law" judge.
- WFA has been involved in numerous elections in Wisconsin, including the 2011 recalls, when WFA received \$1 million from a front group set up by allies of Leo. In 2006, WFA also sought to ban gay marriage in the state, but ultimately marriage equality prevailed.
- WFA's arm, the Wisconsin Family Council (WFC), urged its members to vote because "government officials are ministries of God."

Iowa Case Study

In 2022, a newly right-wing dominated Iowa Supreme Court reversed a 2018 decision protecting the right to abortion, a ruling championed by the Family Leader, a 501(c)(4) led by Bob Vander Plaats, who is tied to FRC and FOF. In 2019, a year after that ruling, the Iowa legislature changed the rules for merit selection, giving GOP Gov. Kim Reynolds control of the nominating commission. JCN ran ads supporting bills to repeal merit selection. Koch's Americans for Prosperity also supported the measure.

Following the Iowa Supreme Court's decision legalizing same-sex marriage in 2009, three justices were voted off the bench after a million-dollar campaign spearheaded by the Family Leader, FRC, and the National Organization for Marriage, where Leo's long-time ally Neil Corkery has acted as treasurer. The Federalist Society also took action: it described its role in anodyne terms saying that the "State Courts Project took the occasion to foster further dialogue about the Missouri Plan" and it claimed credit for then-Gov. Terry Branstad's criticisms of merit selection in the state.

Spotlight

on the Origins of Leonard Leo's Assault on Merit Selection in State and Federal Courts and Targeting of State Supreme Courts



The group Leo is most widely associated with is the Federalist Society, but few realize that its spending on state supreme court issues at Leo's direction dates back more than two decades, starting with efforts to derail merit selection.

In the 1990s, one of Leo's main jobs for the Federalist Society was to attack the American Bar Association for supposedly being too liberal to have a role in evaluating judicial candidates, even though the ABA is filled with corporate lawyers. The ABA had given Clarence Thomas a partial Q/NQ rating with some committee members finding him "Not Qualified" for the U.S. Supreme Court in 1991. Thomas was only 43 and had been a judge for less than 15 months when George H.W. Bush nominated him. (Leo helped get him confirmed despite Anita Hill's testimony that Thomas had made repulsive sexual come-ons while he had power over her career, which Thomas denied.)

A decade later, in early 2001, Leo and the Federalist Society succeeded in getting George W. Bush to bounce the ABA from evaluating federal judicial candidates before nomination. Instead, Bush gave the Federalist Society an informal but powerful role in screening potential nominees. Some in Leo's group, helmed by Gene Meyer, contacted potential federal judicial candidates to ask them how they had cast their private ballot in the 2000 presidential election.

Within weeks of that success, as True North uncovered, Leo and the Federalist Society began to focus on assailing how justices on

state supreme courts were chosen. It assailed merit selection boards that were akin to the ABA's Committee on the Judiciary who were mostly leaders in the legal profession and *not* chosen based on alignment with Leo's agenda. In March 2001, the Federalist Society co-sponsored a forum on judicial selection to attack merit selection of judges. It was titled "Picking State Judges: Who and How?" Of course, now we know the preferred answer to the questions he posed: Who? By Leo. How? With the dark money resources he would later accumulate through the access provided by his post at the Federalist Society.

At the time, however, what was known on the surface was that Leo opposed merit selection and did not favor non-partisan judicial elections. He asserted: "There needs to be a careful and balanced examination of state judicial selection, and not just another conference that serves as a platform for abolishing partisan judicial elections." That is, he has long favored partisan judicial elections, even though bipartisan reformers sought for decades to remove partisanship to secure fair and impartial judges—and, along with them, fair courts for our democracy—with the democratic check of a retention election in case an appointee failed to act as an impartial judge.

The Federalist Society would subsequently create a "Judicial Elections White Paper Task Force," which issued findings attacking merit selection and non-partisan elections. One of its major products was a paper that asserted that the federal appointment process was also

broken because Clarence Thomas was supposedly "smeared" by groups focused on abortion rights. The report failed to credit Hill's compelling testimony or Thomas' dissent that reproductive rights were "not fundamental" just months after claiming to the U.S. Senate and the American people that he had "no agenda" regarding *Roe v. Wade*. That paper was accompanied by the Society's typical flimsy disclaimer that it takes no position on anything.

In a press release for the 2001 event, Leo also asserted that "[all] forms of state judicial selection need to be scrutinized, and their respective costs and benefits need to be weighed. The influence of money in judicial elections, but also the influence of the trial bar and other lawyer groups in various appointive systems, need to be critically assessed." The panels included: "The Organized Bar in Judicial Selection: What Role?" Participants included supreme court judges from Alabama, Michigan, Texas, and Wisconsin.

From that seed of work, Leo began pushing to change state judicial selection with a particular focus on "reforming" the "Missouri Plan," which was established in the 1940s. That is the name of the signature merit selection system for judges that was adopted by more than 30 states to protect the judicial selection process from undue and rank partisanship. Under the core components of the Missouri Plan, candidates for a state's highest court are vetted by a judicial nominating committee, which then sends the governor a slate of well-qualified potential appointees

to pick from, and then the appointees later stand for non-partisan retention elections.

In late 2006, the "Federalist Society State Courts Project" launched a PR campaign to influence public opinion about whether state supreme courts were "activist" or "independent," timed to coincide with retention elections. It recruited local lawyers and professors to write about state court rulings on issues like crime and discuss the selection process and then pitched them as "media-trained experts" for TV, radio, and print interviews. The project targeted Alabama, Florida, Georgia, Kentucky, and Washington, and was also active in Oregon and Colorado.

The Federalist Society's trial balloon activities in Georgia that year are particularly revealing. In its own words, it "hired a polling firm to conduct pre-election surveys of potential Georgia voters. They tested the awareness and understanding of the process by which supreme court justices are elected as well as voters' familiarity with the Georgia Supreme Court and its decisions. The pre-election survey also focused on voter awareness, impression and opinion with respect to judicial activism, judicial restraint and the role of the courts."

Four justices were running for retention and only one of them was opposed, Carol Hunstein, whom 85% of the Georgia Bar Association who were surveyed considered to be "well qualified." She described herself as a fair judge: "I'm not liberal, I'm not conservative, I'm not

Republican, I'm not Democrat," she said. Her opponent, Mike Wiggins, a former Bush administration attorney, was a "self-proclaimed conservative candidate," according to reports.

Leo's Federalist Society hired Kellianne Conway to poll Hunstein's name recognition and her opponent's, Mike Wiggins, and found both were in the single digits.

(When Conway joined the Donald Trump administration in 2017 and when Leo was choosing the list Trump chose from for the Supreme Court, Leo secretly arranged for his BH Fund to finance a million dollar plus transaction to transfer Conway's "The Polling Company" to Creative Response Concepts (CRC). At the time, CRC had been receiving millions from Leo-tied groups to help block Merrick Garland and get Neil Gorsuch confirmed. BH Fund's only other director was Jonathan Bunch who also worked at that time with Leo at the Federalist Society. As noted above, five years earlier, Leo secretly arranged for another group tied to him, the Judicial Education Project, to transfer funds from a secret donor to Conway's Polling Company to secretly pay at least a six-figure sum to Ginni Thomas, the wife of U.S. Supreme Court Justice Clarence Thomas, which Conway later said was for Ginni's advice. Conway's later disclosure showed she had done work over the years for both JEP and JCN.)

The Federalist Society/Conway push poll in Georgia also asked if judges should be elected "to hold them accountable for their decisions and

rulings," and most people agreed. It then asked Georgia voters about rulings by the Georgia Supreme Court, where Hunstein was a judge, and according to a law professor, the poll mis-described the law in a way that caused a majority of those polled to object to the ruling. The Federalist Society also circulated a critique titled "The Predictable Unpredictability of the Georgia Supreme Court." The Federalist Society poll also asked if judges should be activists or apply the laws regardless of whether they like the law or not, and most agreed they should not consider their personal views.

Wiggins was also aided by well-funded attack ads calling Hunstein a liberal who ignored "laws she doesn't like," which were run by a shadowy group that had raised over a million dollars. One of its operatives was caught seemingly coordinating with Wiggins' electoral campaign, telling his wife and campaign staff that Hunstein was a "one-legged" "Jewish female" "with a lot of money in the bank." But, she lost a leg to cancer, was not Jewish, and had raised \$800,000 from 1,200 donors for her retention. Hunstein called out that front group's attacks on her as an attack on judicial independence. Despite such smears and the Federalist Society's critique of the court and its near-election polling, Hunstein won the race. Wiggins later spoke at Federalist Society events, including one assailing Sonia Sotomayor's nomination to the U.S. Supreme Court.

The following year, in 2007, Leo ran a similar game plan in Wis-

consin. The Federalist Society described Wisconsin as a key opportunity with its contested state supreme court race. It launched a media campaign ahead of the spring judicial election and hired Conway again: “The Federalist Society hired a polling firm (The Polling Company, Inc) to conduct a pre-election survey of Wisconsin citizens... There was extensive coverage of the poll results from many media outlets, including Wisconsin Public Radio, and release of the poll results generated additional media interest in the legal experts being made available by the Federalist Society to comment on the Supreme Court race.”

In that 2007 race, the state’s business chamber of commerce, WMC, spent \$2.5 million, and Leo’s in-state ally, the Wisconsin Club for Growth, spent \$400,000. These groups have been two major spenders in Wisconsin Supreme Court elections over the past decade, with money from the Leo-tied Wellspring Committee and the Judicial Crisis Network.

The Federalist Society also commissioned polling on merit selection and it published a white paper titled “The Consequences of Judicial Selection: A Review of the Supreme Court of Missouri 1992-2007.” Also, in early 2007, Leo was targeting the heart of merit selection, hosting a launch event in St. Louis, Missouri on how to reform the appointment process so that judges “are more reflective of citizens’ wishes,” in the words of the Federalist Society. In 2006, the Missouri Supreme Court had struck down voter ID restrictions

that were not “narrowly tailored” to prevent any actual documented voter fraud and that would violate the state Constitution’s protections for the rights of qualified registered voters to cast their ballots. That law was the result of the first GOP trifecta since 1921, with Matt Blunt beating Claire McCaskill to become governor and with a GOP legislature, but the Missouri Supreme Court had not changed and was staffed with non-partisan judges who were chosen through merit selection.

In 2007, Leo and his allies lobbied the governor on his pick for the court, as *ProPublica* detailed, with the goal of tarnishing the commission process:

“In the summer of 2007, the judicial panel offered Blunt three finalists. Two were Democrats. The third was Patricia Breckenridge, a centrist Republican. When her name appeared, Leo and his team mobilized, collecting negative research on Breckenridge and lobbying the governor. “I was shocked to see the slate tendered by the Commission the other day,” Leo wrote in an email to Blunt. “It would be very appropriate for you to scrutinize the candidates, and if they fail to pass those tests, to return the names.”

In 2008, Leo helped fuel a court group called “Better Courts for Missouri/Missourians for Open and Accountable Judicial Selection” led by a former Blunt staffer and recent law graduate named Jonathan Bunch, who had clerked for another Federalist Society judge, Stephen Limbaugh Jr., the cousin of talk radio host Rush Limbaugh. That group, whose funders were secret, sought to replace the state’s three-member judicial selection commission with seven people chosen by Blunt and approved by his party in the legislature.

The former state supreme court chief justice, Chip Robertson, who led a judicial fairness group responded to the news about Bunch’s dark money operation with this statement: “Missourians deserve fair and impartial courts, not shell groups playing shell games with our justice system.” He told another outlet: “You just have to guess it’s a bunch of wealthy people who don’t like the fact that courts apply the law in a way they don’t like from time to time... You’d have to guess they are the right-wing types.”

It turns out he was right: in 2009, 2010 and 2011 the Leo-tied Wellspring Fund gave money to the group Bunch led, as did the Leo-tied Judicial Crisis Network/JCN in 2011-12.

The leader of the Missouri state bar association, Mike Birkes, also responded to Bunch’s efforts to assail the Missouri plan: “We have always strongly supported the nonpartisan plan, and we will continue to educate the public about it and do everything we can to help it contribute to an impartial judiciary,”

Birkes said. “Our view is keeping politics out of the process to the maximum extent is a good thing.”

Bunch also filed a ballot initiative petition to give the governor the right to choose every member of the selection commission and supported other legislative changes, all of which failed. No matter: Bunch was hired to work with Leo at the Federalist Society on state court reforms nationally. From 2008-2010, Bunch was director of state courts at the Federalist Society and worked with Leo in other ways.

According to a book co-authored by Carrie Severino, Leo’s long-time point-person at JCN, in 2016, Bunch reached out to Don McGahn on the Trump campaign about working with Leo on judicial selection. McGahn deadpanned they had tapped John Sununu, a reference to the mantra of Leo and other right-wingers of “No More Souters” because David Souter, who had been a state supreme court justice endorsed by Sununu, had proven to be too independent and not a sure vote to reverse *Roe v. Wade*. Bunch reportedly was startled and then realized it was a joke and they laughed: of course McGahn wanted Leo’s help to avoid any future Souters.

Bunch was also later tapped by Leo to help direct some of Leo’s outside operations while they worked together at the Federalist Society, resulting in substantial amounts of money going to Bunch. Ultimately, when Leo left the Federalist Society in 2020, Bunch went with him to CRC Advisors, a for-profit PR firm

—continued on following page



Jonathan Bunch

Described as Leo’s “right-hand man,” Jonathan Bunch is the president of Leo’s for-profit CRC Advisors, which Bunch followed Leo to after long stints as Federalist Society senior Vice President and state courts project director. Before that, Bunch led the group “Better Courts for Missouri,” which was funded via Judicial Crisis Network and Wellspring Committee, which worked with JCN to assail merit selection in Bunch’s home state.

Before becoming central to Leo’s network, Bunch worked as a speechwriter for Missouri GOP Governor Matt Blunt. During that period, the governor and his chief of staff, Ed Martin, were under scrutiny for email exchanges where Leo sought to pressure the governor to refuse to appoint moderate Republican Patricia Beckenridge to the Missouri Supreme Court as part of a related effort to dismantle the state’s judicial selection process.

Bunch has direct ties to a host of other Leo groups. He was secretary of the now-defunct groups America Engaged, BH Fund, and Freedom and Opportunity Fund. He also sits on the board of Teneo, a Leo-chaired group that seeks to dominate the leaders of American society in the same way the Federalist Society has dominated the legal profession and the courts.

Bunch has done well financially through his ties to Leo. While working for the Federalist Society, Bunch was paid \$1.54 million for consulting by Leo’s Rule of Law Trust in 2018, the year Kavanaugh was nominated to the U.S. Supreme Court. There is no requirement that the details of that consulting work be disclosed and so the tasks involved are not known. As reported by Heidi Przybyla for Politico, Bunch also closed on a \$1.285 million waterfront home on the Chesapeake Bay on the second day of Amy Coney Barrett’s hearings in October 2022. That second home is near the yacht club used by Leo’s long-time ally, Greg Mueller, who is the co-creator of CRC Advisors and the long-time leader of its PR operations.

Bunch is also currently the “successor” trustee of Marble Freedom Trust, which some have called Leo’s “billion-dollar slush fund to erode democracy,” making him second-in-command if Leo were unavailable.

that has worked with Leo for years, including on his state court efforts.

CRC Advisors is now the beneficiary of millions in transfers of cash from non-profit groups that Leo directs Marble money and other major funding to, which then turn around and hire CRC Advisors. This has led to complaints and an investigation, although Leo through spokesmen has stated that he has done no wrong.

CRC Advisors' predecessor group, Creative Response Concepts, was hired by Leo for his state court project in 2008, if not before. In the Federalist Society's annual report that year, it touted the millions of dollars in earned media it secured for its support for the (failed) changes in Missouri and in Ohio, as described in its chart below (it is not clear how much CRC was paid).

Notably, when Wisconsin Club for Growth was looking for money to keep the Wisconsin Supreme Court in right-wing hands, its leaders ("RJ" Johnson and Eric O'Keefe) shared their campaign ad plans for Leo who they were counting on to get them \$200,000 to help David Prosser retain his seat on the court. That money was not transferred from the Federalist Society but was from donors Leo cultivated while serving as a leader there. When the Wisconsin political operatives reached out to him to follow-up about the campaign, his only question in the email that was published by *the Guardian* was about the timing of the campaign.

In the spring of 2011, Prosser was trying to get re-elected with the

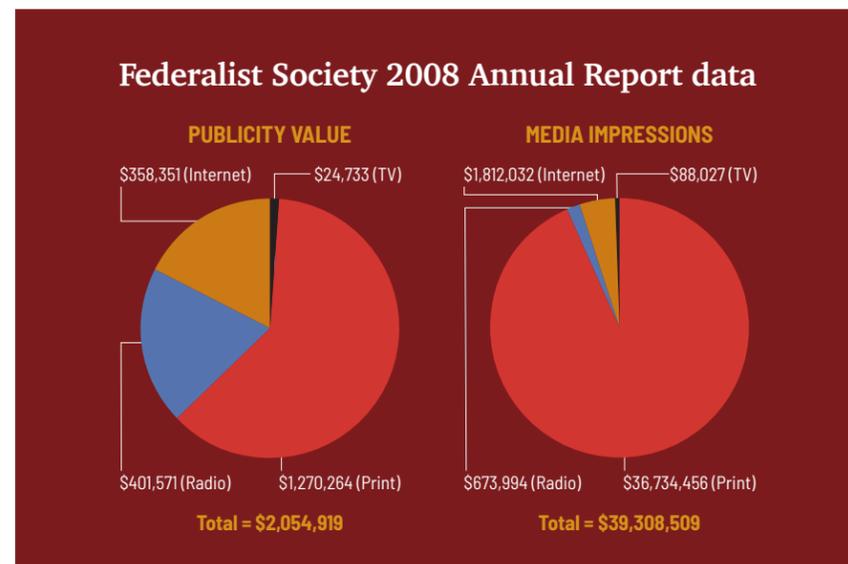
state embroiled over Scott Walker's attacks public employee unions. In 2011, the Wellspring Committee gave \$400,000 to Wisconsin Club for Growth (WCFG), which was coordinating money to protect Walker by protecting the Court majority that Prosser was key to. JCN was also funding WCFG around this period. Part of the email exchange was revealing: RJ Johnson was in email contact with Leo about money for that race. "It would be good for [billionaire Diane Hendricks] to talk with us or have her see our plan, Club is leading the coalition to maintain the court. Thus far I have raised 450k and am looking to raise an additional 409k. Leonard [Leo] is hopefully looking for 200."

Later, the Leo-tied Judicial Education Project funded RJ Johnson's Legal Defense Fund when state prosecutors were looking into what they considered to be illegal coordination. JEP is the only non-profit in the country to have sent money to that fund, ultimately providing nearly \$2 million. JEP would also describe in its own 990s from 2014-2016 that it

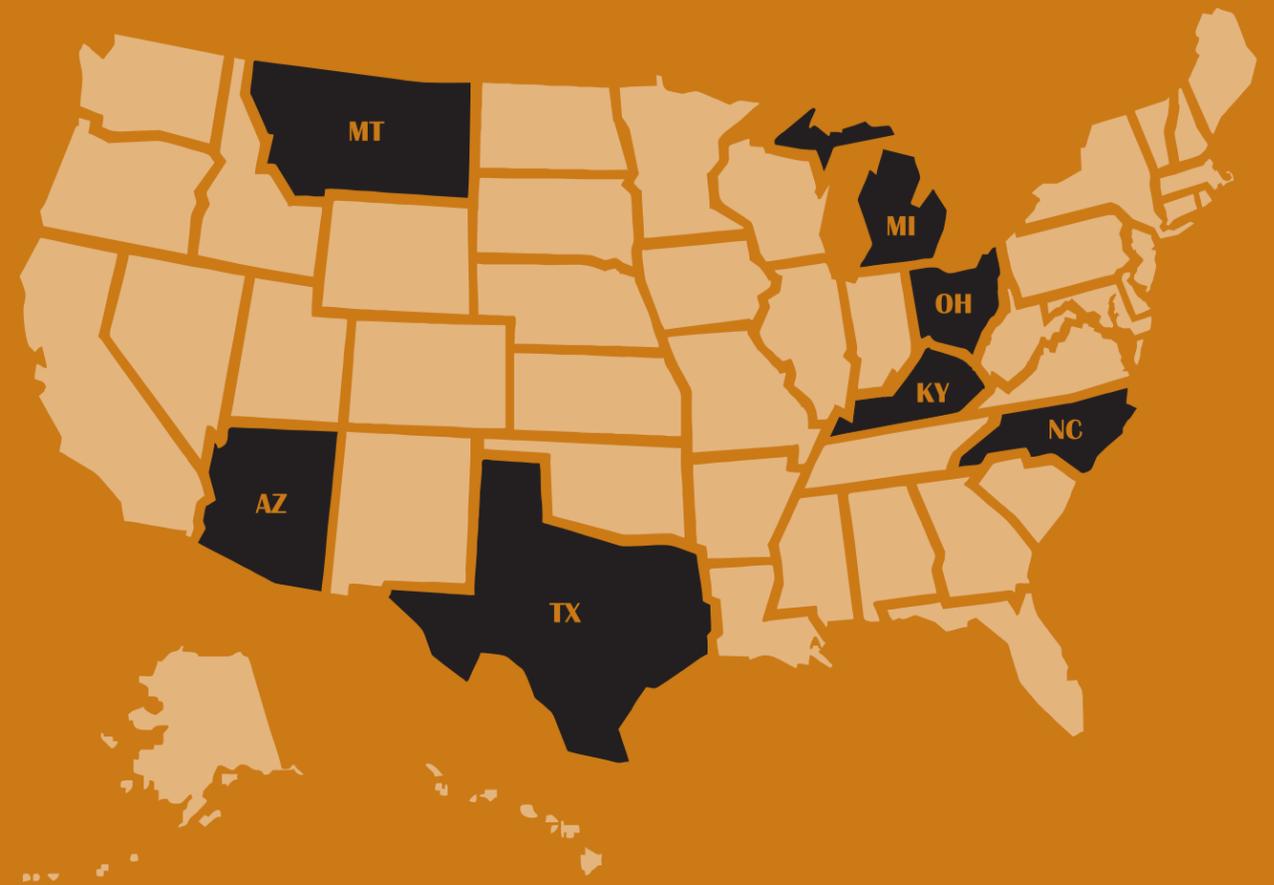
was securing legal research related to the Wisconsin "John Doe"/criminal investigation law, as it paid two other law firms that had made appearances in that criminal investigation.

Ultimately, Prosser voted with other GOP-aligned judges on the Wisconsin Supreme Court to shut down that criminal investigation. Leo and JEP were not ever named as a target of Wisconsin prosecutors.

In its annual report, the Federalist Society wrote: "Wisconsin: a key 2011 focus...The State Courts Project has an excellent track record in Wisconsin. Since 2007, our local volunteers and legal experts have played a valuable role by providing thoughtful commentary and analysis on standard reelection campaigns... This year we sought to build on that success by taking advantage of educational opportunities created by Supreme Court Justice David Prosser's reelection." It also noted that "... their Milwaukee and Madison chapters hosted *Wall Street Journal* columnist John Fund who discussed the election and its impact."



Which States Are They Likely Targeting in 2024?





Arizona

Ruben Gallego, Kari Lake, and others are running for the U.S. Senate seat being vacated by Kyrsten Sinema. The Arizona Supreme Court has six-year terms and two seats up non-partisan retention elections in November.

One of the seats is for the retention of Clint Bolick who has been allied with Leo for years against abortion and affirmative action and for moving funding away from public schools. As the press has widely reported, Bolick's wife Shawna Bolick is a state senator and one of Ginni Thomas' main confederates in state efforts to subvert the 2020 election.

All seven members of the Court were appointed by GOP governors, but with the state's move toward Democrats more slots could open up for Democratic governors to select if incumbents like Bolick are not retained or were to retire. In 2016, Republicans expanded the court from five to seven members to install Bolick and secure a durable right-wing majority there as the state grew more racially, ethnically, and ideologically diverse.



- Clint Bolick has deep ties to Leo's Federalist Society, where he has been a featured speaker more than 70 times and promoted more than 30 of his "commentaries," although the Federalist Society repeatedly asserts it takes no positions on any public policies.
- For decades, Arizona had been a Republican stronghold—until the combination of right-wing extremism, demographic changes, and the advent of Trump swung the state's two U.S. Senate seats, its governorship, and its attorney general to the Democratic Party. Retention elections for judges appointed by governors have attracted little outside spending, but that may change this cycle.



Kentucky

Though the Bluegrass State does not have a U.S. Senate seat open, a court seat there will likely be targeted by right-wing money. Its highest court recently ruled to keep a state abortion ban in place, with retiring Chief Justice Laurance VanMeter, a member of Leo's Federalist Society, in that majority.

In 2023, Leo helped support Daniel Cameron, with the Leo-tied Concord Fund providing \$3.3 million to a new group backing him called "Bluegrass Freedom Action," in his unsuccessful bid to oust Kentucky's Democratic Governor Andy Beshear from office. Beshear vetoed GOP bills to attack trans kids and made gains with suburban voters, beating Cameron by more than five percentage points.

- Cameron had been the Attorney General of Kentucky, and part of the Republican Attorneys General Association (RAGA), whose biggest funder by far since 2014 has been Leo's dark money network. Cameron has also been featured at Federalist Society events as his political power has grown, although the group states it takes no position on public policy issues.



- Notably, in 2022, after the U.S. Supreme Court decision overturning *Roe v. Wade*, RSLC and FCA ran ads backing GOP Rep. Joe Fischer in his failed bid to unseat Michelle Keller from the Kentucky Supreme Court (she won by 5 percentage points). RSLC spent \$375,000 and FCA's Kentucky arm spent \$200,000 backing Fischer. In a fundraising memo earlier in 2022, FCA stated it hoped to raise \$1.6 million for three targeted Kentucky court races.
- Kentucky Right to Life and "The Family Foundation"

(TFF) also backed Fischer for his zealous anti-abortion views. Fischer sponsored the state's 2019 trigger statute banning almost all abortions and with no exception for rape, incest, or risks to future reproductive health. He was also the lead sponsor of an effort to embed that ban in the state's constitution in 2022, which TFF and its coalition, called "Yes to Life," spent over \$1 million backing as "protection" from "activist judges," but voters rejected that too. The Kentucky Judicial Campaign Conduct Committee sanctioned Fischer for running an overtly partisan campaign in an election the state designates as non-partisan and launched an investigation, but he successfully sued to block it in a 2-1 decision by a federal court, with two Trump appointees shutting down the investigation.

- The primary is May 21, 2024, and the nonpartisan general election is on November 5, 2024. Kentucky Supreme Court justices serve eight year terms.
- In Kentucky, supreme court judges do not run state-wide; VanMeter's vacancy is in the 5th District, which includes the city of Lexington and Fayette County, where voters chose Joe Biden over Trump in 2020 by an almost two to one ratio, the biggest Democratic margin in the state.



Michigan

The state has an open U.S. Senate race with Sen. Debbie Stabenow's retirement. There are two seats on the Michigan Supreme Court facing election in 2024. Democratic justices comprise a 4-3 majority on the court, which they gained after the 2020 election. The court has eight-year terms, meaning those who win will likely be there in the next redistricting battle after the 2030 census. Michigan is essential for either major party to win the presidency with its Electoral College votes. In Michigan, instead of a judicial primary, political

parties nominate candidates at a convention. Its nonpartisan general election is November 5, 2024.

- Two seats on the Michigan Supreme Court are up for election. Kyra Harris Bolden is running for re-election and David Viviano recently announced he would not be running for another term. Right-wing legislator Andrew Fink is among those running for a seat on the court.
- Viviano, an alumni of Hillsdale College, was appointed to the bench by Gov. Rick Snyder in 2013 and re-elected in 2014. That year three candidates ran for the court, and the Michigan GOP spent a total of \$3 million. The Michigan GOP received \$700,000 from JCN (now the Concord Fund) between 2014 and 2015.
- Following the 2020 election, the Michigan Supreme Court voted 4-3 to deny a petition to halt the certification of the 2020 election results. Viviano sided with Trump along with two other justices, including Brian Zahra. In 2022, RSLC-JFI spent \$200,000 backing Zahra.
- In 2012, JCN spent \$2 million on Michigan judicial races and gave the Michigan GOP another \$500,000. Another group called "Americans for Job Security" (AJS) spent \$1 million on one of those races; it had previously received funding from the Wellspring Committee, when Wellspring was more closely tied to Koch. Jeff Yass gave to AJS, too.
- Michigan could also see major spending by Dick and Betsy DeVos. Heirs to the AmWay and Prince fortunes, they spent \$4.9 million to try to capture the state supreme court and other offices in 2014, for example. The Michigan Campaign Finance Network has tallied more than \$80 million in DeVos family political contributions between 1999-2017.
- The DeVoses pumped nearly \$3 million into a super PAC backing Tudor Dixon's unsuccessful challenge to Gov. Gretchen Whitmer in 2022. Dick Uihlein was also a major donor to this super PAC.
- In 2016, eight DeVos family members gave \$2,500 to Joan Larsen for Michigan's Supreme Court, after

she was appointed in 2015. Larsen was also on Donald Trump's short-list for the U.S. Supreme Court screened by Leonard Leo. In 2017, Trump appointed her to the U.S. Court of Appeals for the Sixth Circuit, but did not nominate her to replace Ruth Bader Ginsburg and nominated Amy Coney Barrett instead. Larsen clerked on the U.S. Supreme Court for Justice Scalia.



Montana

U.S. Senator Jon Tester is running for re-election. The Montana Supreme Court has seven seats. Two open seats are up for election due to the departures of Chief Justice Mike McGrath and Dirk Sandefur. McGrath is former Democrat attorney general of the state, and Sandefur fended off a strong right-wing attack in 2016.

With a right-wing governor in Greg Gianforte, right-wing money will target the state to try to capture the court. A group called Montanans for a Fair Judiciary, tied to Republican operative Jake Eaton, a former strategist for Attorney General Austin Knudsen, has reportedly already run mailers against Jerry Lynch, who has declared for McGrath's seat. The primary is June 4, 2024, and the nonpartisan general election is November 5, 2024. These are eight-year terms.

The legislature has sought repeatedly to implement a judicial gerrymander as well as other measures to punish and politicize Montana's highest court. Knudsen has assailed the court's rulings that protect the environment and access to abortion.

Knudsen is a member of the Republican Attorneys General Association (RAGA), whose biggest funder has been the Leo-tied Concord Fund and JCN. Two years ago the legislature eliminated the state's judicial nominating commission for court vacancies, a merit selection board, thereby allowing the governor to

make direct appointments. The court upheld that change, 6-1, but Knudsen and the legislature were reprimanded in Justice Jim Rice's opinion.

- Montana has recognized protections for abortion in the state due to a 1999 state supreme court ruling in *Armstrong v. State*. The court unanimously ruled that abortion before the point of viability was protected by the Montana Constitution's right to privacy. Following the *Dobbs* decision, Montanans still have access to abortion, but the issue remains a flashpoint. The Montana Supreme Court recently greenlit a potential amendment to the state constitution that would protect access to abortion that may appear before voters in November. Knudsen had tried to block the measure from appearing on the ballot.

- The religious right has long targeted the state supreme court. The Montana Family Foundation (MFF) is Montana's FPA affiliate, run by Jeff Laszloffy, who has hammered the state court for its rulings on abortion in particular.

- Following the *Dobbs* decision in 2022, Laszloffy told a local news station that one of two paths to prohibit abortion in the state would be to replace the supreme court or amend the constitution. The right-wing controlled legislature has sought to pass a host of anti-abortion bills that have been blocked by the courts.

- In 2022, Justice Ingrid Gustafson withstood a challenge from attorney James Brown. Brown was buoyed by ads by RSLC-JFI with \$150,000 in the primary and \$500,000 in the general election claiming that Gustafson was bad for business. Brown was backed by Gianforte and Knudsen.

- Right-wing operative Jake Eaton also filed ethics complaints on behalf of his group, which has received funding from RSLC, against Gustafson. Eaton reportedly worked closely with GOP Rep. Barry Usher (himself the listed treasurer of RSLC-JFI Montana PAC in older filings) on drafting a bill that would have amounted to a judicial gerrymander in the state by eliminating statewide election of supreme court justices to give more sparsely populated parts of the state disproportionate say

on the state's highest court. Or, as Usher described it, "I think it would help get our supreme court a little more aligned with our electorate," just not the majority of the electorate. RSLC is not a new connection for Eaton. In 2016, Eaton was treasurer of a group attacking Justice Dirk Sandefur that was almost entirely funded by RSLC.

- In 2016, Dirk Sandefur defeated Kristen Juras for an open seat on the court

- Two complaints were filed against groups attacking Sandefur, "StopSetEmFree," and its funder, RSLC-JFI Montana PAC, which failed to report funding the group. According to reports, "The COPP's decision labeled the discrepancy a 'blatant campaign practice failure-to-report violation.'"



North Carolina

The North Carolina Supreme Court is split 5-2 with GOP control. Justice Allison Riggs, who was appointed by Roy Cooper last year, is running for re-election. The general election is November 5. These are partisan elections with eight-year terms.

There will also be a heavily contested race for the Governor's mansion in North Carolina in 2024 to replace two-term Democratic Governor Roy Cooper. North Carolina Attorney General Josh Stein and former North Carolina Supreme Court Justice Michael Morgan are among Democrats running. Lt. Gov. Mark Robinson and state treasurer Dale Folwell are among Republican candidates.

The North Carolina Supreme Court has seen an intense amount of attention and spending from right-wing special interests intent on capturing the court. The right-wing legislature, protected by severely gerrymandered maps that have locked in a

supermajority, has politicized the court. In 2018, North Carolina became the first state in nearly a century to return to partisan elections of judges from nonpartisan elections. Before that 2020 election, Republicans did not dominate the court.

- In 2022, Republicans swept judicial races in the state and took control of the court. A new shell group called True Conservative Judges (TCJ), later branded as "Stop Liberal Judges," began spending on court races in North Carolina.

- TCJ was funded by another group, calling itself the "Good Government Coalition" (GGC), which itself was heavily funded by RSLC and run by former RSLC executives. GGC also gave some funding to Uihlein's FCA in October 2022.

- Republicans in the state legislature and dark money groups tied to them have also assailed Associate Justice Anita Earls, unsuccessfully. She is the only Black woman on that court.

- Multi-millionaire Art Pope has also targeted the court. In 2010, his political machine played a major role in flipping the North Carolina General Assembly, the first time in over a century that both chambers would be under GOP control. RSLC's REDMAP project spent more than \$1.2 million in North Carolina alone.

- In 2012, Pat McCrory, a close ally of Koch's Americans for Prosperity, where Pope has been a board member for years, was elected Governor. McCrory, a Republican, then appointed Pope to lead his transition team. *Facing South* has estimated the Pope family spent \$218,000 and the Pope network spent \$1.4 million.

- Of that spending, Pope's Civitas was involved with \$74,500 supporting re-election of supreme court Justice Paul Newby. It received \$75,000 from the Judicial Crisis Network. RSLC was also extremely active, funneling \$1.5 million to various groups in the state.

- McCrory then named Pope budget director, where Pope prioritized ending North Carolina's public financing program for judicial candidates, a popular and successful system that aimed to help preserve the independence of judges.



Ohio

U.S. Senator Sherrod Brown is running for re-election in this state where millions of voters turned out to successfully protect abortion access in 2023.

Three judges are up for re-election, two of whom are Democrats. Republican Joseph Deters, a close friend of Governor Mike DeWine who was appointed last year, is challenging Democrat incumbent Melody Stewart instead of defending his own seat, in hopes of giving Republicans an even larger partisan edge on the court.

Ohio Republicans followed North Carolina's lead and recently changed the judicial election ballots to force party ID (Justice Jennifer Bruner is challenging the law). The primary is March 19, 2024, and the partisan general election is November 5, 2024. These seats are for six-year terms, through the next next presidential election slated for 2028.

The courts have been a major battleground in Ohio. Three Democrats and the Republican chief justice of the Ohio Supreme Court stood up to the GOP's legislature's demonstrably unfair maps. In response, Republican officials flipped the court to a right-wing majority that supported their own agenda by defying the court seven times and running out the clock through the 2022 elections, when the chief justice retired and Republicans secured a 4-3 majority.

Access to abortion has been a major topic in Ohio. As True North's Ansev Demirhan reported, Leo spent heavily in the 2023 proposition battle through front groups, and those groups have vowed along with GOP legislators to continue to assail access to abortion.

• In past elections, RSLC-JFI and anti-abortion groups like Susan B. Anthony Pro-Life America have campaigned on the state court in Ohio.

• In 2022, when Republicans swept three seats on the high court, RSLC spent \$2 million. In 2020, RSLC spent nearly \$300,000.



Texas

There are contested races in Texas where Leo-backed Ted Cruz is running for re-election and where GOP-aligned judges hold every seat on the Texas Supreme Court. That Court notoriously blocked abortion access for Kate Cox, a mother of two, whose doctors recommended abortion of a non-viable fetus to protect her health and future reproductive capacity.

In March 2024, the Republican primary for Place 4 between Brian Walker and anti-abortion incumbent John Devine was particularly contentious. Walker highlighted a myriad of ethical concerns with Devine, who recently called his other Republicans colleagues on the court "brainwashed." Devine won by just over 15K votes in an election where nearly 2 million votes were cast. According to the Texas Tribune, "For 30 years, Devine has been a stalwart of the religious right. He claimed on the campaign trail that he was arrested 37 times at anti-abortion protests in the 1980s and 1990s, and says church-state separation is a 'myth' that has shrouded America's true Christian roots."

In 2022, Uihlein's FCA listed the state as a priority in a funding proposal and claimed that it spent \$1 million in the supreme court primary.

Three of the nine seats on the Texas Supreme Court are facing elections in 2024, with the general election on November 5, 2024. Texans for Lawsuit Reform (TLR) and the Judicial Fairness PAC, which is heavily funded by TLR, will likely weigh in on these races. TLR and Judicial Fairness PAC have extensive ties to the oil industry and their funders include other major corporations, Harlan Crow, Miriam Adelson, Uihlein, RSLC, and more.

How Have These Forces Been Countered?

3 Big Lessons Learned

1

Focus on Issues That Matter to People, Like Abortion Access

In 2023, the issue of abortion became a major flashpoint in two key state supreme court elections, which would ultimately have a major say in reproductive freedom.

In Wisconsin, Judge Janet Protasiewicz defeated a Federalist Society member, Dan Kelly, who was backed by RSLC, Fair Courts America, and other right-wing groups involved in the culture wars like Uihlein's Women Speak Out PAC and the American Principles Project PAC.

One of the main issues in the race was Wisconsin's archaic 1849 abortion ban, despite the majority of Wisconsinites strongly supporting access to safe and legal abortion.

Kelly's campaign leaned heavily on Uihlein's financial support. Kelly also leaned into his anti-abortion stance: he even appeared at an event headlined by a pastor who had called for killing abortion providers. Protasiewicz took head on the court's decade-long GOP political capture and corruption, which had blocked fair maps. She also recognized legal precedents protecting abortion access.

In addition to the candidates, out-

side groups drew a stark contrast and extolled the importance of the race to securing fair rulings from the state's highest court.

In Pennsylvania later that year, Democrat Daniel McCaffery defeated Republican Carolyn Carluccio for an open seat on the court, giving Democrats a 5-2 majority on the court.

The race was the second-most expensive judicial race in U.S. history, after Wisconsin.

It was a high stakes affair, given that the terms of three justices are up in 2025, all with Democratic roots. As a battleground state, Pennsylvania has been at the epicenter of attacks of voting and election litigation.

There is likely to be a raft of litigation targeting the state ahead of and following the 2024 presidential election as well.

Carluccio ran to the right in the primary, but wiped her website of endorsements by anti-abortion groups going into the general election. In addition to the PA Pro-Life Federation, her campaign benefited from over \$1 million from RSLC-JFI, \$735,000 from Uihlein's Fair Courts America and nearly \$4.5 million from a group funded by Jeff Yass. Good government groups in the state have been pushing back against Yass spending so big in elections.

In sum, the candidates and groups emphasized legal issues and precedents people care passionately about.

2

Forcefully Push Back Against Major False Attacks

In 2018, in Arkansas, state supreme court Justice Courtney Hudson (then Courtney Goodson) faced a barrage of attack spending in her re-election bid.

Two years prior, her campaign for chief justice of the supreme court was unsuccessful after she faced over half a million in ads from the Judicial Crisis Network (JCN, as noted earlier).

JCN spent over half a million dollars in 2018 and RSLC-JFI flooded the state with \$2.6 million in an attempt to knock Hudson off the court in favor of David Sterling.

She had incensed the right-wing with rulings against voter ID restrictions and the business lobby on other cases about damages for injured Arkansans.

The ads by JCN and RSLC featured nearly identical claims about Hudson, which were deemed false and misleading by the nonpartisan Arkansas Judicial Campaign Conduct and Education Committee, an independent judicial election watchdog.

Hudson sued to have the ads pulled off the air with some limited

success at first, but ultimately they were allowed to air.

Despite this loss, the suit brought heightened attention to the coordinated campaign and misinformation being thrown out against her in the race. She labeled her opponent "Dark Money David," and she was re-elected with 55 percent of the vote.

In 2022, incumbent justices Karen Baker and Robin Wynne were also re-elected.

While RSLC and JCN do not appear to have had a presence in those races, there was outside spending by right-wing groups, including a group calling itself "Justice for All," which was led by state representative and former Americans for Prosperity state director David Ray. (Americans for Prosperity is Charles Koch's flagship group for getting votes out in the states.)

Wynne passed away shortly after being elected, and Governor Sarah Huckabee Sanders quickly appointed the state's Republican Party chair as his replacement, in effect giving the right-wing at least a temporary majority on the court.

Courtney Hudson was recently elected to fill that seat, but Gov. Sanders now has the opportunity to make two more appointments to the court, for her vacancy and that of either Justice Rhonda Wood or Karen Baker, both of whom are running for chief justice. This could push the court even further to the right.

3

Defend the Importance of Merit Selection

In Kansas, for decades supreme court justices were screened by a merit selection board for well qualified candidates with records of fairness and good reputations under the "Missouri Plan."

Merit selection for supreme court justices was enshrined in the Kansas constitution in 1958 in response to the notorious "triple play" scandal, where the outgoing Governor devised a scheme to get himself appointed as chief justice of the court during what would have been his last few weeks in office. Kansas voters, angered by this blatant corruption, approved a constitutional amendment requiring merit-selection for state supreme court justices.

Following its success and popularity, the court of appeals adopted merit selection in 1977, too, and many district courts followed suit.

Right-wing forces, including Leo's Federalist Society, Koch's Americans for Prosperity, and the anti-abortion movement have found their agenda repeatedly stymied in the red state, by a state supreme court that has largely asserted

its independence in the face of aggressive pushes by the right-wing to punish or politicize the judiciary.

Merit selection, which insulates the court from this outside pressure, is a major target of these forces. (See Spotlight on Leo, page 31.)

The GOP-controlled legislature has sought to amend the constitution numerous times to give itself or the governor more power over judicial appointments, or even move the state to open elections, where outside special interests can play a large role in influencing who gets a seat.

In 2013, right-wing governor Sam Brownback successfully repealed merit selection for lower court judges and soon after appointed his own former chief counsel, Caleb Stegall, to the Court of Appeals. This served as a launch pad for Brownback later appointing Stegall to the Kansas Supreme Court. Stegall has been the only justice on the Kansas Supreme Court not opposed by anti-abortion groups.

In 2019, the Kansas Supreme Court ruled that the Kansas Constitution guarantees the right to personal autonomy, thus protecting the right to abortion in the Sunflower State.

This ruling inflamed anti-abortion activists who have long attacked the court over rulings related to abortion and school funding. For a decade, Kansans for Life has been trying to replace sitting

justices with new ones picked to outlaw abortion.

(In an interview in the summer of 2014, for example, Kansans for Life's leader, Mary Kay Culp, said "We have a pro-life house and a pro-life senate and a pro-life governor. We pass pro-life legislation—and we get sued. The next frontier is the courts.")

Anti-choice activists have waged a large-scale campaign to overturn the Kansas Supreme Court's 2019 decision following precedents on the right to access abortion. In response, in 2021, the state legislature passed a measure to put an amendment outlawing abortion

on the state ballot in the summer of 2022.

Then the faction that dominates the U.S. Supreme Court overturned *Roe v. Wade* and nearly 50 years of legal precedents in the Dobbs case written by Justice Sam Alito.

The 2022 amendment battle that followed in Kansas drew in \$22 million in spending from both sides.

The main coalition pushing for the ban on abortion used the tagline "Value Them Both." It raised over \$12 million, with heavy funding from the Archdiocese of Kansas City and Kansans for Life.

Other groups affiliated with Leonard Leo were also active on the ground, including Students for Life, where Leo has had a seat on the board. SBA Pro-Life America also claimed to spend almost \$1.5 million, and CatholicVote, which has received nearly \$3 million from the Concord Fund/Judicial Crisis Network since 2019, spent half a million.

A bipartisan coalition, called Kansans for Constitutional Freedom, challenged the right-wing framing and focused on talking about this issue as one of personal choice, and one where right-wing politicians were seeking to undermine the will of most Americans.

What you can do:

- Get involved in efforts to protect fair courts in your state.
- Share information about who is behind efforts to capture state courts to limit our freedoms.
- Speak out in support of systems that ensure your state has well-qualified judges with records of fairness.
- Write to your representatives and local papers about the importance of standing up for truly fair courts.

You can make a real difference!

Conclusion:

State courts play a pivotal role in whether people's freedoms are protected or restricted. For two decades, right-wing operative Leonard Leo and his allies have targeted these vital institutions for capture in order to roll back people's rights, but Americans are increasingly awakening to this threat to our freedoms and coming together to counter that extreme agenda.

Together, we can prevail and secure truly fair courts that protect our freedoms.



For more information about state courts and our freedoms, please contact Evan Vorpahl, Director of True North's State Courts and Democracy project at evan@truenorthresearch.org.

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