

From: Jonathan Wood [<mailto:jw@pacificlegal.org>]
Sent: Tuesday, June 06, 2017 4:30 PM
To: Riggs, Kate M. (OLP) <kmriggs@jmd.usdoj.gov>
Subject: FW: Letter in Support of the Nomination of Damien Schiff to the U.S. Court of Federal Claims

Kate,

Here's Ilya Shapiro and Roger Pilon's letter (Cato Institute). I should have the final version of Ed Meese III's (Heritage), Jim Burling's (PIF) and a few others in the next few days.

Jonathan Wood | [PACIFIC LEGAL FOUNDATION](#)
3033 Wilson Blvd. | Arlington, Virginia 22201 | (202) 888-6881

[SSRN](#) | [Blog](#) | [Twitter](#)

From: Ilya Shapiro [<mailto:IShapiro@cato.org>]
Sent: Tuesday, June 06, 2017 4:25 PM
To: Jonathan Wood <jw@pacificlegal.org>
Subject: FW: Letter in Support of the Nomination of Damien Schiff to the U.S. Court of Federal Claims

fyi

Ilya Shapiro
Senior Fellow in Constitutional Studies,
Editor-in-Chief of the *Cato Supreme Court Review*
Cato Institute
1000 Massachusetts Ave. NW
Washington, DC 20001
tel. (202) 218-4600
cel. (b) (6)
ishapiro@cato.org
Bio/clips: <http://www.cato.org/people/shapiro.html>
Twitter: www.twitter.com/ishapiro
SSRN: <http://ssrn.com/author=1382023>

Cato Supreme Court Review: <http://www.cato.org/supreme-court-review>

Watch our 2016 Constitution Day Conference - Supreme Court Review/Preview: <http://www.cato.org/events/15th-annual-constitution-day>

From: Anthony Gruzdis
Sent: Tuesday, June 06, 2017 4:09 PM
To: (b)(6) - Ted Lehman Email Address (b)(6) - Ted Lehman
(b)(6) - Paige Herwig Email Address (b)(6) - Paige Herwig Email Address
Cc: Roger Pilon <RPilon@cato.org>; Ilya Shapiro <IShapiro@cato.org>
Subject: Letter in Support of the Nomination of Damien Schiff to the U.S. Court of Federal Claims

Please find attached a letter from Roger Pilon and Ilya Shapiro of the Cato Institute in support of the nomination of Damien Schiff to the U.S. Court of Federal Claims.

Thank you,

Anthony Gruzdis
Administrative and Research Assistant, Center for Constitutional Studies
Cato Institute
1000 Massachusetts Ave., NW
Washington, DC 20001
(202) 216-1444
agruzdis@cato.org

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From: Jonathan Wood <jw@pacificlegal.org>
Date: June 9, 2017 at 8:10:11 PM EDT
To: "Kate M. Riggs" <Kate.M.Riggs@usdoj.gov>
Subject: Fwd: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

Here's the letter of support from Ed Meese III.

Jonathan

Sent from my MetroPCS 4G LTE Android device

----- Original message -----

From: "McClellan, Leslie" <Leslie.McClellan@heritage.org>
Date: 6/9/17 6:06 PM (GMT-05:00)
To: Jonathan Wood <jw@pacificlegal.org>
Subject: RE: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

Jonathan,

The emails have been sent to the appropriate staffers and here is a copy as you requested.

Have a great weekend!

Best,
Leslie

Leslie McClellan
Research and Administrative Assistant
Institute for Constitutional Government
The Heritage Foundation

214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6181

heritage.org<<http://heritage.org/>>

From: Jonathan Wood [<mailto:jw@pacificlegal.org>]

Sent: Friday, June 9, 2017 4:16 PM

To: McClellan, Leslie <Leslie.McClellan@heritage.org>

Subject: RE: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

Thanks!

From: McClellan, Leslie [<mailto:Leslie.McClellan@heritage.org>]

Sent: Friday, June 09, 2017 4:16 PM

To: Jonathan Wood <jw@pacificlegal.org<<mailto:jw@pacificlegal.org>>>

Subject: RE: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

Ok. Well, then we will email and I will make sure to get you a copy too.

Leslie McClellan

Research and Administrative Assistant

Institute for Constitutional Government

The Heritage Foundation

214 Massachusetts Avenue, NE

Washington, DC 20002

202-608-6181

heritage.org<<http://heritage.org/>>

From: Jonathan Wood [<mailto:jw@pacificlegal.org>]

Sent: Friday, June 9, 2017 4:15 PM

To: McClellan, Leslie

<Leslie.McClellan@heritage.org<<mailto:Leslie.McClellan@heritage.org>>>

Subject: RE: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

DOJ told me to use those emails, so I assume it's preferred. If you also want to have an intern run over a hard copy, I'm sure that would be fine.

Jonathan Wood | Pacific Legal Foundation<<http://www.pacificlegal.org/>>

3033 Wilson Blvd. | Arlington, Virginia 22201 | (202) 888-6881

SSRN<http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1946453> |

Blog<<http://www.libertarianenvironmentalism.com/>> |

Twitter<https://twitter.com/Jon_C_Wood>

From: McClellan, Leslie [<mailto:Leslie.McClellan@heritage.org>]

Sent: Friday, June 09, 2017 4:14 PM

To: Jonathan Wood <jw@pacificlegal.org<<mailto:jw@pacificlegal.org>>>

Subject: RE: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

Ok. Is that the preferred way or could we have one of our interns run over hard copies?

Leslie McClellan
Research and Administrative Assistant
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6181

heritage.org<<http://heritage.org/>>

From: Jonathan Wood [<mailto:jw@pacificlegal.org>]

Sent: Friday, June 9, 2017 4:12 PM

To: McClellan, Leslie

<Leslie.McClellan@heritage.org<<mailto:Leslie.McClellan@heritage.org>>>

Subject: RE: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

You should address it to both Chairman Grassley and Ranking Member Feinstein. You can email it to their staff at:

Email for Grassley staffer: (b)(6) - Ted Lehman
Email Address

Email for Feinstein staffer: (b)(6) - Paige Herwig
Email Address

Once you've sent it, please email me a copy too so that I can send it to the DOJ attorney shepherding Damien through the confirmation process.

Thanks again for your work on this!

Jonathan Wood | Pacific Legal Foundation<<http://www.pacificlegal.org/>>
3033 Wilson Blvd. | Arlington, Virginia 22201 | (202) 888-6881

SSRN<http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1946453> |
Blog<<http://www.libertarianenvironmentalism.com/>> |
Twitter<https://twitter.com/Jon_C_Wood>

From: McClellan, Leslie [<mailto:Leslie.McClellan@heritage.org>]

Sent: Friday, June 09, 2017 4:09 PM

To: Jonathan Wood <jw@pacificlegal.org<<mailto:jw@pacificlegal.org>>>

Subject: RE: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

Importance: High

Hi Jonathan,

We have the letter already. Is there a particular way that we should get the letter over there?

Thanks,
Leslie

Leslie McClellan
Research and Administrative Assistant
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6181

heritage.org<<http://heritage.org>>

From: Jonathan Wood [<mailto:jw@pacificlegal.org>]

Sent: Thursday, June 8, 2017 10:52 AM

To: McClellan, Leslie

<Leslie.McClellan@heritage.org<<mailto:Leslie.McClellan@heritage.org>>>; Todd F. Gaziano

<TGaziano@pacificlegal.org<<mailto:TGaziano@pacificlegal.org>>>; Meese, Ed

<ed.meese@heritage.org<<mailto:ed.meese@heritage.org>>>

Subject: RE: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

Oops! The hearing will be next Wednesday, June 14th.

From: McClellan, Leslie [<mailto:Leslie.McClellan@heritage.org>]

Sent: Thursday, June 08, 2017 10:51 AM

To: Jonathan Wood <jw@pacificlegal.org<<mailto:jw@pacificlegal.org>>>; Todd F. Gaziano

<TGaziano@pacificlegal.org<<mailto:TGaziano@pacificlegal.org>>>; Meese, Ed

<ed.meese@heritage.org<<mailto:ed.meese@heritage.org>>>

Subject: RE: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

July 14th or June 14th? Just checking!

Leslie McClellan
Research and Administrative Assistant
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6181

heritage.org<<http://heritage.org>>

From: Jonathan Wood [<mailto:jw@pacificlegal.org>]

Sent: Thursday, June 8, 2017 10:50 AM

To: Todd F. Gaziano <TGaziano@pacificlegal.org<<mailto:TGaziano@pacificlegal.org>>>;

Meese, Ed <ed.meese@heritage.org<<mailto:ed.meese@heritage.org>>>; McClellan, Leslie

<Leslie.McClellan@heritage.org<<mailto:Leslie.McClellan@heritage.org>>>

Subject: RE: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

Ed & Leslie: I wanted to let you know that the Judiciary Committee scheduled Damien's hearing last night. It'll be next Wednesday, July 14th.

Jonathan Wood | Pacific Legal Foundation<<http://www.pacificlegal.org/>>

3033 Wilson Blvd. | Arlington, Virginia 22201 | (202) 888-6881

SSRN<http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1946453> |
Blog<<http://www.libertarianenvironmentalism.com/>> |
Twitter<https://twitter.com/Jon_C_Wood>

From: Jonathan Wood
Sent: Wednesday, June 07, 2017 2:26 PM
To: Todd F. Gaziano <TGaziano@pacificlegal.org<<mailto:TGaziano@pacificlegal.org>>>;
Meese, Ed <ed.meese@heritage.org<<mailto:ed.meese@heritage.org>>>; McClellan, Leslie
<Leslie.McClellan@heritage.org<<mailto:Leslie.McClellan@heritage.org>>>
Subject: RE: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

Ed & Leslie: I just wanted to check in to see whether you're still on track to submit the letter this week. Damien's hearing may be as soon as next Wednesday. When you submit the letter, please also send a copy to me so that I can forward it to the DOJ attorney shepherding Damien through the nomination process.

Thanks again for supporting Damien's nomination!

Best regards,

Jonathan Wood | Pacific Legal Foundation<<http://www.pacificlegal.org/>>
3033 Wilson Blvd. | Arlington, Virginia 22201 | (202) 888-6881

SSRN<http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1946453> |
Blog<<http://www.libertarianenvironmentalism.com/>> |
Twitter<https://twitter.com/Jon_C_Wood>

From: Todd F. Gaziano
Sent: Friday, June 02, 2017 11:02 AM
To: Meese, Ed <ed.meese@heritage.org<<mailto:ed.meese@heritage.org>>>; McClellan, Leslie <Leslie.McClellan@heritage.org<<mailto:Leslie.McClellan@heritage.org>>>
Cc: Jonathan Wood <jw@pacificlegal.org<<mailto:jw@pacificlegal.org>>>
Subject: RE: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

Ed,

Thanks so much. What you indicated below is more than sufficient.

Todd

From: Meese, Ed [<mailto:ed.meese@heritage.org>]
Sent: Friday, June 02, 2017 10:47 AM
To: Todd F. Gaziano <TGaziano@pacificlegal.org<<mailto:TGaziano@pacificlegal.org>>>;
McClellan, Leslie <Leslie.McClellan@heritage.org<<mailto:Leslie.McClellan@heritage.org>>>
Cc: Jonathan Wood <jw@pacificlegal.org<<mailto:jw@pacificlegal.org>>>
Subject: RE: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

Todd:

This will confirm receipt of your e-mail and accompanying materials. We plan to get this

out early next week.

We will send blind copies to you and Jonathan Wood. Anyone else?

Best wishes,

Ed

Ed Meese III
Ronald Reagan Distinguished Fellow Emeritus
Chairman, Center for Legal & Judicial Studies
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6180
heritage.org<<http://heritage.org/>>

From: Todd F. Gaziano [TGaziano@pacificlegal.org]
Sent: Friday, June 02, 2017 10:18 AM
To: Meese, Ed; McClellan, Leslie
Cc: Jonathan Wood
Subject: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims
Ed & Leslie: I should have asked below that you confirm receipt of the below before I left for my trip abroad. If you have a moment, please let me know that you have received it and that the timeframe to get a letter finalized next week is feasible. Thanks again.

From: Todd F. Gaziano
Sent: Wednesday, May 31, 2017 9:42 AM
To: 'Meese, Ed' <ed.meese@heritage.org<<mailto:ed.meese@heritage.org>>>
Cc: 'McClellan, Leslie' <Leslie.McClellan@heritage.org<<mailto:Leslie.McClellan@heritage.org>>>; Jonathan Wood <jw@pacificlegal.org<<mailto:jw@pacificlegal.org>>>
Subject: Draft Letter of Support for Damien Schiff for U.S. Court of Federal Claims

Ed,

Thanks again for agreeing to send a letter of support for Damien Schiff's nomination to serve on the U.S. Court of Federal Claims. Attached and below please find my suggested draft for your consideration. As we discussed, it focuses on his public interest law career and the importance of the Sackett case. For your review, please also find:

1. A copy of Damien's resume, also attached.
2. Here is a link to Damien's Senate confirmation questionnaire<<https://www.judiciary.senate.gov/imo/media/doc/Schiff%20SJQ.pdf>> I mention in the draft letter.

- His list of publications and speeches are at pages 5-53
- His ten most important cases are discussed at pages 61-70.

On a personal level, I know you met Damien at least a few times before and after he argued the Sackett case. (b) (6)

(b) (6) He is a great mentor to young attorneys (b) (6) (b) (6)

(b) (6) Among other personal attributes, (b) (6)

(b) (6)

(b) (6) The worst that his detractors will reveal is that he defends property rights and moderation in environmental policy, and as a young attorney, he once made a derisive comment about Justice Kennedy's jurisprudence he will have to explain.

Leslie,

Ed asked me to copy you on the draft letter. We would be grateful if you could help him with edits to the letter, to format it, and to transmit it. It should be addressed to both Chairman Grassley and Ranking Member Feinstein. A recent letter for another nominee copied the following two staffers. I hope you can use the emails to confirm if they are the right recipients for a letter for Damien.

Email for Grassley staffer: (b)(6) - Ted Lehman
Email Address

Email for Feinstein staffer: (b)(6) - Paige Herwig
Email Address

(b) (6) DOJ and committee staff hope that all letters of support could be received either this week or next. Jonathan has worked closely with Damien over recent years, and he is coordinating other letters of support for him. Please contact him if you have any questions in my absence. Thanks for your help in this as well.

Todd

[Personal or Heritage Letterhead]

1 June 2017

The Honorable Charles E. Grassley, Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Office Building
Washington, DC 20510

The Honorable Dianne Feinstein, Ranking Member
Committee on the Judiciary
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Re: Nomination of Damien Schiff to the U.S. Court of Federal Claims

Dear Chairman Grassley and Ranking Member Feinstein:

This letter is in strong support of Damien Schiff's nomination for a 15-year term on the U.S. Court of Federal Claims. Mr. Schiff's public interest law career has been as admirable as it has been successful. His service on the Court of Federal Claims would be especially fitting since he would join the court where he first trained as a lawyer, when he was a judicial law clerk to Judge Victor Wolski. I hope the Judiciary Committee and the Senate will give Mr. Schiff's nomination prompt and favorable consideration.

Mr. Schiff's academic and scholarly credentials are impressive, and they demonstrate his unquestioned commitment to the public interest. The simple list of his published writings, testimony and other public speaking engagements takes up dozens of pages of his Senate Judiciary Committee Questionnaire. Even a small sample of his writings and taped appearances demonstrates his intellectual rigor, even temperament, commitment to the ideals of the legal profession, and unwavering good cheer.

Except for a brief stint of less than a year in a private law firm, Mr. Schiff's entire legal career has been in government service (as a law clerk in the court he now seeks to join) and in pursuit of litigation in the public interest at the Pacific Legal Foundation. At PLF, he has exclusively represented litigants free of charge to vindicate their constitutional and other rights. His work for a public interest law firm that defends property rights makes him uniquely qualified for the Court of Federal Claims, which is the principal court that enforces the Constitution's Takings Clause. A commitment to the Constitution's property rights protections is as essential to judges on the Court of Federal Claims as a commitment to the rule of law is for all judges.

For several years at PLF, Mr. Schiff worked to secure court access for claims of individual right that were denied by the federal government and lower courts. The story of his triumph in the Supreme Court of the United States in *Sackett v. U.S. Environmental Protection Agency* in 2012 is a familiar public interest law struggle.

Although the legal issue fifty years earlier in *Gideon v. Wainwright* (1962) was

quite different, the need for public interest representation to overturn hostile lower court rulings was the same. Numerous district and appellate courts had denied judicial access to individuals facing enforcement actions under the byzantine interpretations of the Clean Water Act.

Mike and Chantell Sackett were preparing a parcel of land for the construction of their home in a heavily developed residential neighborhood when they received a compliance order from the U.S. EPA stating that they had violated the Clean Water Act and needed to remove gravel, plant native vegetation, and take other steps to restore the property—or suffer bankrupting daily fines. They believed the EPA was wrong and didn't have jurisdiction over their residential lot, but both the federal district court in Idaho and the U.S. Ninth Circuit Court of Appeals held that the compliance order could not be challenged in federal courts without first following the order and then seeking a permit from EPA.

When the Supreme Court granted certiorari to hear the Sacketts' case, many of us recognized what an important case it was and we encouraged amici to support the Sacketts. The Heritage Foundation's Legal Center also helped prepare Mr. Schiff for his oral argument in a moot court session in Washington, DC. Heritage also hosted a reception for the Sacketts and Mr. Schiff after his oral argument on January 9, 2012.

As the Committee knows, the High Court unanimously reversed the Ninth Circuit on March 21, 2012, holding that the compliance order issued by the EPA was immediately reviewable in federal court under the Administrative Procedure Act. That Mr. Schiff's highest-profile victory was unanimous (with even Obama's two appointees rejecting the administration's position) demonstrates that Schiff is well within the mainstream and merits support from both sides of the aisle. That landmark precedent has been cited in dozens of federal cases already and contributed significantly to the unanimous victory for the private litigants in *Hawkes v. U.S. Army Corps of Engineers* in 2016.

Mr. Schiff's work has not only created lasting precedents that benefit all Americans, but his victory in *Sackett*, as well as his other litigation and legal advocacy, have served to inspire many other public interest lawyers in their careers. Mr. Schiff also possesses the personal attributes that would make him an outstanding judge.

I wholeheartedly support Mr. Schiff's nomination to the U.S. Court of Federal Claims. Thank you for your time and consideration.

Sincerely,

Edwin Meese III
[Heritage or Former AG Title]

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confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or be a waiver of any applicable privilege as to this communication or otherwise. If you have received this communication in error, please contact the sender at its Internet address above, or by telephone at (916) 419-7111. Thank you.

EDWIN MEESE III
Ronald Reagan Distinguished Fellow

The Honorable Charles E. Grassley, Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Office Building
Washington, DC 20510

9 June 2017

The Honorable Dianne Feinstein, Ranking Member
Committee on the Judiciary
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Re: Nomination of Damien Schiff to the U.S. Court of Federal Claims

Dear Chairman Grassley and Ranking Member Feinstein:

This letter is in strong support of Damien Schiff's nomination for a 15-year term on the U.S. Court of Federal Claims. Mr. Schiff's public interest law career has been as admirable as it has been successful. His service on the Court of Federal Claims would be especially fitting since he would join the court where he first trained as a lawyer, when he was a judicial law clerk to Judge Victor Wolski. I hope the Judiciary Committee and the Senate will give Mr. Schiff's nomination prompt and favorable consideration.

Mr. Schiff's academic and scholarly credentials are impressive, and they demonstrate his unquestioned commitment to the public interest. The simple list of his published writings, testimony and other public speaking engagements takes up dozens of pages of his Senate Judiciary Committee Questionnaire. Even a small sample of his writings and taped appearances demonstrates his intellectual rigor, even temperament, commitment to the ideals of the legal profession, and unwavering good cheer.

Except for a brief stint of less than a year in a private law firm, Mr. Schiff's entire legal career has been in government service (as a law clerk in the court he now seeks to join) and in pursuit of litigation in the public interest at the Pacific Legal Foundation. At PLF, he has exclusively represented litigants free of charge to vindicate their constitutional and other rights. His work for a public interest law firm that defends property rights makes him uniquely qualified for the Court of Federal Claims, which is the principal court that enforces the Constitution's Takings Clause. A commitment to the Constitution's property rights protections is as essential to judges on the Court of Federal Claims as a commitment to the rule of law is for all judges.

For several years at PLF, Mr. Schiff worked to secure court access for claims of individual right that were denied by the federal government and lower courts. The story of his triumph in the Supreme Court of the United States in *Sackett v. U.S. Environmental Protection Agency* in 2012 is a familiar public interest law struggle.

Although the legal issue fifty years earlier in *Gideon v. Wainwright* (1962) was quite different, the need for public interest representation to overturn hostile lower court rulings was the same. Numerous district and appellate courts had denied judicial access to individuals facing enforcement actions under the byzantine interpretations of the Clean Water Act.

Mike and Chantell Sackett were preparing a parcel of land for the construction of their home in a heavily developed residential neighborhood when they received a compliance order from the U.S. EPA stating that they had violated the Clean Water Act and needed to remove gravel, plant native vegetation, and take other steps to restore the property—or suffer bankrupting daily fines. They believed the EPA was wrong and didn't have jurisdiction over their residential lot, but both the federal district court in Idaho and the U.S. Ninth Circuit Court of Appeals held that the compliance order could not be challenged in federal courts without first following the order and then seeking a permit from EPA.

When the Supreme Court granted certiorari to hear the Sacketts' case, many of us recognized what an important case it was and we encouraged amici to support the Sacketts. The Heritage Foundation's Legal Center also helped prepare Mr. Schiff for his oral argument in a moot court session in Washington, DC. Heritage also hosted a reception for the Sacketts and Mr. Schiff after his oral argument on January 9, 2012.

As the Committee knows, the High Court unanimously reversed the Ninth Circuit on March 21, 2012, holding that the compliance order issued by the EPA was immediately reviewable in federal court under the Administrative Procedure Act. That Mr. Schiff's highest-profile victory was unanimous demonstrates that Mr. Schiff is well within the mainstream and merits support from both sides of the aisle. That landmark precedent has been cited in dozens of federal cases already and contributed significantly to the unanimous victory for the private litigants in *Hawkes v. U.S. Army Corps of Engineers* in 2016.

Mr. Schiff's work has not only created lasting precedents that benefit all Americans, but his victory in *Sackett*, as well as his other litigation and legal advocacy, have served to inspire many other public interest lawyers in their careers. Mr. Schiff also possesses the personal attributes that would make him an outstanding judge.

I wholeheartedly support Mr. Schiff's nomination to the U.S. Court of Federal Claims. Thank you for your time and consideration.

Sincerely,



Edwin Meese III
Former Attorney General of the United States

(b) (6)

From: (b) (6)
Sent: Sunday, July 2, 2017 6:58 PM
To: Brand, Rachel (OASG)
Cc: R Brand
Subject: Federal judicial openings
Attachments: CV -- 2017.pdf

Rachel — Thanks for taking the time to speak with me recently. Per our conversation, attached please find my CV. As we discussed, I'm applying for open judgeships (b) (6). I believe I am qualified for (b) (6), and obtaining (b) (6) would be the realization of a professional dream.

(b) (6)

(b) (6)

I am also told that because (b) (6) position and was unable to agree to recommend any of the applicants to the Senators, the White House will decide on its own; this likely means that (b) (6) and extremely well-qualified, will be nominated by the President for the (b) (6).

By way of background, my roots in the Federalist Society are deep. I learned about the Society even before law school, when I read an article in the American Lawyer about the then-new organization, and I (b) (6). I have been an active Federalist Society member ever since, (b) (6). Currently, I (b) (6).

On the political level, I have sought to promote conservative principles through (b) (6).

In addition to (b) (6), I have discussed my application with Leonard Leo, Gene Meyer, Judge Diane Sykes, Paul Clement and others, (b) (6). I have also discussed my application with Greg Katsas, who has been supportive. I understand that both Greg and Leonard have provided my CV to the responsible deputy in the White House counsel's office. Thank you in advance for any assistance you can provide, and please let me know if there is anything further I should do to advance my applications. Best, (b) (6)

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

Hon. Thomas Marcelle

From: Hon. Thomas Marcelle
Sent: Friday, May 11, 2018 11:44 AM
To: Fragoso, Michael (OLP)

Mike

(b) (5) . I left a message. My cell
number is (b) (6)

Thomas Marcelle
Cohoes City Court Judge
97 Mohawk St.
Cohoes, NY 12047
Phone: (518) 453-5501

Additional Letters

A. May 15, 2017 Letter from Judicial Crisis Network:



www.judicialcrisisnetwork.com

May 30, 2017

To Whom It May Concern,

I wanted to send along some information about (b) (6) because I believe (b) (6) is a constitutional conservative who is exactly the type (b) (6) we need serving on the federal judiciary. I met (b) (6) in February at a National Conservatives Conference where we talked at length. (b) (6) has expressed interest in serving on the federal bench and (b) (6) is just the type of person our nation needs to protect and administer the rule of law.

(b) (6)

(b) (6)

(b) (6)

Please let me know if you have any questions.

Regards,

Gary A. Marx
Senior Advisor, Judicial Crisis Network

C. December 19, 2017 Letter from A. Mendenhall to Leonard Leo and Jonathon Bunch:

To: Jonathan Bunch <.....@fed-soc.org>; Leonard Leo <.....@fed-soc.org>

Sent: Monday, December 19, 2016 8:21 AM

Subject [REDACTED] (b) (6)

Leonard and Jonathan,

I wanted to send along some information abo [REDACTED] (b) (6)
[REDACTED] because I belie [REDACTED] (b) (6) is a constitutional conservative who needs to be on FedSoc's radar.
[REDACTED] (b) (6)
[REDACTED] (b) (6) does not get
the appointme [REDACTED] (b) (6) is interested in serving in the federal judiciary.

[REDACTED] (b) (6)

[REDACTED] (b) (6)

[REDACTED] (b) (6)

Please let me know if you have any questions.

Regards,

Allen Mendenhall, M.A., J.D., LL.M., Ph.D.
Associate Dean and Executive Director
The Blackstone and Burke Center for Law and Liberty
Faulkner University Thomas Goode Jones School of Law
5345 Atlanta Highway
Montgomery, Alabama 36109

From: (b) (6) <(b) (6)>
Sent: Friday, May 18, 2018 3:52 PM
To: (b)(6) - Robert Luther Email Address; (b)(6) - Claire Murray Email Address; (b)(6) - Jennifer Dickey Email Address
Robbins, Alexander (OLP) <a Robbins@jmd.usdoj.gov> (b)(6) - Dino LaVerghetta Email Address
Subject: (b) (6)

Dear friends,

I immensely enjoyed (b) (5), and wish it could have lasted. I thought a few updates may be needed.

First, (b) (5), (b) (6)

Next, I'm updating my resume to show that (b) (5), (b) (6)

Next, I follow up on a case (b) (5), (b) (6)

(b) (5), (b) (6)

(b) (5), (b) (6)

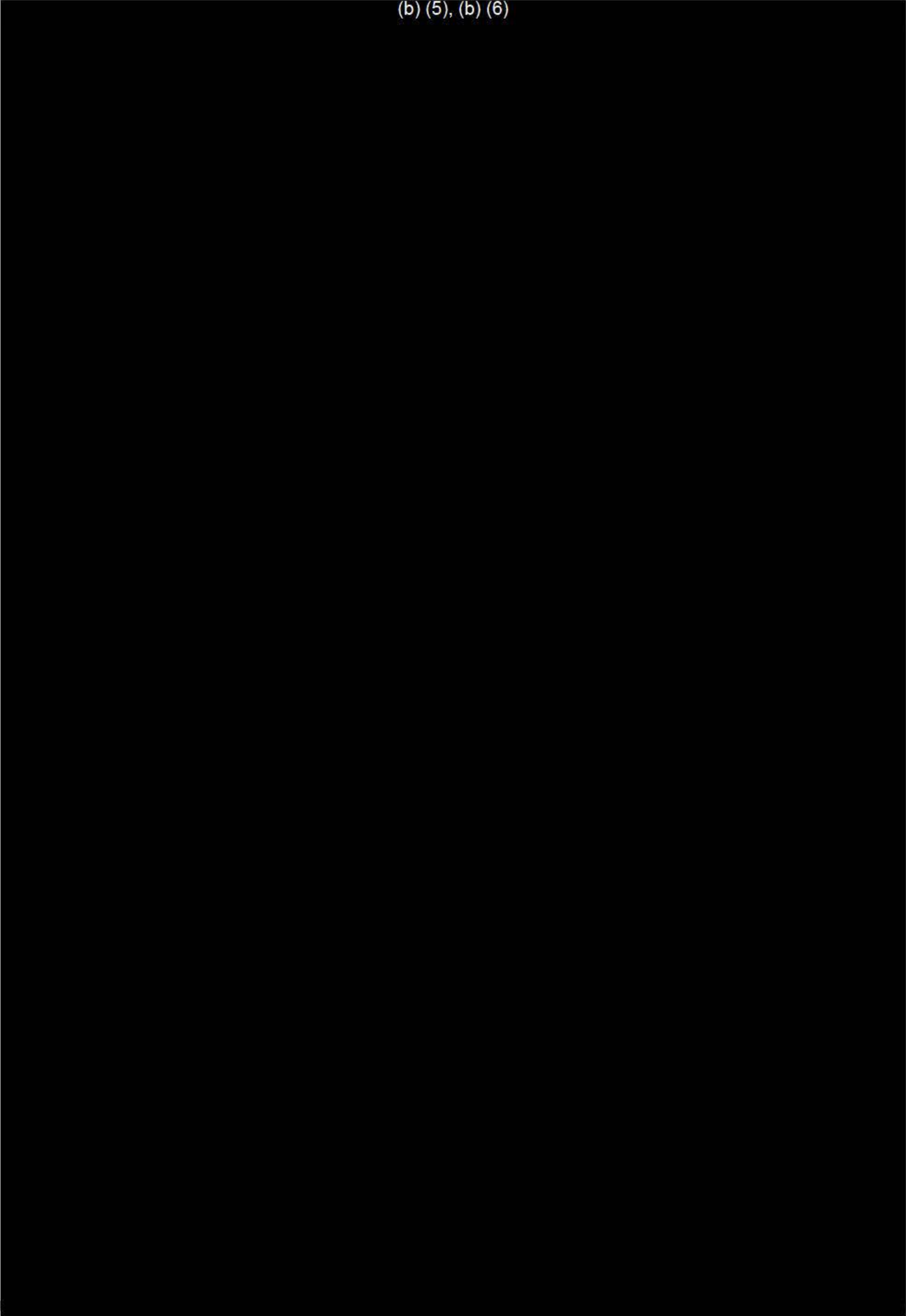
Next, I am rushing some names of folks that might be suitable for contacting. (b) (5), (b) (6)

Finally, please forgive a bit of frivolity. (b) (5), (b) (6)

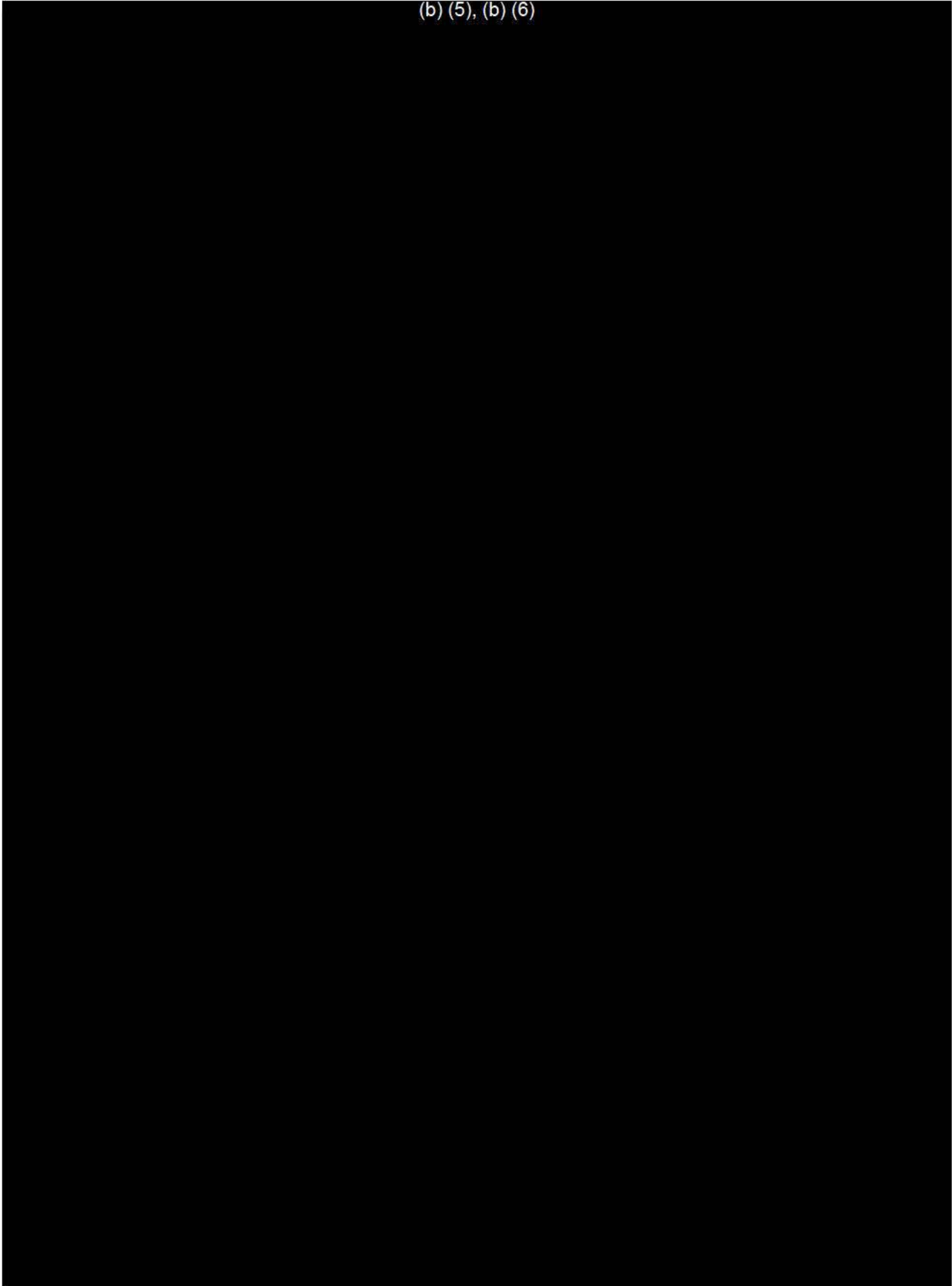
Best, (b) (6)

(b) (5), (b) (6)

(b) (5), (b) (6)



(b) (5), (b) (6)




(b) (6)




(b) (6)

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(b) (5), (b) (6)

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(b) (5), (b) (6)

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THE REMORSELESS RULE LIVES ON!

Of late those who study the law
Have lost that magnificent awe
That was shown for the Rule
That changed lawyers to fools
And was known as Gray's Great Guffaw.

I heard of Hamm and his tale
His will and how it did fail
But the court said the Rule
Was a cumbersome tool
Thus Mister Hamm did prevail!

Lucas v. Hamm, 50 Cal.2d 583

I know of the knights and the "Dukes"
Who with pen, in one fatal swoop,
Cried out, "Don't lose your fee,
Let us all *wait and see*,"
And caused the Rule's ratings to droop.

Dukeminier supports "*wait and see*" doctrine

And our state has turned to *cy pres*
So the court may change what we say,
So we thus save our fee
From old Gray's Great Folly,
For where there's a will there's a way!

But beware ye men of good cheer
Lest allies of Gray do appear
Who just think the Rule grand
As it holds the dead hand
And tell tales so great to hear.

Remember the toddler at play?
And old folks wherever they lay?
With their age they must cope
But the Rule gives them hope,
And says though they cannot, they may!

**Precocious toddler
Fertile octogenarian**

Yes, friends of the Rule do abound
Most anywhere they can be found
And although they confess
That the Rule is a mess
It is there and so we are bound!

I know of a man of some fame
Who does think the Rule is fair game
And does seal our fate
(For he writes *Multistate*)
And cares not for *Lucas v. Hamm*.

And there's a Duke many here know
Who claims that he is a great foe
Of old Gray and his Rules
And all old stupid fools
And does fight with the status quo.

[Dukeminier]

And yet our exam he will write
And dear friends this is our sad plight:
The old Rule will be there
With its darn unborn heir
And the dust we surely will bite.

So though Gray's old Rule might seem ill,
Be careful when writing a will,

Though the Rule is dying
I know it is trying
To spring at our necks for the kill!

(b) (6)

Not Responsive Records

From: Davis, Mike (Judiciary-Rep)

Sent: Wednesday, November 07, 2018 6:06 PM

To: Holmes, Lee (Judiciary-Rep) (b) (6)

Cc: Kenny, Steve (Judiciary-Rep) (b) (6)

Subject: (b) (6)

Now that we picked up 2 or 3 seats, I'd like to push to have (b) (6)

(b) (6) Grassley is onboard with this. Leonard Leo is fully onboard to support (b) (6) from the outside, per my call with Leonard today.

Would Graham be willing to talk to (b) (6) ?

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
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Washington, DC 20510
202-224-(b) (6) (direct)
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