



In this Nov. 16, 2016 file photo, Federalist Society's Leonard Leo speaks to media at Trump Tower in New York. (AP/Carolyn Kaster)



by Michael Sean Winters

[View Author Profile](#)

Follow on Twitter at [@michaelswinters](#)

[\*\*Join the Conversation\*\*](#)

Send your thoughts to *Letters to the Editor*. [Learn more](#)

August 25, 2023

[Share on Facebook](#)[Share on Twitter](#)[Email to a friend](#)[Print](#)

Earlier this week, [Politico reported](#) that Leonard Leo, the Catholic whose efforts to reshape the federal courts in a decidedly more conservative direction bore such enormous fruit during the Trump presidency, is being investigated by Washington, D.C. Attorney General Brian Schwalb. The scope of the investigation is unclear but, [according to previous reporting at Politico](#), the networks of nonprofit organizations Leo has erected in pursuit of his goals had a habit of spending millions of dollars hiring the services of his for-profit firms.

A progressive watchdog group, Campaign for Accountability, [filed a complaint with the IRS](#) regarding the payments received by two of the for-profit firms — BH Group, LLC and CRC Advisors — in April. They noted that the "precise nature of the services provided by these for-profit businesses is difficult to determine because the entities generally do not publicly market, advertise, or even describe their services."

How much are we talking? In 2019, one of Leo's nonprofit outfits, the 85 Fund, paid his for-profit CRC Advisors \$5,881,250 for "consulting." That must have been some advice! Two years later, the gravy train had lengthened and the 85 Fund paid CRC \$21,715,382 for "Consulting/Public Affairs/Advertising."

#### Advertisement

The Federalist Society, where Leo served in a variety of positions, paid CRC \$3.1 million for "media training" between 2020 and 2021. Again, that must have been some darned good training, though it is difficult to measure its effectiveness because Leo so rarely gives interviews.

According to the Campaign for Accountability complaint, a total of \$73 million was exchanged from the nonprofits in which Leo is involved to the for-profits in which he is involved, always for relatively intangible services: "alleged consulting, research, public relations, or similar services," the complaint read.

With that kind of money, you get to hang out at Camp Topridge, the private resort of billionaire Harlan Crow in the Adirondacks, with [Associate Supreme Court Justice](#)

[Clarence Thomas](#). Not that anyone would ever dream of talking about legal matters on such an occasion (wink, wink). Hunting and fishing, nothing more.

To be sure, the questions raised about Thomas' lavish lifestyle on other people's dime are qualitatively different from those being raised here. As I [wrote a few weeks back](#), "The integrity of the Supreme Court justices is a critical part of our constitutional system. Even the appearance of impropriety must be avoided. Such extravagance, on so many occasions, indicates that Thomas may be so comfortable living the high life, he doesn't even see how it looks to the rest of us: fishy."

Leo is a private citizen and is free to campaign for candidates who will appoint more conservative jurists, to groom young, talented conservative lawyers and help further their careers, and to offer former President Donald Trump a list of prospective Supreme Court Justices to appoint. In this great, free country of ours, no one has a right to complain about Leo's political advocacy just because he was successful in producing results we do not like. I have never felt there was anything sinister per se about groups like the Federalist Society, or its liberal counterpart the American Constitution Society, providing networks, mentoring and advocacy.

The effect, however, has been to politicize the courts, in reality and in perception, and that is not a good thing.



President Donald Trump hosts a dinner Sept. 25, 2017, in the Blue Room at the White House in Washington, D.C., with grassroots leaders, Penny Nance, CEO of Concerned Women for America; Tim Phillips, president of the Americans for Prosperity; Matt Schlapp, chairman of the American Conservative Union; Leonard Leo, executive vice president of the The Federalist Society; Ralph Reed, chairman of the Faith & Freedom Coalition; Marjorie Dannenfelser, President of the Susan B. Anthony List; Ed Feulner, Founder and

Still, as long as our nation persists in its foolish approach to campaign financing, and wrongly considers money a form of free speech, there is nothing to be done. When you have all this dark money being exchanged between nonprofits and for-profits, the situation becomes, like Thomas' trips, fishy. And potentially illegal, as the Campaign for Accountability complaint makes clear.

There is also a deeper level at which all this money is corrupting. Ever since Ronald Reagan took office in 1980, the admittedly tired, and flawed, idea of noblesse oblige was abandoned. Trickle down economic theory was a modern iteration of social

Darwinism: The rich are rich because they deserve it, they earned it and the best thing the rich could do for the poor was keep getting richer. Somehow, through the invisible hand of the market, the extra money would lift all boats. The boats never lifted and the rest of us non-rich got to watch "Lifestyles of the Rich and Famous."

Our nation cannot be allowed to become a plutocracy. Those who serve it, in office or by promoting what they think are its highest ideals, muddy their own cause when they appear to cash in personally. It creates cynicism in the public, cynicism that can then be exploited by ideologues of both the left and the right.

I do not know what the D.C. attorney general will find about Leo's business dealings. His lawyers denied all wrong-doing, as lawyers do. But it would be good for the country, and even good for the causes Leo cares about, to throw the book at him if the allegations prove true.