

# LANDMARK

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## Landmark Announces “Angel Family” Representation

**B**oni Driscoll’s 25-year-old daughter Lacy Ferguson was shot in the head by a drive-by shooter and died outside a Modesto, California gas station on August 24, 2003. Lacy’s murderer was in the U.S. illegally and had a long criminal record in the U.S. His criminal past should have led to his removal from the country, but never did.

Landmark Legal Foundation is proud and honored to represent Lacy’s mother and other “Angel Families”—families who have lost a loved one at the hands of an illegal alien. We are representing Sabine Durden, Don Rosenberg, Brian McCann, Judy Zieto, Maureen Maloney, Maureen Laquerre, and Dennis Bixby as “friends of the court” in federal litigation brought by the Sierra Club. The Sierra Club is challenging President Donald Trump’s border security emergency declaration.

Landmark also represents Advocates for Victims of Illegal Alien Crimes (AVIAC), a support organization created by and for these and other Angel Families. AVIAC helps families cope both with their unthinkable loss and with a

legal system that in their experience often treats the criminal better than the victims.

Our goal is to force courts, politicians, and the media to acknowledge the real-world consequences of an insecure border and unregulated immigration. We will counter the phony progressive rhetoric that an open border and illegal aliens do not pose a threat to the American public. In the leading case challenging the Trump Administration’s efforts to secure the southern border, a federal judge in Oakland, California, ruled that the hiking and camping interests of Sierra Club members outweigh the threat to public safety of illegal immigration.

The Trump Administration has appealed the decision and Landmark is lending its support.

It should be obvious that families who are losing their loved ones to individuals living in the U.S. illegally suffer much greater harm than will inconvenienced hikers and campers. But until now, no one was making that case.

*Continued on page 4* ▶



Landmark Legal Foundation is humbled and proud to represent a group of “Angel Families”—families who have lost a loved one at the hands of an illegal alien. Each has lost a child, a sibling, a parent, or other loved one because of an illegal alien’s criminal conduct. These families are from all over the country and stand in the shoes of thousands of other American families.

Landmark is giving a voice to families largely ignored or dismissed by politicians and the media. Our first case relates to the Sierra Club’s challenge of President Donald Trump’s border barrier emergency declaration. In that litigation we are defending the president’s authority to defend the nation’s border. In addition, Landmark is attacking the abusive and increasing trend by federal

district courts to issue orders that extend beyond their jurisdiction.

Landmark’s **voter integrity project** has produced a series of significant complaints to the U.S. Department of Justice. We are working closely with groups on the ground in California and are expanding soon to Arizona and Nevada. Landmark attorneys are partnering with California election integrity activists and farmers in a program designed to prevent illegal voter registration of noncitizens, which is a fast-growing tactic in California’s central valley. Our goal is to educate the public, farmers, and their employees on voter registration laws and their rights and responsibilities.

We continue to participate in U.S. Supreme Court cases addressing important **separation of powers** questions. Landmark remains committed to rolling back *Chevron* deference, which requires federal courts to defer to an administrative agency’s legal interpretation of the statutes they enforce. This violates the separation of powers by depriving courts of their constitutional authority and duty. It also makes federal agency determinations practically impossible to challenge. The Supreme Court is taking up the issue during the current term and Landmark is pressing the Court to roll back *Chevron*.

I invite you to read this newsletter and learn about our latest activities. There is more information on our newly remodeled website, too, at [www.landmarklegal.org](http://www.landmarklegal.org), where you can also join our email list for periodic updates. We are excited about the future and we are very proud to have your support. ■

A handwritten signature in blue ink, appearing to read "Pete Hutchison".

Pete Hutchison, President

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## Edwin Meese III Receives the Presidential Medal of Freedom

**C**ongratulations to Landmark Legal Foundation’s vice-chairman and former United States Attorney General Edwin Meese III on receiving the nation’s highest civilian honor—the Presidential Medal of Freedom. Established by President John F. Kennedy in 1963, the Medal of Freedom is awarded by the President of the United States to individuals who have made exceptional contributions to the security or national interests of America, to world peace, or to cultural or other significant public or private endeavors.

All of us who have had the privilege of working with Ed Meese through his more than half century of public service know that he is a most worthy recipient of this great honor. He was among President Ronald Reagan’s most trusted advisors from the very beginning of his days

as California governor and continuing throughout his presidency.

Ed’s most enduring contribution in government service came during his tenure as the nation’s 75th Attorney General. Since the 1930s, liberal justices on the Supreme Court, appointed by both Republican and Democratic Presidents, moved the nation’s legal system steadily to the left. Ed Meese helped to completely change its trajectory. In one of the most important speeches on the Constitution and the law by a sitting Attorney General, Meese declared that where the language of the Constitution is specific, it must be obeyed. Where there is a demonstrable consensus among the framers and ratifiers as to a principle stated or implied by the Constitution, it should be followed. Where there is ambiguity as to the precise

meaning or reach of a constitutional provision, it should be interpreted and applied in a manner so as to at least not contradict the text of the Constitution itself. Meese made clear that judges should no longer be applauded for changing the clear meaning of words in the Constitution to find the results they wanted.

Thus began the modern Conservative movement’s embrace of “originalism,” which now is the predominant judicial philosophy of most conservative judges from the U.S. Supreme Court to local trial courts. Meese’s speech initiated “The Great Debate,” as it became known, with liberal Justice William Brennan. Justice Brennan, an Eisenhower appointee, argued in defense of the judicial activism that had upended our constitutional system. Their back and forth in a series of speeches is among the most significant in the nation’s understanding of the Constitution’s proper role in our Republic.

We are very proud of our friend and mentor, who has served on Landmark’s board of directors for nearly 30 years. And we congratulate him for this tremendous and richly deserved recognition. ■



## Chairman's Letter



**L**andmark Legal Foundation is among the Conservative Movement's crown jewels—an elite and vital organization with many and varied accomplishments. That is why I have dedicated more than 25-years of my legal career to the Foundation—first as its president and now as chairman of the board of directors. It is also why I encourage you to invest in our great nation's future by investing in Landmark.

With dedication, creativity, and grit, Landmark's small staff carries out the Foundation's mission to protect America's greatest treasure—liberty. We are taking the fight to courthouses and administrative agencies throughout the country. Radical environmentalists, sanctuary city enablers, and voter fraudsters are entrenched at all levels of federal, state, and local government; coast to coast and border to border. And leftist organizations like the Sierra Club, the ACLU, and hundreds of others flood the courts with outrageous lawsuits.

Landmark has always been outmanned and outgunned by organizations on the left. But we have never been outworked and we have never been outsmarted. That's not going to change. We've fought and won against the National Education Association, the Sierra Club, and the ACLU. We've outdueled the U.S. Department of Justice, the Environmental Protection Agency, and the Internal Revenue Service.

What has changed, however, is the hundreds of millions of dollars extremely wealthy leftwing radical billionaires are pouring into *hundreds* of leftist organizations. Their strategy is to overwhelm courts, agencies, and the public with a tidal wave of radical advocacy. Landmark is committed to responding. To do so we need your financial support. Much is at stake and I am proud to ask you to join Landmark's campaign to advance liberty and defeat tyranny. ■

A handwritten signature in blue ink that reads "Mark R. Levin". The signature is fluid and cursive.

Mark R. Levin, Chairman

## Angel Families

A few weeks ago, the Ninth Circuit Court of Appeals, a court notorious for issuing ill-founded opinions that support leftwing causes and legal theories, heard argument in the Administration's appeal.

The case is critical for two reasons: First, if the Sierra Club is successful, it will subject any president to challenges to his or her policy decisions by individuals and special interest groups. Second, the Constitution gives the President the exclusive authority to defend national security generally, and to secure the border in particular. The lower court's decision in the Sierra Club case threatens that exclusive presidential power.

Putting aside the merits of border security for a moment, a significant underlying issue is whether the Sierra Club has standing to sue. Standing is a legal concept relating to an individual's right to bring a lawsuit. The Constitution only gives federal courts the power to hear "cases or controversies." Generally, plaintiffs must prove they have suffered or will suffer an actual or imminent injury that Congress has given Courts jurisdiction to remedy. Federal courts are not designed for people to make general complaints about federal policies.

Landmark's brief also explains the Constitution's design giving the President exclusive authority to conduct foreign policy and provide for border protection. The Framers knew that the original thirteen states could not survive as a single nation if each state had authority to conduct foreign policy and erect state by state border protection policies. The same principles apply to modern issues. The Sierra Club's case threatens to give special interest groups and individual citizens a veto over the President's authority.

The Sierra Club's ACLU attorney told the Ninth Circuit panel that he receives "heart-wrenching" photos from the border every day. He was talking about border barrier construction. We are very proud to represent Americans whom the Sierra Club, ACLU, and liberal federal judges choose to ignore. With your continued financial support, we will fight for families who can only look at photos of their loved ones lost because of a porous border and dangerous sanctuary policies. ■



# Landmark Expanding Voter Integrity Project

**E**lection year 2020 is upon us and the opposition intends to win elections in any way possible. This means creating chaos on Election Day to stifle duly registered voters from casting lawful votes. This means creating voting systems and passing voting laws that create conditions to allow any person, whether they are eligible to vote, to cast a ballot. This means intimidating law-abiding citizens who devote their time and talent into observing the voting process to ensure the accuracy and legitimacy of elections. It is imperative we act before the 2020 election so that all lawfully cast votes are counted!

Several years ago, Landmark recognized the need for conservative organizations to take a leading role in ensuring elections are conducted in a lawful manner. Taking such a role entails investigating instances when state and local election officials fail to uphold voter laws and therefore jeopardize the integrity of elections. Landmark's initial activity in its voter integrity project has focused on California where it has teamed with a state nonprofit group in conducting a wide-ranging investigation in election law violations. Landmark's investigation identified widespread

registration irregularities in the state's voting system which led to over 800,000 provisional ballots cast in the 2018 election. Voters cast these ballots because California election officials failed to ensure their voter registration lists are accurate and up to date.

In short, voter lists in California are filled with the names of noncitizens, duplicate registrations, improper vote-by-mail designations, and non-residents. These inaccuracies resulted in chaos on Election Day. Duly registered voters appeared at their traditional precincts and were informed they were sent a vote-by-mail ballot or they were not properly registered and must cast a provisional ballot. Precincts ran out of their allotment of provisional ballots and turned voters away. Thousands of individuals reported unauthorized changes in their vote-by-mail designation throughout the state.

Using evidence gathered by grass-roots organizers located throughout California, Landmark has filed multiple complaints with the U.S. Department of Justice's Civil Rights Division requesting a federal investigation. California's massive failure to ensure its voter rolls are accurate violates the law and requires immediate

investigation by federal authorities tasked with upholding our nation's election laws.

Yet filing federal complaints is only part of Landmark's voter integrity project. In 2020, Landmark will expand its efforts to other states where it will work to establish partnerships with additional state organizations that monitor and report on election malfeasance.

Additionally, state organizations in California have identified vulnerable populations who are the targets of improper registration activities. Reports suggest that third party groups are targeting migrant populations composed of noncitizens and conducting voter registration activities in these communities. Such activities endanger the migrant populations by exposing noncitizens to potentially felonious conduct. If an individual is not eligible to vote and casts a ballot, he/she can be in violation of the law and will jeopardize any chance for citizenship. Landmark intends to educate vulnerable populations about the law and the dangers associated with illegal registration.

Finally, Landmark is scheduling training seminars for volunteer lawyers and other legal professionals in election and voting law. We are equipping voter integrity advocates with the tools to help ensure elections are fair and accurate; and to confront election officials who fail to do their jobs. ■



# Landmark Urges U.S. Supreme Court to Strike Down Consumer Financial Protection Bureau

**T**he U.S. Supreme Court has agreed to decide whether the Consumer Financial Protection Bureau (CFPB) violates the U.S. Constitution. Landmark Legal Foundation is arguing that the CFPB's structure and funding violates the separation of powers.

This case involves issues that have enormous impact on government: First, the President's power to remove executive branch officials from their jobs; and second, the massive power Congress is increasingly delegating to administrative agencies.

Landmark's brief will explain the history and purpose behind the Framers' design for making all functions of government accountable to the People. Preventing the President from removing individual directors will inevitably lead to unaccountable fiefdoms, particularly in the case of the CFPB, which is led by a single individual director who for all practical purposes cannot be removed by the President.

We think it is critical that the Supreme Court restrict Congress's attempts to limit

the President's removal power. Equally important is the need for the Court to prevent Congress from creating self-funded, unanswerable bureaucracies.

Today, many agencies, such as the Environmental Protection Agency, the Federal Trade Commission, and the Federal Election Commission have the power to conduct investigations, issue regulations, hold hearings and levy fines. This means that they are engaging in executive, legislative and judicial-type functions all at the same time. Concentration of power in this fashion violates the Constitution's separation of powers.

There is a subset of administrative agencies, so-called independent agencies, that are even worse. They are independent because Congress shields them from presidential control. Congress restricts the President's power to remove the agency's leaders without cause. With its creation of the CFPB, Congress has taken this abusive tactic to an unprecedented and dangerous height.

The CFPB case shows how serious the separation of powers issues have

become in Washington. Congress created the CFPB to regulate the nation's consumer finance laws in the wake of the 2008 economic crisis. Congress vested sweeping regulatory power in the CFPB including legislative, judicial, and executive functions.

Alarming, *and for the first time*, Congress put a single person in charge of the Board. This is unlike other federal agencies which are led by multi-member commissions, where the President has a greater opportunity to get at least one of his or her own people appointed during his or her term.

In addition, Congress allows the CFPB to draw its funding automatically and without congressional review, through the Federal Reserve System without oversight from Congress or the Office of Management and Budget in the White House. Congress also placed extraordinary restrictions on the president's power to remove the Board's sole administrator thus limiting the agency's accountability to the President and to the people.

As we have watched the proliferation of administrative agencies, we have seen a decrease in political accountability and personal freedom. *Seila Law* gives the Supreme Court a tremendous opportunity to rein in these abusive and unconstitutional agencies. The case is *Seila Law LLC v. Consumer Finance Protection Board*. Landmark's brief will be filed in December and the Court should hear argument and issue its decision by next June. ■



# William Bradford Reynolds



**L**andmark Legal Foundation mourns the passing of William Bradford Reynolds, the longest serving member of our board of directors. Brad joined the board shortly after the end of the Reagan Administration where he served as the head of the Civil Rights Division at the U.S. Department of Justice. Brad also served as Counselor to Attorney General (and fellow Landmark board member) Edwin Meese III.

During Reynolds' tenure, the Justice Department stopped using racial quotas and other race-based practices. The DOJ was at the forefront of the Reagan Revolution and Brad was indispensable to the cause. His accomplishments were many and his influence sweeping.

Brad Reynolds was a giant in the Conservative legal community, an active and supportive Landmark board member for more than 30 years, and a good friend. We will miss him.

Please take a moment to read Brad's obituary and remember his tremendous contributions to our country. In addition, a tribute to Brad by his longtime friend Terry Eastland, published by our friends at the Center for Equal Opportunity, can be found at [bit.ly/33dXlHV](http://bit.ly/33dXlHV). ■

## BRADFORD REYNOLDS (1942–2019)

REYNOLDS Wm. Bradford Reynolds Of Seabrook Island, SC, lost his battle with cancer and passed away Saturday, September 14, 2019 at age 77. He was born on July 21, 1942 in Bridgeport, Ct. Brad was a graduate of Yale University (B.A. 1964) and Vanderbilt University School of Law (J.D., 1967), where he graduated second in his class and served as Editor-in-Chief of the Vanderbilt Law Review. He was admitted to practice in the State of New York, (1968) and the District of Columbia (1973). He is preceded in death by his father William Glasgow Reynolds, his mother Nancy DuPont Reynolds Cooch, and his sister Katedulwe Glasgow Reynolds. He was survived by his beloved wife, Barbara Lynne Reynolds, his sister Polly McKeever(Stu), Cynthia Farris(Nelson) his four children by a previous marriage, Brad Jr. (Wendy), Melissa Reynolds, Kristina Muldoon (Tom) and Wendy Reynolds, and two step-daughters, Courtney Enright-Moschella and Brooke Netherton (Aaron) as well as many nieces and nephews. Together Brad and Barbara had 11 grandchildren, Canyon and Alia Reynolds, John Neidringhouse, Finnegan, Grace and Elle Muldoon, Max Barbakow, Cassidy Enright, Charlotte Moschella, Adalyn and Levi Netherton. Brad started his legal career in 1967 with the New York City Law Firm of Sullivan & Cromwell, where he practiced for three years before joining the U.S. Department of Justice in 1973 as an Assistant to the Solicitor General of the United States. In 1981, Brad was appointed by President Ronald Reagan to serve as the Assistant Attorney General of the Civil Rights Division in the Department of Justice, and from 1985 through 1988, he simultaneously held the position of Counselor to the Attorney General of the United States. Widely regarded as one of the most influential and effective members of the Reagan Administration, Brad tenaciously advanced the view that, as Brad put it, "discrimination on the basis of race is illegal, immoral, unconstitutional, inherently wrong, and destructive of democratic society." As Counselor to Attorney General Edwin Meese, Brad provided legal and policy advice on critical issues involving all aspects of the Justice Department's activities, and he played a key role in investigating and uncovering the facts that gave rise to the so-called Iran-Contra Affair. After returning to private law practice, he spent the bulk of his career at the international law firm of Baker Botts, where he concentrated on antitrust and appellate litigation. Brad's distinguished career as an appellate specialist included 19 arguments before the United States Supreme Court and multiple appearances before all 13 federal courts of appeals. Brad was an avid golfer and played as often as he could. He loved playing with his group "The Weekend Warriors". In his younger years, Brad was an outstanding tennis player as well as a runner, having run several Marine Corp marathons in Washington, DC. In lieu of flowers, the family requests that donations be made to the Roper St. Francis Cancer Care or the Hospice Cottage, 125 Doughty Street, Suite 790, Charleston, SC 29403 or online at [www.rsfhfoundation.org](http://www.rsfhfoundation.org).

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# Support Landmark Legal Foundation

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is a 501(c)(3) tax exempt organization. Our financial support comes entirely through tax deductible contributions made by thousands of Americans from all 50 states. We appreciate each and every donation we receive and pledge to be trustworthy stewards in advancing the cause of liberty. There are many ways to support our work, including single contributions, monthly donations, and gifts made through planned giving. You may make your donation on our website at [www.landmarklegal.org/donate](http://www.landmarklegal.org/donate), by returning a check in the envelope provided in this newsletter, or other methods such as:

### Gifts of Securities

When making a gift of stock or a mutual fund to Landmark Legal Foundation, not only are you allowed a charitable deduction for the full fair market value (assuming it has been owned longer than a year), you also avoid tax on the capital gain. When making a gift of securities, just be sure to transfer the stock or mutual fund shares directly to the Foundation. **(DO NOT SELL THE SECURITY ON YOUR OWN)**. Consult your financial advisor or institution for more information.

### Gifts from Retirement Accounts

Making a gift from your IRA is a tax wise way for you to support Landmark. To make such a gift, you must be 70 1/2 years of age, and the gift must come directly to us from the IRA custodian. Although no tax deduction is allowed, your distribution does not count as taxable income. A gift from your IRA is also limited to \$100,000 and cannot be used to fund a gift annuity or charitable trust.

### Gifts from Donor Advised Funds

Donor advised funds are becoming increasingly popular. You can create such a fund and receive an immediate charitable deduction and in future years direct a portion of that fund to support your favorite charities. If you presently have a donor advised fund, as the year comes to a close, we invite you to consider a gift to Landmark from that fund.

### Gifts from Estate Plans

A gift to Landmark in your will or trust enables you to support our mission and make a difference in the lives of future generations. Contact your estate planning professional to include or add the Foundation to your estate plan.

#### Our legal title is:

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