

# The Consumer Financial Protection Bureau (CFPB) Is Under Threat In Two Federal Cases Heard By Judges With Ties To Right-Wing “Maestro” Leonard Leo And Pro-industry Pasts

**SUMMARY:** The Consumer Financial Protection Bureau (CFPB), which was created in the wake of the Great Recession to protect consumers from predatory financial service industry actors, has returned “billions” to everyday Americans. The CFPB, a “[frequent target of ire](#)” of conservatives since its creation, now faces new major threats in two federal courts.

Notably, these two cases are being heard by judges with ties to right-wing “[maestro](#)” Leonard Leo. Leo’s “[mission](#)” has been to push the federal judiciary in a conservative direction and to [dominate](#) the Supreme Court—which will likely hear a [new challenge](#) to the CFPB’s constitutionality as a result of one of these two cases.

**October 2022:** The U.S. Court of Appeals for the Fifth Circuit [vacated](#) the CFPB’s 2017 payday lending rule and ruled that the agency’s funding mechanism was unconstitutional. The court’s ruling, which was issued by a panel of three Trump appointees, has far-reaching implications for working-class Americans [most likely to fall prey to predatory lending](#) and is likely to proceed to the [Supreme Court](#).

## Fifth Circuit Court Of Appeals Ties To Leonard Leo:

- The three judges are all members of the conservative Federalist Society. Two received endorsements from the conservative activist Leonard Leo and his network of nonprofits seeking to promote conservative judges as part of his [decades-long mission](#) to reshape the American court system, including the Fifth Circuit.
- Judge Don Willett of Texas [was among the eleven people who appeared on then-candidate Donald Trump’s list of prospective Supreme Court nominees in 2016](#). Leonard Leo, in his capacity as vice president of the Federalist Society, personally curated this list. When Trump ultimately nominated Willett to the Court of Appeals for the Fifth Circuit, Leo [praised his choice](#). Willett also [received an endorsement from the Leo-linked Judicial Crisis Network](#).
- JCN chief counsel Carrie Severino praised Judge Cory T. Wilson when Trump nominated him to the Fifth Circuit. She highlighted in particular Wilson’s [commitment to conservative causes](#).

**September 2022:** A “[powerful alliance of bank trade groups](#),” led by the [U.S. Chamber of Commerce](#), sued the CFPB over its anti-discrimination enforcement practices. U.S. District Judge J. Campbell “Cam” Barker, who is [presiding](#) over the lawsuit, is a [contributor](#) for Leonard Leo’s Federalist Society and has been featured in [multiple events](#) for the group.

In addition to Barker’s ties to the Leo network, an Accountable.US review of Barker’s record has revealed a bias he may hold against the CFPB, with potential conflicts of interest, industry sympathies, and a long history of defending discrimination.

As early as his college days at Texas A&M University, Barker publicly [defended](#) a “[blatantly racist](#)” [cartoon](#) condemned by the school’s president and African-American student coalition—Barker called criticism of the cartoon “[loopy](#).”

**2019-Present—U.S. District Judge for the Eastern District of Texas:**

- In his 2020 judicial financial disclosure, Barker reported owning up to [\\$375,000](#) in stock for six companies that have disclosed membership in the U.S. Chamber, the [lead plaintiff](#) in the lawsuit against the CFPB. One of these companies, ExxonMobil, is also a member of [co-plaintiff](#) the Texas Association of Business.
- Barker sided with [landlords](#) in [striking down](#) the CDC’s pandemic eviction moratorium in an anti-consumer decision—called a “[mélange of libertarian tropes](#)”—that was seen as broad enough to [threaten](#) broader housing discrimination bans.
- When Donald Trump first nominated him to be a U.S. District Judge, Barker was strongly opposed by the [Congressional Hispanic Caucus](#) and the [Leadership Conference on Civil and Human Rights](#). The groups called him a “[conservative ideologue](#)” and cited his “[disregard for justice for communities of color, women, immigrants and LGBTQ Americans](#)” while he was Texas’ Deputy Solicitor General.

**2015-2019—Deputy Solicitor General, Office of the Attorney General of Texas:**

- While Texas’ Deputy Solicitor General, Barker [defended](#) the state’s [discriminatory](#) voter ID law using arguments critical of [disparate impact](#) similar to what the U.S. Chamber is [now using](#) against the CFPB.
- Barker [repeatedly defended](#) businesses’ discrimination against LGBTQ consumers and [defended](#) state efforts to execute a Black man based on a faulty psychological opinion that the Supreme Court later likened to “[toxins](#).”
- Beyond defending discrimination, Barker also backed corporate interests while Texas’ Deputy Solicitor General, taking the same side as CFPB lawsuit plaintiffs in at least two Supreme Court cases. Barker [signed](#) a SCOTUS brief that [sided with](#) CFPB lawsuit co-plaintiffs the American Bankers Association and the Consumer Bankers Association in a case that was called a “[win](#)” for corporate defendants in patent infringement lawsuits. In a separate SCOTUS case, Barker also filed a [brief](#) that sided with the [U.S. Chamber](#) defending raisin producers who tried to [avoid](#) a federal agricultural law.

**2011-2015—Partner and Associate, Yetter Coleman LLP:**

- Barker was a [partner](#) at Yetter Coleman LLP, a law firm that claims to focus on “[high-stakes](#)” cases defending companies in financial services and other industries. The “[representative clients](#)” the firm features on its website includes seven corporations that are members of or have disclosed payments to the U.S. Chamber, three of which are represented on the Chamber’s [board of directors](#).

**Table of Contents**

|   |    |
|---|----|
| <i>U.S. Court of Appeals for the Fifth Circuit</i>                              | 6  |
| <i>U.S. District Judge for the Eastern District of Texas J. Campbell Barker</i> | 13 |

# **Conservative Activist Leonard Leo And His Network Of Right-Wing Nonprofits Endorsed Two Of The Three Fifth Circuit Appeals Court Judges Who Recently Ruled The CFPB's Funding Mechanism Unconstitutional. All Three Are Members Of The Federalist Society.**

**The Conservative Federalist Society Is Led By Right-Wing "Maestro" Leonard Leo And Is Central To His "Mission" To Push The Federal Judiciary In A Conservative Direction.**

**The Federalist Society, Which Is Co-Chaired By Right-Wing "Maestro" Leonard Leo, Has Been Central To Leo's Efforts To Push The Federal Judiciary In A Conservative Direction—The Group Counts Six Of Nine Sitting Supreme Court Justices As Current Or Former Members.**

**Leonard Leo Was Co-Chairman Of The Federalist Society, As Of February 2022.** [The Federalist Society, accessed [02/24/22](#)]

**The Federalist Society "Has Chosen And Helped Confirm All Three Of President Donald Trump's Supreme Court Nominees And Nearly All Of His 53 Appeals Court Judges."** "Barrett is a longtime member of the Federalist Society, the conservative legal organization that has chosen and helped confirm all three of President Donald Trump's Supreme Court nominees and nearly all of his 53 appeals court judges." [Huffington Post, [10/28/20](#)]

**The Federalist Society Counted "Six Of The Nine Sitting Supreme Court Justices" As Current Or Former Members As Of March 2021.** "In a new audiobook, Law School professor explores the rise of the Federalist Society and why its sway may be waning [...] Beginning in the early 1980s, when it was not exactly cool to be a conservative law student, a small group of students started a club, named in honor of The Federalist Papers, where they could safely discuss their right-of-center views. Fast-forward 40 years and six of the nine sitting Supreme Court Justices are current or former members of that club." [The Harvard Gazette, [03/04/21](#)]

- **Headline: The conservative club that came to dominate the Supreme Court** [The Harvard Gazette, [03/04/21](#)]
- **The Six Justices Were Samuel Alito, Clarence Thomas, Brett Kavanaugh, John Roberts, Neil Gorsuch, And Amy Coney Barrett** "Supreme Court Justices with Federalist Society ties: (clockwise from upper left) Samuel Alito, Clarence Thomas, Brett Kavanaugh, John Roberts, Neil Gorsuch, and Amy Coney Barrett." [The Harvard Gazette, [03/04/21](#)]
- **Justices Alito, Thomas, Kavanaugh, Roberts, Gorsuch, And Coney Barrett Were Still On The Supreme Court, As Of November 7, 2022.** [U.S. Supreme Court, accessed [11/07/22](#)]

**Leonard Leo Has "Been On A Mission" To Reshape The Courts For Over Two Decades.** "For two decades, Leo has been on a mission to turn back the clock to a time before the U.S. Supreme Court routinely expanded the government's authority and endorsed new rights such as abortion and same-sex marriage. Now, as President Trump's unofficial judicial adviser, he told the audience at the closed-door event in February that they had to mobilize in 'very unprecedented ways' to help finish the job." [The Washington Post, [05/21/19](#)]

**Leo Has Been "Widely Known As A Confidant To Trump" And "The Maestro Of A Network Of Interlocking Nonprofits" To Support Conservative Judges.** "He is widely known as a confidant to Trump and as executive vice president of the Federalist Society, an influential nonprofit organization for conservative and libertarian lawyers that has close ties to Supreme Court justices. But behind the scenes, Leo is the maestro of a network of interlocking nonprofits working on media campaigns and other initiatives to sway lawmakers by generating public support for conservative judges." [The Washington Post, [05/21/19](#)]

**Leo Has Been One Of Trump's "Most Important Outside Advisors."** "One of President Donald Trump's most important outside advisors assured a group of top Koch network donors over the weekend that the nomination of Brett Kavanaugh to the Supreme Court is just the beginning of an even bigger effort to load up the federal judiciary with conservative judges. This affirmation from the Federalist Society's Leonard Leo, who advised Trump on the Kavanaugh nomination, shows that while the president has been in a war of words with the organization led by billionaire industrialists Charles and David Koch, the administration and the group still have major goals in common – particularly when it comes to the courts." [CNBC, [08/02/18](#)]

**Judge Don Willett Was Among The 11 People On Then-Candidate Trump's First List Of Potential Supreme Court Nominees, Which Was Personally Curated By Leonard Leo.**

**Donald Trump's Campaign Lawyer And Federalist Society Member Don McGahn Came Up With The Idea To Release A List Of Prospective Supreme Court Nominees To Fill The Late Justice Antonin Scalia's Still-Vacant Seat.**

**The List Was Part Of A Strategy To "Reassure The GOP Base" Of Trump's Conservative Bona Fides.** "So McGahn conceived of a list. It would contain the names of people Trump would consider to replace the late Justice Antonin Scalia on the U.S. Supreme Court, one of the most important decisions facing the next president. By releasing the list publicly, Trump could reassure the GOP base." [Chicago Tribune, [7/8/18](#)]

**As Vice President Of The Federalist Society, Leonard Leo Assisted In The Creation Of The List Of Nominees.**

**Leonard Leo Became A Confidante To Candidate Trump, Counseling Him On The Ideological Composition Of The Court And Beliefs Of Individual Justices.** "Leo said he briefed Trump about the current composition of the court, the ideology of the justices and the like." [The Washington Post, [5/21/19](#)]

**The Creation Of The List Was A Step Toward Fulfilling Leo's Dream Of Creating A Ideological Majority In The Federal Court.** "As Leo tells it, Trump was open to one of his long-held goals: A federal court system dominated by conservative judges who believe the Constitution must be interpreted literally." [The Washington Post, [5/21/19](#)]

**The Names That Leo Curated Became The List That Trump Eventually Published.** "Leo later gave the president a list of possible Supreme Court nominees. Trump released the list during the primary campaign, a gesture that helped him win the support of skeptical mainstream Republicans." [The Washington Post, [5/21/19](#)]

- **Don Willett's Name Was On That List.** "On Wednesday, presumptive Republican Party presidential nominee Donald Trump included Willett on a list of 11 people whom Trump would consider nominating to the U.S. Supreme Court if he were elected president." [Texas Tribune, [5/18/16](#)]
- **All The Individuals On The List Were White, And Eight Of The 11 Were Men.** "Mr. Trump's selections consisted of six federal appeals court judges appointed by President George W. Bush and

five state supreme court justices appointed by Republican governors. All are white, and eight of the 11 are men.” [The New York Times, [5/18/16](#)]

**Shortly After The Release Of The List, Trump Praised The Federalist Society And Acknowledged The Group’s Role In Creating The List.** “Trump’s remarks on the Breitbart radio show, however, may be his most explicit statement that he plans to leave judicial selection to movement conservatives. “We’re going to have great judges, conservative, all picked by the Federalist Society,” Trump says, if he is elected president.” [ThinkProgress, [6/15/16](#)]

## **In 2016, Don Willett Was A Conservative Associate Justice On The Supreme Court Of Texas.**

**Willett Was First Appointed To The Texas Supreme Court In 2005 And Was Known For His Conservative Jurisprudence.** “Trump cited Willett’s experience on the state’s top civil court, noting that he was appointed by then-Gov. Rick Perry in 2005 and then re-elected twice... Willett’s inclusion on the list is sure to please many conservatives. Willett worked as an adviser for George W. Bush’s campaigns for governor and president. He has been lauded by Republicans and discussed as an ideal replacement for recently deceased Supreme Court Justice Antonin Scalia. In 2011, U.S. Sen. Ted Cruz of Texas called Willett “a conservative star of the Texas Supreme Court.” Washington Post columnist George Will has sung his praises.” [Texas Tribune, [5/18/16](#)]

## **Trump Eventually Nominated Willett To The Court Of Appeals For The Fifth Circuit In September 2017, Which Elicited Praise From Leo.**

**The Seat Had Sat Empty Since August 2012 Because Texas Senators Cornyn and Cruz Agreed To Not Confirm Judicial Nominees While President Obama Was In Office.** “In 2017, President Donald Trump nominated Don R. Willett, a justice on the Texas Supreme Court, to the U.S. Court of Appeals for the Fifth Circuit to fill the seat vacated by Emilio Garza, who took senior status in 2012. The seat was left open for five years because Senators Cornyn and Cruz would not agree to confirm any Obama nominee to fill the vacancy.” [Alliance For Justice]

**At The Time Of Willett’s Appointment, Leo Released A Statement Praising Trump’s Pick.** “Texas Justice Don Willett and Louisiana attorney and professor Kyle Duncan, in particular, embody President Trump’s commitment to picking judges who have a record of excellence and a commitment to a judicial role that is impartial rather than committed to a particular personal or legal agenda,’ Leo said in a statement. ‘They are held in very high regard by scholars and practicing lawyers across the country, and I am confident they will serve with distinction,’ he continued.” [The Hill, [9/28/17](#)]

## **Judge Don Willett Received Support From The Leo-Linked Judicial Crisis Network During His Nomination To The Fifth Circuit.**

## **The Judicial Crisis Network And Other Conservative Organizations Released A Joint Statement Praising Trump’s Pick For The Federal Bench.**

**Carrie Severino, Chief Counsel And Policy Director For The Judicial Crisis Network, Called Willett And His Fellow Nominees “Exceptional Individuals.”** “Statement from Judicial Crisis Network’s Chief Counsel and Policy Director, Carrie Severino: “I commend the Senate for confirming three of President Trump’s exceedingly well-qualified judicial nominees: Steven Graszo to the 8th Circuit Court of Appeals in Nebraska, and James Ho and Don Willett to the 5th Circuit Court of Appeals in Texas. They will uphold the Constitution and fairly apply the law. As the President continues to nominate exceptional individuals to the federal bench, I look forward to the Senate quickly confirming them to fill the many remaining judicial vacancies so they can serve the public for years to come.” [Judicial Crisis Network]

## **Conservative Group Judicial Crisis Network Was The “Public Face” Of Leo’s Dark Money Network Spending Millions To Confirm Conservative Supreme Court Picks**

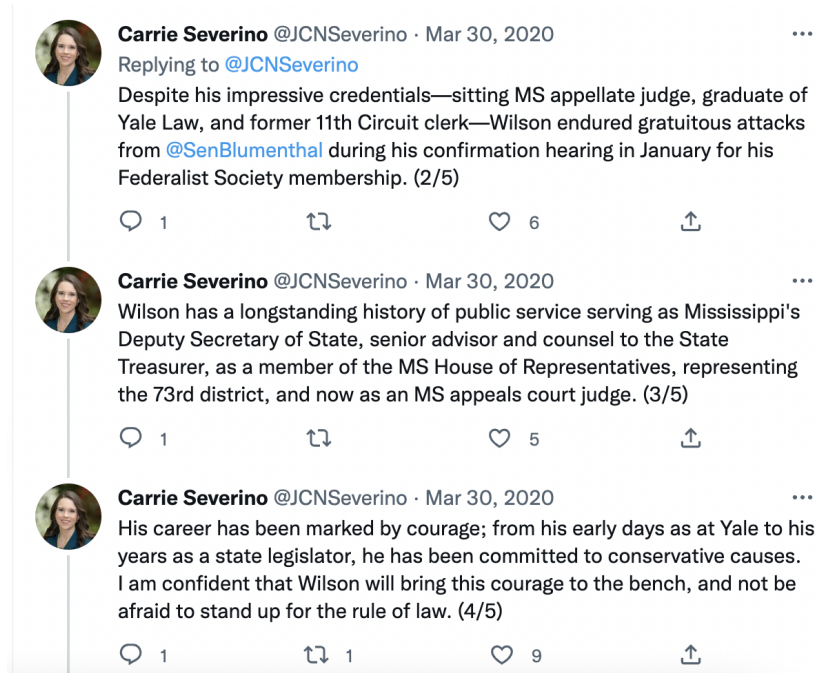
**The Judicial Crisis Network Emerged From A Dinner Party Leonard Leo Attended With Neil Corkery And Late Justice Antonin Scalia And Was Created To Ensure George W. Bush Nominated The Preferred SCOTUS Candidates Of Leo’s Network.** “After the 2004 election, the Judicial Crisis Network (JCN) was conceived at a small dinner party Leo attended with Neil Corkery and others. Justice Antonin Scalia was a guest. Launched as the Judicial Confirmation Network, it was created in anticipation of the Supreme Court vacancies that George W. Bush ultimately filled with Justices John Roberts and Samuel Alito.” [Senate Judiciary Hearing Testimony, [3/10/21](#)]

**Judicial Crisis Network Is the “Public” Face Of A Secretive Network Of Dark Money Groups Spending Millions to Confirm Conservative Supreme Court Picks.** “Judicial Crisis Network, a ‘dark money’ group that operates as the preeminent vehicle for deep-pocketed donors to funnel millions of dollars to support or oppose judicial nominees in Supreme Court confirmation fights, has served as the public face of the network while a web of secretive groups operate behind the scenes.” [Open Secrets, [1/2/20](#)]

- **The Judicial Crisis Network/Concord Fund Is The Sister 501(c)(4) Of 501(c)(3) Group The 85 Fund (FKA The Judicial Education Project.)** “New tax returns reviewed by CRP reveal that Judicial Education Project, JCN’s sister 501(c)(3) nonprofit organization, also paid an additional \$1.3 million to BH Group LLC last year. Judicial Education Fund keeps its donors anonymous but CRP tracked the bulk of the group’s recent funding to DonorsTrust, which accounted for more than 99 percent of its money last year. Like JCN, the Judicial Education Fund has also been funded by Wellspring in prior years. A public records request revealed that Leo and another Federalist Society vice president have also been involved in a nonprofit called the BH Fund.” [Open Secrets, [11/28/18](#)]

**JCN Chief Counsel Carrie Severino Praised Cory T. Wilson When President Trump Nominated Him To The Court Of Appeals For The Fifth Circuit In March 2020.**

**In A Series Of Tweets, Severino Praised Wilson’s Commitment To Conservative Causes.** [Twitter, [3/30/20](#)]



**The Three Judges Who Ruled In The CFPB Case Are All Members Of The Federalist Society.**

**Judges Willett, Wilson, And Engelhardt Are Long-Standing Members Of The Conservative Federalist Society.**

**Judge Willett Most Recently Reported That He Is A Member Of The Federalist Society And On Board Of Advisors For The Group's Austin Lawyers Chapter. [CourtListener, [Financial Disclosure Report For Calendar Year 2020](#)]**

**I. POSITIONS.** *(Reporting individual only; see pp. 9-13 of filing instructions)*

NONE *(No reportable positions.)*

| <u>POSITION</u>             | <u>NAME OF ORGANIZATION/ENTITY</u>  |
|-----------------------------|---|
| 1. Member                   | American Law Institute  |
| 2. Life Fellow              | American Bar Foundation   |
| 3. Life Fellow              | Texas Bar Foundation  |
| 4. Life Fellow              | Austin Bar Foundation   |
| 5. Fellow                   | Texas Supreme Court Historical Society  |
| 6. Chair of Editorial Board | Judicature—The Scholarly Journal for Judges                                   |
| 7. National Advisory Board  | ConSource—The Constitutional Sources Project                                  |
| 8. Advisory Council         | Honors College, Baylor University   |
| 9. Advisory Board           | Harlan Institute  |
| 10. Board of Advisors       | Texas Review of Law & Politics  |
| 11. Board of Advisors       | Federalist Society for Law and Public Policy Studies (Austin Lawyers Chapter) |
| 12. Member                  | Federalist Society for Law and Public Policy Studies                          |

**Judge Wilson Had Joined The Federalist Society's Yale Chapter And Was A Member The Mississippi Chapter At The Time Of His Nomination. [[Senate Judiciary Committee](#)]**

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Mississippi Bar Association (1995 – present)

Madison County Bar Association (2011 – present)

American Inns of Court, Charles Clark Chapter (1997 – 1999; 2019 – present)

Federalist Society, Mississippi Chapter (1996 – 2005 (estimated); 2019 – present)

Capital Area Bar Association (*f/k/a* Hinds County Bar Association) (1996 – 2005; 2006 – 2008)

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(estimated); 2019 – present)

Mississippi Board of Bar Admissions, Character & Fitness Review Committee (2012 – 2014)

Federal Bar Association, Mississippi Chapter (1996 – 2005)

National Delegate (2003 – 2004)

President (2002 – 2003)

President Elect (2001 – 2002)

Treasurer (2000 – 2001)

Federal Practice Seminar Chair (2000 – 2001)

Secretary (1999 – 2000)

Defense Research Institute (1996 – 2005 (estimated))

Mississippi Defense Lawyers Association (1996 – 2005 (estimated))

Jackson Young Lawyers (1996 – 2005)

Chairman, Pro Bono Committee (2004 – 2005)

Chairman, Bench and Bar Committee (2001 – 2002)

American Bar Association (1996 – 1998 (estimated))

Federalist Society, Yale Chapter (1992 – 1995)

**Judge Engelhardt Is A Member Of The Advisory Board Of The New Orleans Chapter Of The Federalist Society.** “Judge Engelhardt is a member of the Advisory Board of the New Orleans Chapter of The Federalist Society; a past member of the United States Judicial Conference Committee on Federal-State Jurisdiction; a member of the Board of Directors (and past president) of the New Orleans Chapter of the Federal Bar Association; a member of the American Judicature Society; and a member of the Federal Circuit Bar Association.” [[The Federalist Society](#)]

**The Fifth Circuit’s Ruling May Force A New Supreme Court Review Of The CFPB’s Constitutionality, While Six Of Nine Justices Are Current Or Former Federalist Society Members.**

**The Fifth Circuit’s Ruling May Force Another Supreme Court Review Of The CFPB’s Constitutionality.**

**The Fifth Circuit’s Ruling Against The CFPB Potentially Sets The Stage For A New Supreme Court Review Of The Bureau’s Constitutionality Just Two Years After The Court “Declined To Find The Entire Agency Unconstitutional.”** “An appeals court ruling that the Consumer Financial Protection Bureau’s funding structure is unconstitutional raises the stakes in a long battle over the agency, potentially setting the stage for a test the Supreme Court sidestepped only two years ago when it declined to find the entire agency unconstitutional. A three-judge panel of the 5th U.S. Circuit Court of Appeals last week vacated a 2017 CFPB payday lending rule, saying the agency’s funding is unconstitutional because it draws money from the Federal Reserve, insulating it from congressional oversight.” [Roll Call, [10/28/22](#)]

- **Headline: Appellate ruling may force another Supreme Court look at CFPB** [Roll Call, [10/28/22](#)]



**The Ruling May Create The Need For Congress To Resolve The Issue Over The Bureau’s Funding, Which The Fifth Circuit Rule Unconstitutional.** “The decision is not only expected to make it harder for the CFPB to enforce rules, at least temporarily, but it also opens up the prospect of widespread disruption in a regulated area of the economy and potentially a need for Congress to step in and resolve the funding issue.” [Roll Call, [10/28/22](#)]

**The Fifth Circuit Ruling, Originally Issued By A Three Judge Panel Of The Circuit, Is Expected To See En Banc Review By The Full Circuit—If The En Banc Review Does Not Fully Reverse The Ruling, It Is More Likely The Case Will Go To The Supreme Court.** “Peterson and other legal experts said the CFPB is expected to ask for a stay to the ruling and for a review by the full 5th Circuit. Such an en banc review could affirm, soften or reverse the decision reached by the three judges. Anything less than a full reversal increases the likelihood that the case will go to the Supreme Court.” [Roll Call, [10/28/22](#)]

## **The Federalist Society Has Come To “Dominate” The Supreme Court, With Six Of Nine Justices As Current Or Former Members Of The Group.**

**The Federalist Society Counted "Six Of The Nine Sitting Supreme Court Justices" As Current Or Former Members As Of March 2021.** "In a new audiobook, Law School professor explores the rise of the Federalist Society and why its sway may be waning [...] Beginning in the early 1980s, when it was not exactly cool to be a conservative law student, a small group of students started a club, named in honor of The Federalist Papers, where they could safely discuss their right-of-center views. Fast-forward 40 years and six of the nine sitting Supreme Court Justices are current or former members of that club." [The Harvard Gazette, [03/04/21](#)]

- **Headline: The conservative club that came to dominate the Supreme Court** [The Harvard Gazette, [03/04/21](#)]
- **The Six Justices Were Samuel Alito, Clarence Thomas, Brett Kavanaugh, John Roberts, Neil Gorsuch, And Amy Coney Barrett** “Supreme Court Justices with Federalist Society ties: (clockwise from upper left) Samuel Alito, Clarence Thomas, Brett Kavanaugh, John Roberts, Neil Gorsuch, and Amy Coney Barrett.” [The Harvard Gazette, [03/04/21](#)]
- **Justices Alito, Thomas, Kavanaugh, Roberts, Gorsuch, And Coney Barrett Were Still In The Supreme Court, As Of November 7, 2022.** [U.S. Supreme Court, accessed [11/07/22](#)]

**Federalist Society-Tied U.S. District Judge J. Campbell Barker, A Trump Nominee Presiding Over The U.S. Chamber’s Lawsuit Against CFPB Anti-Discrimination Enforcement, Has A Long History Of Defending Discrimination And Corporate America**

**U.S. District Judge J. Campbell “Cam” Barker, A Trump Nominee And Former Texas Deputy Solicitor General, Is Presiding Over The U.S. Chamber’s Lawsuit Against The Consumer Financial Protection Bureau’s (CFPB’s) Anti-Discrimination Enforcement Practices.**

**September 2022: The U.S. Chamber Of Commerce And “A Powerful Alliance Of Trade Groups” Isn Suing The Consumer Financial Protection Bureau (CFPB) Over Its Anti-Discrimination Enforcement Practices, With The Chamber Claiming The Bureau Is “Pursuing An Ideological Agenda.”**

**September 2022: “A Powerful Alliance Of Bank Trade Groups” Sued The Consumer Financial Protection Bureau (CFPB), Claiming It Abused Its Power By Requiring Banks To Test On How They “Inadvertently Disadvantage Certain Groups, Including Racial Minorities.”** “On Wednesday, a powerful alliance of bank trade groups sued the Consumer Financial Protection Bureau and its director, Rohit Chopra, in federal court in Texas, claiming Mr. Chopra is abusing his power by forcing banks to submit to regular tests of how their treatment of customers may inadvertently disadvantage certain groups, including racial minorities.” [The New York Times, [09/28/22](#)]

**The Lawsuit Claimed That The CFPB Overstepped Its Authority By Adding “‘Discrimination’ And ‘Disparate Impact’” Criteria To Its Regular Examinations Of Banks And Other Lenders.** “The trade groups are claiming that the C.F.P.B. overstepped the bounds of its duties when it added ‘discrimination’ and ‘disparate impact’ as categories to its regular exams of banks and other lenders under a provision in the Dodd-Frank financial regulation law that bars banks from engaging in ‘unfair, deceptive or abusive acts or practices.’” [The New York Times, [09/28/22](#)]

**The U.S. Chamber Of Commerce Was The Lead Plaintiff In The Lawsuit:**

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA;  
LONGVIEW CHAMBER OF COMMERCE;  
AMERICAN BANKERS ASSOCIATION;  
CONSUMER BANKERS ASSOCIATION;  
INDEPENDENT BANKERS ASSOCIATION  
OF TEXAS; TEXAS ASSOCIATION  
OF BUSINESS; and TEXAS BANKERS ASSOCIATION.

*Plaintiffs,*

[Case 6:22-cv-00381, U.S. District Court for the Eastern District of Texas, [09/28/22](#)]

**In A Press Release About The Lawsuit, U.S. Chamber Chief Policy Officer Neil Bradley Claimed, “The CFPB Is Pursuing An Ideological Agenda.”** “The Consumer Financial Protection Bureau is operating beyond its statutory authority and in the process creating legal uncertainty that will result in fewer financial products available to consumers,” said U.S. Chamber Executive Vice President and Chief Policy Officer Neil Bradley. “The CFPB is pursuing an ideological agenda that goes well beyond what is authorized by law and the Chamber will not hesitate to hold them accountable.” [U.S. Chamber of Commerce, [09/28/22](#)]

- **U.S. Chamber Press Release: U.S. Chamber Sues to Hold Consumer Financial Protection Bureau Accountable to the Rule of Law and Consumers** [U.S. Chamber of Commerce, [09/28/22](#)]

**The U.S. Chamber Of Commerce Claims To Be “The World’s Largest Business Organization.”** “The U.S. Chamber of Commerce is the world’s largest business organization. Our members range from the small businesses and chambers of commerce across the country that support their communities, to the leading industry associations and global corporations that innovate and solve for the world’s challenges, to the emerging and fast-growing industries that are shaping the future.” [U.S. Chamber of Commerce, accessed [10/12/22](#)]

## Judge J. Campbell Barker, The U.S. District Judge Presiding Over The U.S. Chamber's Lawsuit Against The CFPB, Was Nominated By Trump To The U.S. District Court Of The Eastern District Of Texas In 2019 After He Spent Four Years As Texas' Deputy Solicitor General.

Judge J. Campbell Barker Is The Presiding Judge For In A Lawsuit Filed By The U.S. Chamber Of Commerce And "A Powerful Alliance Of Bank Trade Groups" Against The Consumer Financial Protection Bureau's (CFPB's) Antidiscrimination Enforcement:

**6:22-cv-00381-JCB** Chamber of Commerce of the United States of America et al v. Consumer Financial Protection Bureau et al  
J. Campbell Barker, presiding  
**Date filed:** 09/28/2022  
**Date of last filing:** 09/30/2022

[6:22-cv-00381-JCB Case Summary, U.S. District Court, Eastern District of Texas, accessed [10/04/22](#)]

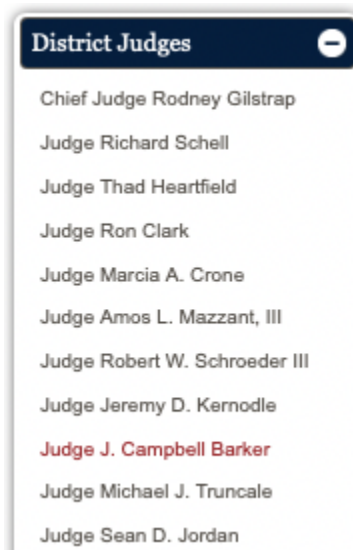
- **September 2022: The U.S. Chamber And "A Powerful Alliance Of Bank Trade Groups" Sued The CFPB, Claiming It Overstepped Its Authority By Adding "Discrimination' And 'Disparate Impact'" Criteria To Its Regular Examinations Of Banks And Other Lenders.** "On Wednesday, a powerful alliance of bank trade groups sued the Consumer Financial Protection Bureau and its director, Rohit Chopra, in federal court in Texas, claiming Mr. Chopra is abusing his power by forcing banks to submit to regular tests of how their treatment of customers may inadvertently disadvantage certain groups, including racial minorities. [...] The trade groups are claiming that the C.F.P.B. overstepped the bounds of its duties when it added 'discrimination' and 'disparate impact' as categories to its regular exams of banks and other lenders under a provision in the Dodd-Frank financial regulation law that bars banks from engaging in 'unfair, deceptive or abusive acts or practices.'" [The New York Times, [09/28/22](#)]

Judge J. Campbell Barker Is One Of 11 Judges In The U.S. District Court Of The Eastern District Of Texas:

### Judge J. Campbell Barker

[Home](#) » [Judges](#) » [District Judges](#)

[U.S. District Court, Eastern District of Texas, accessed [10/03/22](#)]



[U.S. District Court, Eastern District of Texas, accessed [10/03/22](#)]

**Judge Barker Goes By “J. Campbell Barker” And According To His Nomination Questionnaire, Has Gone By “Cam,”:**



## Hon. J. Campbell Barker

United States District Judge, Eastern District of Texas

[The Federalist Society, accessed [10/04/22](#)]

1. **Name:** State full name (include any former names used).

John Campbell (“Cam”) Barker

[U.S. Senate Judiciary Committee, accessed [10/04/22](#)]

**Judge Barker Was Nominated By Donald Trump In January 2019 And Confirmed By The Senate In May 2019:**

### Barker, J. Campbell

Born 1980 in New Orleans, LA

**Federal Judicial Service:**

Judge, U.S. District Court for the Eastern District of Texas

Nominated by Donald J. Trump on January 23, 2019, to a seat vacated by Leonard E. Davis.

Confirmed by the Senate on May 1, 2019, and received commission on May 3, 2019.

[Federal Judicial Center, accessed [10/03/22](#)]

- Judge Barker Was Ultimately Confirmed In A 51 -47 Party Line Vote With No Democrats Voting In His Favor. [U.S. Senate, 05/01/19]

**Judge Barker Stated In His Senate Judiciary Committee Questionnaire, “I Have Not Served As A Judge” Prior To His Nomination:**

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not served as a judge.

[U.S. Senate Judiciary Committee, accessed [10/04/22](#)]

**2015-2019: Judge Barker Was The Deputy Solicitor General For The State Of Texas.** [Federal Judicial Center, accessed [10/03/22](#)]

- **Judge Barker “Presented Ten Appellate Oral Arguments And Drafted Numerous Briefs In Trial And Appellate Courts” While Deputy Solicitor General.** “In 2015, I took a position in the Texas Attorney General’s Office as Deputy Solicitor General. My practice focuses on representing the State of Texas and its agencies and officials in appeals and significant trial-court litigation. In this position, I have

presented ten appellate oral arguments and drafted numerous briefs in trial and appellate courts.” [U.S. Senate Judiciary Committee, accessed [10/04/22](#)]

**2011-2015: Judge Barker Was In Private Law Practice In Houston, Texas.** “Private practice, Houston, Texas, 2011-2015.” [Federal Judicial Center, accessed [10/03/22](#)]

- **Judge Barker Disclosed That His “Typical Clients Were Businesses Involved In Complex Civil Litigation” While He Was In Private Practice.** “In private practice at Yetter Coleman, my typical clients were businesses involved in complex civil litigation. I also handled pro bono matters for a variety of clients, ranging from an individual seeking asylum in an immigration case to law professors in constitutional litigation.” [U.S. Senate Judiciary Committee, accessed [10/04/22](#)]

**2009: Judge Barker Was A Special Assistant U.S. Attorney For The Eastern District Of Virginia.** “Special assistant U.S. attorney, Eastern District of Virginia (on detail), 2009.” [Federal Judicial Center, accessed [10/03/22](#)]

**2007-2011: Judge Barker Was A Trial Attorney For The Criminal Division Of The U.S. Department Of Justice.** “Trial attorney, Criminal Division, U.S. Department of Justice, 2007-2011.” [Federal Judicial Center, accessed [10/03/22](#)]

**2005-2007: Judge Barker Was A Law Clerk For Second Circuit Court Of Appeals Judge John M. Walker And Federal Circuit Judge William C. Bryson.** “Law clerk, Hon. John M. Walker, Jr., U.S. Court of Appeals for the Second Circuit, 2005-2006 [...] Law clerk, Hon. William C. Bryson, U.S. Court of Appeals for the Federal Circuit, 2006-2007.” [Federal Judicial Center, accessed [10/03/22](#)]

**Judge Barker Earned His Undergraduate Degree From Texas A&M University In 2002 And Earned His Law Degree From The University Of Texas School Of Law In 2005:**

**Education:**

Texas A&M University, B.S., 2002

University of Texas School of Law, J.D., 2005

[Federal Judicial Center, accessed [10/03/22](#)]

**Judge Barker Was Born In New Orleans, Louisiana In 1980:**

4. **Birthplace:** State year and place of birth.

1980; New Orleans, Louisiana

[U.S. Senate Judiciary Committee, accessed [10/04/22](#)]

**Consumer Advocates, The National Consumer Law Center, Condemned The Chamber’s Lawsuit As “Outrageous,” Nothing That Consumers Of Color “Have Long Faced Discrimination” And That Banks’ Statements Against Racism Were “Meaningless” When Their Trade Groups Undermine Anti-Discrimination Enforcement.**

**The National Consumer Law Center (NCLC) Condemned The Lawsuit, Stating That “It Is Outrageous These Trade Associations Could Suggest That Discrimination In Any Financial Service Is Not Unfair Or Abusive.”** “A recent lawsuit by industry trade groups, including the U.S. Chamber of Commerce, the American

Bankers Association, and the Consumer Bankers Association, seeks to prevent the Consumer Financial Protection Bureau (CFPB) from using its unfair, deceptive, or abusive acts and practices (UDAAP) authority to combat discriminatory practices in banking and other financial services. It is outrageous these trade associations could suggest that discrimination in any financial service is not unfair or abusive or that the CFPB should not be monitoring the financial industry for discrimination wherever it occurs.” [National Consumer Law Center, [10/07/22](#)]

**The NCLC Noted That “Consumers Of Color Have Long Faced Discrimination And Have Less Access Or More Expensive Access To Financial Products And Services Than White Americans.”** “Consumers of color have long faced discrimination and have less access or more expensive access to financial products and services than white Americans, and this discrimination exists beyond the credit markets covered by fair lending laws. People of color are more likely to be unbanked, to suffer unexplained disparities in credit scores and reports used for purposes beyond credit, and to experience discrimination in multiple areas throughout their financial lives.” [National Consumer Law Center, [10/07/22](#)]

**NCLC Added That Many Banks Represented By The Trade Groups That Filed The Lawsuit Have Denounced Racism, Yet Said Their “Words Are Meaningless When, Hidden Behind Their Trade Associations, Companies Are Seeking To Dismantle Efforts To Detect And Combat Discrimination.”** “Many banks and other companies represented by the organizations suing the CFPB have made public statements denouncing racism and announcing their commitment to eradicating discriminatory practices. We commend those values, but words are meaningless when, hidden behind their trade associations, companies are seeking to dismantle efforts to detect and combat discrimination. We call on banks and the members of the Chamber to be consistent in adhering to the values they espouse by insisting that their associations drop this lawsuit.” [National Consumer Law Center, [10/07/22](#)]

**J. Campbell Barker Is A Contributor For The Federalist Society And Has Been Featured In Multiple Events For The Group, Which Is Co-Chaired By Right-Wing “Maestro” Leonard Leo And Is Central To His “Mission” To Push The Federal Judiciary In A Conservative Direction.**

**J. Campbell Barker Is A Contributor For The Federalist Society And Has Appeared At Multiple Events For The Group, Moderating One And Appearing As A Featured Guest In Another.**

**J. Campbell Barker Was Listed As A Contributor To The Federalist Society, As Of November 7, 2022:**



**Hon. J. Campbell Barker**

United States District Judge, Eastern District of Texas

[The Federalist Society, accessed [10/04/22](#)]

**September 2022: Barker Moderated The Federalist Society’s Eighth Annual Texas Chapters Conference:**



[...]

- **Moderator: Hon. J. Campbell Barker**, U.S. District Court, Eastern District of Texas

[The Federalist Society, [09/23/22](#)]

May 2022: Barker Was A Featured Guest At A Federalist Society Event Titled “View From The Bench,” For Its Dallas Lawyers Chapter:

## View From the Bench

Dallas Lawyers Chapters

May  
11  
2022

Sponsors: Dallas Lawyers Chapter

[...]

Featuring:

- **Hon. J. Campbell Barker**, U.S. District Judge, Eastern District of Texas

[The Federalist Society, [05/11/22](#)]

**The Federalist Society, Led By Right-Wing “Maestro” Leonard Leo, Has Been Central To Leo's Efforts To Push The Federal Judiciary In A Conservative Direction—The Group Counts Six Of Nine Sitting Supreme Court Justices As Current Or Former Members.**

Leonard Leo Was Co-Chairman Of The Federalist Society, As Of February 2022. [The Federalist Society, accessed [02/24/22](#)]

The Federalist Society "Has Chosen And Helped Confirm All Three Of President Donald Trump's Supreme Court Nominees And Nearly All Of His 53 Appeals Court Judges." "Barrett is a longtime member of the Federalist Society, the conservative legal organization that has chosen and helped confirm all three of President Donald Trump's Supreme Court nominees and nearly all of his 53 appeals court judges." [Huffington Post, [10/28/20](#)]

**The Federalist Society Counted "Six Of The Nine Sitting Supreme Court Justices" As Current Or Former Members As Of March 2021.** "In a new audiobook, Law School professor explores the rise of the Federalist Society and why its sway may be waning [...] Beginning in the early 1980s, when it was not exactly cool to be a conservative law student, a small group of students started a club, named in honor of The Federalist Papers, where they could safely discuss their right-of-center views. Fast-forward 40 years and six of the nine sitting Supreme Court Justices are current or former members of that club." [The Harvard Gazette, [03/04/21](#)]

- **Headline: The conservative club that came to dominate the Supreme Court** [The Harvard Gazette, [03/04/21](#)]
- **The Six Justices Were Samuel Alito, Clarence Thomas, Brett Kavanaugh, John Roberts, Neil Gorsuch, And Amy Coney Barrett** "Supreme Court Justices with Federalist Society ties: (clockwise from upper left) Samuel Alito, Clarence Thomas, Brett Kavanaugh, John Roberts, Neil Gorsuch, and Amy Coney Barrett." [The Harvard Gazette, [03/04/21](#)]
- **Justices Alito, Thomas, Kavanaugh, Roberts, Gorsuch, And Coney Barrett Were Still In The Supreme Court, As Of November 7, 2022.** [U.S. Supreme Court, accessed [11/07/22](#)]

**Leonard Leo Has "Been On A Mission" To Reshape The Courts For Over Two Decades.** "For two decades, Leo has been on a mission to turn back the clock to a time before the U.S. Supreme Court routinely expanded the government's authority and endorsed new rights such as abortion and same-sex marriage. Now, as President Trump's unofficial judicial adviser, he told the audience at the closed-door event in February that they had to mobilize in 'very unprecedented ways' to help finish the job." [The Washington Post, [05/21/19](#)]

**Leo Has Been "Widely Known As A Confidant To Trump" And "The Maestro Of A Network Of Interlocking Nonprofits" To Support Conservative Judges.** "He is widely known as a confidant to Trump and as executive vice president of the Federalist Society, an influential nonprofit organization for conservative and libertarian lawyers that has close ties to Supreme Court justices. But behind the scenes, Leo is the maestro of a network of interlocking nonprofits working on media campaigns and other initiatives to sway lawmakers by generating public support for conservative judges." [The Washington Post, [05/21/19](#)]

**Leo Has Been One Of Trump's "Most Important Outside Advisors."** "One of President Donald Trump's most important outside advisors assured a group of top Koch network donors over the weekend that the nomination of Brett Kavanaugh to the Supreme Court is just the beginning of an even bigger effort to load up the federal judiciary with conservative judges. This affirmation from the Federalist Society's Leonard Leo, who advised Trump on the Kavanaugh nomination, shows that while the president has been in a war of words with the organization led by billionaire industrialists Charles and David Koch, the administration and the group still have major goals in common – particularly when it comes to the courts." [CNBC, [08/02/18](#)]

**In His 2020 Financial Disclosure, J. Campbell Barker Reported Owning Up To \$375,000 In Stock For Six Companies That Have Disclosed Membership In The U.S. Chamber Of Commerce, The Lead Plaintiff In The CFPB Lawsuit. One Company, ExxonMobil, Is Also A Member Of Lawsuit Co-Plaintiff The Texas Association Of Business.**



**J. Campbell Barker Disclosed Owning Up To \$265,000 In Stock For Texas Instruments Inc. In 2020, Which Disclosed Membership In The China Center of The U.S. Chamber Of Commerce, The Lead Plaintiff In The Lawsuit Against The CFPB.**

**In His 2020 Financial Disclosure, J. Campbell Barker Disclosed Owning \$15,000 Or Less In Stock For Texas Instruments Inc., Earning \$1,000 Or Less In Dividends In Calendar Year 2020:**

| A<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B<br>Income during<br>reporting period |   | C<br>Gross value at end<br>of reporting period |   |
|--|--|---|--|---|
|  | (1)<br>Amount<br>Code 1<br>(A-H)       | (2)<br>Type (e g ,<br>div , rent,<br>or int ) | (1)<br>Value<br>Code 2<br>(J-P)                | (2)<br>Value<br>Method<br>Code 3<br>(Q-W) |

[...]

|    |                                |   |          |   |   |
|----|--------------------------------|---|----------|---|---|
| 7. | - Texas Instruments Inc. stock | A | Dividend | J | T |
|----|--------------------------------|---|----------|---|---|

[CourtListener, [04/18/21](#)]

|   |   |  |   |   |                                |
|---|---|--|---|---|--------------------------------|
| 1 Income Gain Codes:<br>(See Columns B1 and D4) | A =\$1,000 or less<br>F =\$50,001 - \$100,000   | B =\$1,001 - \$2,500<br>G =\$100,001 - \$1,000,000   | C =\$2,501 - \$5,000<br>H1 =\$1,000,001 - \$5,000,000       | D =\$5,001 - \$15,000<br>H2 =More than \$5,000,000  | E =\$15,001 - \$50,000         |
| 2 Value Codes<br>(See Columns C1 and D3)        | J =\$15,000 or less<br>N =\$250,001 - \$500,000 | K =\$15,001 - \$50,000<br>O =\$500,001 - \$1,000,000 | P1 =\$1,000,001 - \$5,000,000<br>P4 =More than \$50,000,000 | L =\$50,001 - \$100,000<br>M =\$100,001 - \$250,000 | P2 =\$5,000,001 - \$25,000,000 |
| 3 Value Method Codes<br>(See Column C2)         | Q =Appraisal<br>U =Book Value                   | R =Cost (Real Estate Only)<br>V =Other               | S =Assessment<br>W =Estimated                               | T =Cash Market                                      |                                |

[CourtListener, [04/18/21](#)]

**In His 2020 Financial Disclosure, J. Campbell Barker Disclosed Owning \$100,001-\$250,000 In Stock For Texas Instruments, Earning \$2,501-\$5,000 In Dividends In Calendar Year 2020:**

| A<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B<br>Income during<br>reporting period |   | C<br>Gross value at end<br>of reporting period |   |
|--|--|---|--|---|
|  | (1)<br>Amount<br>Code 1<br>(A-H)       | (2)<br>Type (e g ,<br>div , rent,<br>or int ) | (1)<br>Value<br>Code 2<br>(J-P)                | (2)<br>Value<br>Method<br>Code 3<br>(Q-W) |

[...]

|     |                           |   |          |   |   |
|-----|---------------------------|---|----------|---|---|
| 37. | - Texas Instruments stock | C | Dividend | M | T |
|-----|---------------------------|---|----------|---|---|

[CourtListener, [04/18/21](#)]

|   |  |  |  |  |                        |
|---|--|--|--|--|------------------------|
| 1 Income Gain Codes:<br>(See Columns B1 and D4) | A =\$1,000 or less<br>F =\$50,001 - \$100,000                                      | B =\$1,001 - \$2,500<br>G =\$100,001 - \$1,000,000   | C =\$2,501 - \$5,000<br>H1 =\$1,000,001 - \$5,000,000                                  | D =\$5,001 - \$15,000<br>H2 =More than \$5,000,000         | E =\$15,001 - \$50,000 |
| 2 Value Codes<br>(See Columns C1 and D3)        | J =\$15,000 or less<br>N =\$250,001 - \$500,000<br>P3 =\$25,000,001 - \$50,000,000 | K =\$15,001 - \$50,000<br>O =\$500,001 - \$1,000,000 | L =\$50,001 - \$100,000<br>P1 =\$1,000,001 - \$5,000,000<br>P4 =More than \$50,000,000 | M =\$100,001 - \$250,000<br>P2 =\$5,000,001 - \$25,000,000 |                        |
| 3 Value Method Codes<br>(See Column C2)         | Q =Appraisal<br>U =Book Value  | R =Cost (Real Estate Only)<br>V =Other               | S =Assessment<br>W =Estimated  | T =Cash Market   |                        |

[CourtListener, [04/18/21](#)]

**On Its Industry Associations Page, Texas Instruments Inc. Disclosed Membership In The U.S. Chamber Of Commerce China Center, As Of November 3, 2022.** [Texas Instruments, accessed [11/03/22](#)]

**The U.S. Chamber Of Commerce China Center Is A Part Of The U.S. Chamber Of Commerce's Asia Program.** [U.S. Chamber of Commerce, accessed [11/08/22](#)]

**The U.S. Chamber's China Program "Conducts Programs With Chinese And U.S. Government, Corporate, And Association Stakeholders On The Important Role Of American Business In China's Efforts To Build An Innovative Economy."** "The China program addresses challenges in the emerging areas of Chinese standards, competition, government procurement, and patent policies. It conducts programs with Chinese and U.S. government, corporate, and association stakeholders on the important role of American business in China's efforts to build an innovative economy." [U.S. Chamber of Commerce, accessed [11/03/22](#)]

**The U.S. Chamber Of Commerce Was The Lead Plaintiff In The Lawsuit Against The CFPB:**

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA; LONGVIEW CHAMBER OF COMMERCE; AMERICAN BANKERS ASSOCIATION; CONSUMER BANKERS ASSOCIATION; INDEPENDENT BANKERS ASSOCIATION OF TEXAS; TEXAS ASSOCIATION OF BUSINESS; and TEXAS BANKERS ASSOCIATION.

*Plaintiffs,*

[Case 6:22-cv-00381, U.S. District Court for the Eastern District of Texas, [09/28/22](#)]

**In 2020, J. Campbell Barker Disclosed Owning Up To \$50,000 In Stock For Entergy Corp., Which Reported 2021 Membership In The U.S. Chamber Of Commerce, The Lead Plaintiff In The Lawsuit Against The CFPB.**

**In His 2020 Financial Disclosure, J. Campbell Barker Disclosed Owning Between \$15,001-\$50,000 In Stock For Entergy Corp. And Earning \$1,000 Or Less In Dividends In Calendar Year 2020:**

| A<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B<br>Income during<br>reporting period |  | C<br>Gross value at end<br>of reporting period |                                    |
|--|--|--|--|------------------------------------|
|  | (1)                                    | (2)                                    | (1)  | (2)                                |
|  | Amount<br>Code 1<br>(A-H)              | Type (e g ,<br>div , rent,<br>or int ) | Value<br>Code 2<br>(J-P)                       | Value<br>Method<br>Code 3<br>(Q-W) |

[...]

|                           |   |          |   |   |
|---------------------------|---|----------|---|---|
| 30. - Entergy Corp. stock | A | Dividend | K | T |
|---------------------------|---|----------|---|---|

[CourtListener, [04/18/21](#)]

|   |  |  |  |  |                        |
|---|--|--|--|--|------------------------|
| 1 Income Gain Codes:<br>(See Columns B1 and D4) | A =\$1,000 or less<br>F =\$50,001 - \$100,000                                      | B =\$1,001 - \$2,500<br>G =\$100,001 - \$1,000,000   | C =\$2,501 - \$5,000<br>H1 =\$1,000,001 - \$5,000,000                                  | D =\$5,001 - \$15,000<br>H2 =More than \$5,000,000         | E =\$15,001 - \$50,000 |
| 2 Value Codes<br>(See Columns C1 and D3)        | J =\$15,000 or less<br>N =\$250,001 - \$500,000<br>P3 =\$25,000,001 - \$50,000,000 | K =\$15,001 - \$50,000<br>O =\$500,001 - \$1,000,000 | L =\$50,001 - \$100,000<br>P1 =\$1,000,001 - \$5,000,000<br>P4 =More than \$50,000,000 | M =\$100,001 - \$250,000<br>P2 =\$5,000,001 - \$25,000,000 |                        |
| 3 Value Method Codes<br>(See Column C2)         | Q =Appraisal<br>U =Book Value  | R =Cost (Real Estate Only)<br>V =Other               | S =Assessment<br>W =Estimated  | T =Cash Market   |                        |

[CourtListener, [04/18/21](#)]

**Entergy Disclosed Membership In The U.S. Chamber Of Commerce In 2021, Paying \$62,500 In Dues That Year.** “Entergy is a member of certain trade associations that may use a portion of their membership dues for lobbying and/or political expenditures. Listed below are the trade associations that Entergy and its

subsidiaries paid dues of \$50,000 or more to in 2021 and the portion of those dues identified by those entities that were used for lobbying and/or political expenditures and were not deductible under Section 162(e)(1) of the Internal Revenue Code.” [Entergy Corp., accessed [11/03/22](#)]

| Name of Recipient  | Portion of Dues Not Deductible |
|--|--------------------------------|
| Arkansas State Chamber of Commerce/Associated Industries of Arkansas | \$12,600                       |
| Association of Electric Companies of Texas                           | \$93,750                       |
| Edison Electric Institute  | \$338,751                      |
| Emergency Workers Assistance Center                                  | \$690                          |
| U.S. Chamber of Commerce   | \$62,500                       |

[Entergy Corp., accessed [11/03/22](#)]

**The U.S. Chamber Of Commerce Was The Lead Plaintiff In The Lawsuit Against The CFPB:**

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA; LONGVIEW CHAMBER OF COMMERCE; AMERICAN BANKERS ASSOCIATION; CONSUMER BANKERS ASSOCIATION; INDEPENDENT BANKERS ASSOCIATION OF TEXAS; TEXAS ASSOCIATION OF BUSINESS; and TEXAS BANKERS ASSOCIATION.

*Plaintiffs,*

[Case 6:22-cv-00381, U.S. District Court for the Eastern District of Texas, [09/28/22](#)]

**In 2020, J. Campbell Barker Disclosed Owning Up To \$15,000 In Stock For ExxonMobil, Which Reported Memberships In The U.S. Chamber Of Commerce And The Texas Association Of Business, Which Are Both Plaintiffs In The Lawsuit Against The CFPB.**

**In His 2020 Financial Disclosure, J. Campbell Barker Disclosed Owning \$15,000 Or Less In Stock For ExxonMobil And Earning \$1,000 Or Less In Dividends In Calendar Year 2020:**

| A<br>Description of Assets<br>(including trust assets)    | B<br>Income during reporting period |   | C<br>Gross value at end of reporting period |   |
|---|-------------------------------------|---|---|---|
| Place "(X)" after each asset exempt from prior disclosure | (1)<br>Amount<br>Code 1<br>(A-H)    | (2)<br>Type (e g ,<br>div , rent,<br>or int ) | (1)<br>Value<br>Code 2<br>(J-P)             | (2)<br>Value<br>Method<br>Code 3<br>(Q-W) |

[...]

|                        |   |          |   |   |
|------------------------|---|----------|---|---|
| 32. - ExxonMobil stock | A | Dividend | J | T |
|------------------------|---|----------|---|---|

[CourtListener, [04/18/21](#)]

|   |  |  |  |  |                         |
|---|--|--|--|--|-------------------------|
| 1 Income Gain Codes:<br>(See Columns B1 and D4) | A = \$1,000 or less<br>F = \$50,001 - \$100,000<br>J = \$15,000 or less<br>N = \$250,001 - \$500,000<br>P3 = \$25,000,001 - \$50,000,000 | B = \$1,001 - \$2,500<br>G = \$100,001 - \$1,000,000<br>K = \$15,001 - \$50,000<br>O = \$500,001 - \$1,000,000 | C = \$2,501 - \$5,000<br>H1 = \$1,000,001 - \$5,000,000<br>L = \$50,001 - \$100,000<br>P1 = \$1,000,001 - \$5,000,000<br>P4 = More than \$50,000,000 | D = \$5,001 - \$15,000<br>H2 = More than \$5,000,000<br>M = \$100,001 - \$250,000<br>P2 = \$5,000,001 - \$25,000,000 | E = \$15,001 - \$50,000 |
| 2 Value Codes<br>(See Columns C1 and D3)        | Q = Appraisal<br>U = Book Value  | R = Cost (Real Estate Only)<br>V = Other   | S = Assessment<br>W = Estimated  | T = Cash Market  |                         |
| 3 Value Method Codes<br>(See Column C2)         |  |  |  |  |                         |

[CourtListener, [04/18/21](#)]

**ExxonMobil Reported Membership In The U.S. Chamber Of Commerce And The U.S. Chamber Of Commerce Litigation Center In 2020, Which Respectively Spent Up To \$4.9 Million And Up To \$499,999 Lobbying On ExxonMobil’s Behalf.** “Below is a list of all U.S.-based organizations that reported a percentage of the 2020 funding they received from ExxonMobil (Corporation or affiliates) as a lobbying expense. The expenditures listed for each organization below include federal, state, local and grassroots lobbying expenses and exceeds the specific disclosure requirements of the Lobbying Disclosure Act.” [ExxonMobil, accessed [11/03/22](#)]

2020 Lobbying expenditure (grassroots, local, state and federal) via organizations

| ExxonMobil Lobbying Expenditure (USD range) | National / Regional / Local Trade Association Memberships | Primary Issue/s  |
|---|---|--|
|   | [...]   |  |
| \$2.5 - \$4.9M                              | U.S. Chamber of Commerce                                  | Economic development; regulatory issues; fiscal policy |
|   | [ExxonMobil, accessed <a href="#">11/03/22</a> ]          |  |
| \$100,000 - \$499,999                       | U.S. Chamber Litigation Center                            | Civil justice reform                                   |
|   | [ExxonMobil, accessed <a href="#">11/03/22</a> ]          |  |

- The U.S. Chamber Of Commerce Litigation Center Claims It “Fights For Business At Every Level Of The U.S. Judicial System.”** “Founded in 1977, the U.S. Chamber Litigation Center fights for business at every level of the U.S. judicial system, on virtually every issue affecting business, including class actions and arbitration, labor and employment, energy and environment, securities and corporate governance, financial regulation, free speech, preemption, government contracts, and criminal law.” [U.S. Chamber of Commerce Litigation Center, accessed [11/03/22](#)]

**ExxonMobil Reported Membership In The Texas Association Of Business In 2020, Which Spent Up To \$24,999 Lobbying On The Company’s Behalf.** “Below is a list of all U.S.-based organizations that reported a percentage of the 2020 funding they received from ExxonMobil (Corporation or affiliates) as a lobbying expense. The expenditures listed for each organization below include federal, state, local and grassroots lobbying expenses and exceeds the specific disclosure requirements of the Lobbying Disclosure Act.” [ExxonMobil, accessed [11/03/22](#)]

## 2020 Lobbying expenditure (grassroots, local, state and federal) via organizations

ExxonMobil Lobbying Expenditure  
(USD range)

National / Regional / Local Trade Association  
Memberships

Primary Issue/s

[...]

\$10,000 - \$24,999

Texas Association of Business

Economic development; regulatory issues; fiscal policy

[ExxonMobil, accessed [11/03/22](#)]

### The U.S. Chamber Of Commerce Was The Lead Plaintiff In The Lawsuit Against The CFPB, Joined By The Texas Association Of Business:

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA;  
LONGVIEW CHAMBER OF COMMERCE;  
AMERICAN BANKERS ASSOCIATION;  
CONSUMER BANKERS ASSOCIATION;  
INDEPENDENT BANKERS ASSOCIA-  
TION OF TEXAS; TEXAS ASSOCIATION  
OF BUSINESS; and TEXAS BANKERS AS-  
SOCIATION.

*Plaintiffs,*

[Case 6:22-cv-00381, U.S. District Court for the Eastern District of Texas, [09/28/22](#)]

### In 2020, J. Campbell Barker Disclosed Owning Up To \$15,000 In Stock For Royal Dutch Shell PLC, Which Has Reported Membership And A Board Director In The U.S. Chamber Of Commerce, The Lead Plaintiff In The Lawsuit Against The CFPB.

In His 2020 Financial Disclosure, J. Campbell Barker Disclosed Owning \$15,000 Or Less In Stock For Texas Instruments Inc., Earning \$1,000 Or Less In Dividends In Calendar Year 2020:

| A<br>Description of Assets<br>(including trust assets)       | B<br>Income during<br>reporting period |   | C<br>Gross value at end<br>of reporting period |   |
|--|--|---|--|---|
|  | (1)<br>Amount<br>Code 1<br>(A-H)       | (2)<br>Type (e g ,<br>div , rent,<br>or int ) | (1)<br>Value<br>Code 2<br>(J-P)                | (2)<br>Value<br>Method<br>Code 3<br>(Q-W) |
| Place "(X)" after each asset<br>exempt from prior disclosure |  |   |  |   |

[...]

|   |   |          |   |   |
|---|---|----------|---|---|
| 35. - Royal Dutch Shell PLC American<br>depository shares | A | Dividend | J | T |
|---|---|----------|---|---|

[CourtListener, [04/18/21](#)]

|   |   |  |   |  |                         |
|---|---|--|---|--|-------------------------|
| 1 Income Gain Codes:<br>(See Columns B1 and D4) | A = \$1,000 or less<br>F = \$50,001 - \$100,000                                       | B = \$1,001 - \$2,500<br>G = \$100,001 - \$1,000,000   | C = \$2,501 - \$5,000<br>H1 = \$1,000,001 - \$5,000,000                                   | D = \$5,001 - \$15,000<br>H2 = More than \$5,000,000         | E = \$15,001 - \$50,000 |
| 2 Value Codes<br>(See Columns C1 and D3)        | J = \$15,000 or less<br>N = \$250,001 - \$500,000<br>P3 = \$25,000,001 - \$50,000,000 | K = \$15,001 - \$50,000<br>O = \$500,001 - \$1,000,000 | L = \$50,001 - \$100,000<br>P1 = \$1,000,001 - \$5,000,000<br>P4 = More than \$50,000,000 | M = \$100,001 - \$250,000<br>P2 = \$5,000,001 - \$25,000,000 |                         |
| 3 Value Method Codes<br>(See Column C2)         | Q = Appraisal<br>U = Book Value   | R = Cost (Real Estate Only)<br>V = Other               | S = Assessment<br>W = Estimated   | T = Cash Market  |                         |

[CourtListener, [04/18/21](#)]

**In 2021, Shell Disclosed Membership In The U.S. Chamber Of Commerce, Paying Between \$1 Million And \$2.5 Million And Having A Representative On The Chamber’s Board.** “Table 1 (below) provides an overview of the payments we made to 36 industry associations in 2021. We typically pay annual membership fees to industry associations. Membership fees may be calculated as either fixed fees for all members, or as a proportion of the annual turnover or production volumes of members. In some cases, we make additional payments, to sponsor research or an event, for example.” [Shell, accessed [11/03/22](#)]

**Table 1: Shell payments to industry associations in 2021**

| Shell payments in 2021<br>(USD range) | Industry association  | Member of board<br>or executive committee    |
|---------------------------------------|---|--|
|                                       | [...]   |  |
| 1 - <2.5M                             | American Chemistry Council (ACC)<br>U.S. Chamber of Commerce (USC)<br>Western States Petroleum Association (WSPA) | Board, executive committee<br>Board<br>Board |

[Shell, accessed [11/03/22](#)]

**Shell USA, Inc. Was Represented On The U.S. Chamber Board Of Directors, As Of November 3, 2022:**

**Gretchen Watkins**  
President and U.S. Country Chair  
Shell USA, Inc.  
Houston, TX

[U.S. Chamber of Commerce, accessed [11/03/22](#)]

- **Shell USA, Inc. Is Affiliated With Shell:**

[Shell USA, Inc.](#) > Terms and conditions

[Shell, accessed [11/03/22](#)]

**The U.S. Chamber Of Commerce Was The Lead Plaintiff In The Lawsuit Against The CFPB:**

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA; LONGVIEW CHAMBER OF COMMERCE; AMERICAN BANKERS ASSOCIATION; CONSUMER BANKERS ASSOCIATION; INDEPENDENT BANKERS ASSOCIATION OF TEXAS; TEXAS ASSOCIATION OF BUSINESS; and TEXAS BANKERS ASSOCIATION.

*Plaintiffs,*

[Case 6:22-cv-00381, U.S. District Court for the Eastern District of Texas, [09/28/22](#)]

**In 2020, J. Campbell Barker Disclosed Owning Up To \$15,000 In Stock For FirstEnergy Corp., Which Reported 2021 Membership In The U.S. Chamber Of Commerce, The Lead Plaintiff In The Lawsuit Against The CFPB.**

**In His 2020 Financial Disclosure, J. Campbell Barker Disclosed Owning \$15,000 Or Less In Stock For FirstEnergy Corp. And Earning \$1,000 Or Less In Dividends In Calendar Year 2020:**

| A<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B<br>Income during<br>reporting period |   | C<br>Gross value at end<br>of reporting period |   |
|--|--|---|--|---|
|  | (1)<br>Amount<br>Code 1<br>(A-H)       | (2)<br>Type (e g ,<br>div , rent,<br>or int ) | (1)<br>Value<br>Code 2<br>(J-P)                | (2)<br>Value<br>Method<br>Code 3<br>(Q-W) |

[...]

|                               |   |          |   |   |
|-------------------------------|---|----------|---|---|
| 33. - FirstEnergy Corp. stock | A | Dividend | J | T |
|-------------------------------|---|----------|---|---|

[CourtListener, [04/18/21](#)]

|   |  |  |  |  |                        |
|---|--|--|--|--|------------------------|
| 1 Income Gain Codes:<br>(See Columns B1 and D4) | A =\$1,000 or less<br>F =\$50,001 - \$100,000                                      | B =\$1,001 - \$2,500<br>G =\$100,001 - \$1,000,000   | C =\$2,501 - \$5,000<br>H1 =\$1,000,001 - \$5,000,000                                  | D =\$5,001 - \$15,000<br>H2 =More than \$5,000,000         | E =\$15,001 - \$50,000 |
| 2 Value Codes<br>(See Columns C1 and D3)        | J =\$15,000 or less<br>N =\$250,001 - \$500,000<br>P3 =\$25,000,001 - \$50,000,000 | K =\$15,001 - \$50,000<br>O =\$500,001 - \$1,000,000 | L =\$50,001 - \$100,000<br>P1 =\$1,000,001 - \$5,000,000<br>P4 =More than \$50,000,000 | M =\$100,001 - \$250,000<br>P2 =\$5,000,001 - \$25,000,000 |                        |
| 3 Value Method Codes<br>(See Column C2)         | Q =Appraisal<br>U =Book Value  | R =Cost (Real Estate Only)<br>V =Other               | S =Assessment<br>W =Estimated  | T =Cash Market   |                        |

[CourtListener, [04/18/21](#)]

**FirstEnergy Corporation Reported Paying Dues To The U.S. Chamber Of Commerce In 2021, With \$50,000 Of Its Dues Being Spent On Lobbying:**



2021 Lobbying Portion of Trade Association Dues \*

| Recipient                          | Lobbying Portion |
|------------------------------------|------------------|
| Energy Association of Pennsylvania | \$17,052         |
| Chamber of Commerce- United States | \$50,000         |

\*The amounts paid for lobbying expenditures, along with the name of any trade associations, where the dollar amount of the Company's total annual membership due exceeds \$50,000 to a single organization.

[FirstEnergy Corp., accessed [11/03/22](#)]

**The U.S. Chamber Of Commerce Was The Lead Plaintiff In The Lawsuit Against The CFPB:**

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA; LONGVIEW CHAMBER OF COMMERCE; AMERICAN BANKERS ASSOCIATION; CONSUMER BANKERS ASSOCIATION; INDEPENDENT BANKERS ASSOCIATION OF TEXAS; TEXAS ASSOCIATION OF BUSINESS; and TEXAS BANKERS ASSOCIATION.

*Plaintiffs,*

[Case 6:22-cv-00381, U.S. District Court for the Eastern District of Texas, [09/28/22](#)]

**In 2020, J. Campbell Barker Disclosed Owning Up To \$15,000 In Stock For Southern Company, Which Has Reported 2021 Membership In The U.S. Chamber Of Commerce, The Lead Plaintiff In The CFPB Lawsuit.**

**In His 2020 Financial Disclosure, J. Campbell Barker Disclosed Owning \$15,000 Or Less In Stock For Southern Co. And Earning \$1,000 Or Less In Dividends In Calendar Year 2020:**

| A<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B<br>Income during<br>reporting period |  | C<br>Gross value at end<br>of reporting period |                                    |
|--|--|--|--|------------------------------------|
|  | (1)                                    | (2)                                    | (1)  | (2)                                |
|  | Amount<br>Code 1<br>(A-H)              | Type (e g ,<br>div , rent,<br>or int ) | Value<br>Code 2<br>(J-P)                       | Value<br>Method<br>Code 3<br>(Q-W) |

[...]

|                          |   |          |   |   |
|--------------------------|---|----------|---|---|
| 36. - Southern Co. stock | A | Dividend | J | T |
|--------------------------|---|----------|---|---|

[CourtListener, [04/18/21](#)]

|   |  |  |  |  |                        |
|---|--|--|--|--|------------------------|
| 1 Income Gain Codes:<br>(See Columns B1 and D4) | A =\$1,000 or less<br>F =\$50,001 - \$100,000                                      | B =\$1,001 - \$2,500<br>G =\$100,001 - \$1,000,000   | C =\$2,501 - \$5,000<br>H1 =\$1,000,001 - \$5,000,000                                  | D =\$5,001 - \$15,000<br>H2 =More than \$5,000,000         | E =\$15,001 - \$50,000 |
| 2 Value Codes<br>(See Columns C1 and D3)        | J =\$15,000 or less<br>N =\$250,001 - \$500,000<br>P3 =\$25,000,001 - \$50,000,000 | K =\$15,001 - \$50,000<br>O =\$500,001 - \$1,000,000 | L =\$50,001 - \$100,000<br>P1 =\$1,000,001 - \$5,000,000<br>P4 =More than \$50,000,000 | M =\$100,001 - \$250,000<br>P2 =\$5,000,001 - \$25,000,000 |                        |
| 3 Value Method Codes<br>(See Column C2)         | Q =Appraisal<br>U =Book Value  | R =Cost (Real Estate Only)<br>V =Other               | S =Assessment<br>W =Estimated  | T =Cash Market   |                        |

[CourtListener, [04/18/21](#)]

### **Southern Company Reported Membership And Dues Of At Least \$50,000 In The U.S. Chamber Of Commerce In 2021:**

**The purpose of this Trade Association and Climate Engagement Report is to more narrowly focus on the climate-related positions of trade associations to which Southern Company or a subsidiary pays dues of \$50,000 or more and that lobby on federal energy policy issues as of December 2021.<sup>2</sup>**

- **American Clean Power Association**
- **American Gas Association**
- **Business Roundtable**
- **Edison Electric Institute**
- **EnergyForward**
- **Interstate Natural Gas Association of America**
- **National Association of Manufacturers**
- **National Hydropower Association**
- **Natural Gas Vehicles for America**
- **Nuclear Energy Institute**
- **Power for Tomorrow**
- **U.S. Chamber of Commerce**

[Southern Company, [2021](#)]

### **The U.S. Chamber Of Commerce Was The Lead Plaintiff In The Lawsuit Against The CFPB:**

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA;  
LONGVIEW CHAMBER OF COMMERCE;  
AMERICAN BANKERS ASSOCIATION;  
CONSUMER BANKERS ASSOCIATION;  
INDEPENDENT BANKERS ASSOCIATION  
OF TEXAS; TEXAS ASSOCIATION  
OF BUSINESS; and TEXAS BANKERS ASSOCIATION.

*Plaintiffs,*

[Case 6:22-cv-00381, U.S. District Court for the Eastern District of Texas, [09/28/22](#)]

**J. Campbell Barker Was A Partner At Yetter Coleman LLP, A Law Firm That Claims To Focus On “High-Stakes” Cases For Companies In Financial Services And Other Industries—The Firm’s “Representative Clients” Include 7 Corporations That Have Board Directors, Are Members Of, Or Have Disclosed Payments To The U.S. Chamber, The Lead Plaintiff In The CFPB Lawsuit.**

**J. Campbell Barker Was A Partner At Yetter Coleman LLP, A Law Firm That Focuses “Exclusively On High-Stakes Business And Technology Litigation” For Major Corporate Clients In The Financial Services Industries And Other Sectors.**

**J. Campbell Barker Was At Yetter Coleman LLP From 2011 To 2015, Serving As Partner From 2014 To 2015 And Associate From 2011 To 2013:**

2011 – 2015  
Yetter Coleman LLP  
909 Fannin Street, Suite 3600  
Houston, Texas 77010  
Partner (2014 – 2015)  
Associate (2011 – 2013)

[Yetter Coleman LLP, accessed [11/04/22](#)]

**While An Associate At Yetter Coleman In 2012, Barker Focused On “Appellate And Complex Commercial Litigation.”** “Cam’s practice focuses on appellate and complex commercial litigation.” [Yetter Coleman LLP via Archive.org, 10/13/12, accessed [11/04/22](#)]

**Yetter Coleman LLP Claims To Focus “Exclusively On High-Stakes Business And Technology Litigation,” Primarily For Clients In The Financial Services, Energy, And Technology Industries.** “Yetter Coleman LLP is a single-office, single-mission trial and appellate boutique that focuses exclusively on high-stakes business and technology litigation for plaintiffs and defendants, primarily in the energy, technology, and financial services industries.” [Yetter Coleman LLP, accessed [11/04/22](#)]

**Yetter Coleman’s “Representative Clients” Include American Airlines, Apache Corporation, Chevron, ConocoPhillips, Energy Transfer, IBM, And Others:**

**Representative Clients**

- American Airlines
- Apache Corporation
- Chevron
- ConocoPhillips
- Enable Midstream
- Energy Transfer
- Federal Deposit Insurance Corp.
- Forum Energy
- Freeport LNG
- General Electric
- HMS Host International
- Houston Methodist Hospital
- IBM
- iFLY Holdings
- Lufthansa Group
- San Jacinto River Authority
- Southwestern Energy
- Vinmar International

[Yetter Coleman LLP, accessed [11/04/22](#)]

**American Airlines Was A Member Of The U.S. Chamber As Of 2021, Paying \$37,500 In Dues.**

**American Airlines Was A Member Of The U.S. Chamber Of Commerce In 2021, Paying Dues Of Over \$25,000:**

**Memberships above \$25,000**

- Airlines for America
- Business Roundtable
- Chamber of Commerce for Greater Philadelphia
- Charlotte Regional Business Alliance
- Dallas Momentum
- Fort Worth Chamber of Commerce
- Greater Phoenix Leadership
- International Air Transport Association
- National Center for APEC
- The Miami-Dade Beacon Council
- Tulsa Regional Chamber of Commerce
- United States Chamber of Commerce

[American Airlines, [April 2022](#)]

**American Airlines Paid \$37,500 In Non-Deductible Dues To The U.S. Chamber Of Commerce In 2021:**

**Non-deductible dues paid to major trade associations**

|                                   |             |
|-----------------------------------|-------------|
| Airlines for America              | \$1,104,600 |
| Business Roundtable               | \$130,000   |
| United States Chamber of Commerce | \$37,500    |

[American Airlines, [April 2022](#)]

## **Apache Corporation—Now Known As APA Corporation—Disclosed Giving The U.S. Chamber \$1.2 Million In 2020.**

In 2020, Apache Corporation—Which Became Known As APA Corporation In March 2021—Disclosed Giving \$1.2 Million To The U.S. Chamber Of Commerce, 20% Of Which Was Used For Lobbying:

| <b>NAME</b>                  | <b>AMOUNT</b> | <b>% Used for Lobbying Activities</b> |
|------------------------------|---------------|---------------------------------------|
| American Petroleum Institute | \$1,302,461   | 70                                    |
| U.S. Chamber of Commerce     | \$1,200,000   | 20                                    |

[APA Corporation, [04/28/20](#)]

- **March 2021: APA Became The Parent Holding Company Of Apache Corporation, Replacing It On Nasdaq Listings.** “Apache Corporation (Apache) and APA Corporation (Nasdaq: APA) (APA or the Company) today announced completion of the previously announced holding company structure, making APA the parent holding company of Apache. APA replaces Apache as the public company trading on the Nasdaq stock market under the ticker symbol ‘APA.’” [APA Corporation, [03/01/21](#)]

## **Chevron Was Represented On The U.S. Chamber’s Board As Of November 2022—In 2020, The Company Also Disclosed Membership In The Texas Association, Another Plaintiff In The CFPB Lawsuit.**

Chevron Was Represented On The U.S. Chamber’s Board Of Directors By Its Vice President And General Manager Of Government Affairs Karen Knutson, As Of November 4, 2022:

**Karen Knutson**  
Vice President and General Manager, Government Affairs  
Chevron  
Washington, DC

[U.S. Chamber of Commerce, accessed [11/04/22](#)]

Chevron Disclosed Membership In The U.S Chamber Of Commerce, The U.S. Chamber Institute For Legal Reform, And The Texas Association Of Business In 2020:

U.S. Chamber Institute for Legal Reform

U.S. Chamber of Commerce

[Chevron, [2020](#)]

Texas Association of Business

[Chevron, [2020](#)]

## **ConocoPhillips Was Represented On The U.S. Chamber’s Board As Of November 2022 And Reported Paying Over \$50,000 To The Group In Membership Dues In 2021.**

ConocoPhillips Was Represented On The U.S. Chamber’s Board Of Directors By Its Senior Vice President Of Government Affairs Andrew D. Lundquist, As Of November 4, 2022:

**Andrew D. Lundquist**  
Senior Vice President  
Government Affairs  
ConocoPhillips  
Washington, DC

[U.S. Chamber of Commerce, accessed [11/04/22](#)]

Conocophillips Reported Membership In The U.S. Chamber Of Commerce In 2021, Paying Dues Of Over \$50,000:

**ConocoPhillips 2021 Business and Trade Associations  
with Membership Dues over \$50,000<sup>1</sup>**

[...]

U.S. Chamber of Commerce

[ConocoPhillips, [2021](#)]

**Energy Transfer Disclosed Association With The U.S. Chamber Of Commerce In 2020, The Latest Year For Which It Has Published Trade Association Information.**

Energy Transfer Disclosed Association With The U.S. Chamber Of Commerce In 2020, The Latest Year For Which It Published A Corporate Responsibility Report, As Of November 2022:

**We maintain associations with the following organizations:**

[...]

U.S. Chamber of Commerce

[Energy Transfer, [2020](#)]

- Energy Transfer's 2020 Corporate Responsibility Report Was The Most Recent It Listed On Its Website, As Of November 4, 2022:



[...]

**2020 CORPORATE RESPONSIBILITY REPORT**

[Energy Transfer, accessed [11/04/22](#)]

**IBM Was Represented On The U.S. Chamber's Board Of Directors And Disclosed Membership In The Group As Of November 2022.**

**International Business Machines (IBM) Was Represented On The U.S. Chamber’s Board Of Directors, As Of November 4, 2022:**

**Michelle H. Browdy**  
Senior Vice President,  
Legal and Regulatory Affairs and General Counsel  
International Business Machines  
Armonk, NY

[U.S. Chamber of Commerce, accessed [11/04/22](#)]

**IBM Disclosed Membership In The U.S. Chamber Of Commerce, As Of November 4, 2022.** “IBM belongs to a number of trade associations worldwide, representing the interests of the technology industry, of industries that are major clients of IBM, and of the broader business community. These organizations work to bring about industry consensus and advocacy on major public policy issues. In the United States, the principal trade associations in which IBM holds membership include:”

**Trade and industry associations**

[...]

- US Chamber of Commerce

[IBM, accessed [11/04/22](#)]

**Yetter Coleman’s Site Touts An \$850,000 Settlement—About Half Of Which Went To Lawyers Fees—It Reached After Representing Two White Austin Fire Department Employees Who Sued On Claims They Were Passed Over For A Promotion By Two Nonwhite Employees.**

**Yetter Coleman’s Site Has A Page Dedicated To A “Settlement With City Of Austin In A Dispute Over Employment Discrimination”** “Yetter Coleman Reaches Settlement With City Of Austin In A Dispute Over Employment Discrimination” [Yetter Coleman, [August 2011](#)]

**Yetter Coleman Represented Two Austin Fire Department (AFD) Employees That Challenged The Department’s “Use Of Race” In Deciding To Assign New Assistant Fire Chiefs.** “The Firm represented two longtime AFD officers, former battalion chiefs Don Smith and Greg Nye, and the Emergency Responders for Equality—an organization founded by concerned AFD firefighters—to challenge AFD’s use of race in deciding whom to appoint to the new Assistant Chief positions and to prevent any consideration of race in future promotions.” [Yetter Coleman, [August 2011](#)]

**Yetter Coleman’s Site Said The AFD “Reached Far Down In Its Ranks To Promote Two Untested Lieutenants To Newly Created Assistant Chief Positions.”** “In 2009, the Austin Fire Department reached far down in its ranks to promote two untested lieutenants to newly created Assistant Chief positions, passing over a significant number of more experienced captains, battalion chiefs, and division chiefs.” [Yetter Coleman, [August 2011](#)]

**August 2011: The Austin City Council Voted To Settle The Lawsuit, Brought By Two White AFD Employees Who Claimed The City Discriminated Against Them “By Promoting Two Lower-Ranking Minority Firefighters Over Them.”** “The Austin City Council voted Thursday to settle a lawsuit brought by two white former Austin Fire Department battalion chiefs who alleged the city discriminated against them by promoting two lower-ranking minority firefighters over them.” [American-Statesman via Yetter Coleman, [08/27/11](#)]

**One Of The AFD Employees Who Were Promoted Was Black And The Other Was Hispanic.** “The lawsuit was filed in December 2009. In the suit, Nye and Smith said Chief Rhoda Mae Kerr reached down the chain of command to promote Lt. Richard Davis, who is black, and Lt. Matt Orta, who is Hispanic, four ranks to become assistant chiefs. Davis and Orta were promoted to replace two outgoing assistant chiefs who also are black and Hispanic.” [American-Statesman via Yetter Coleman, [08/27/11](#)]

**The Case Was Ultimately Settled For \$850,000, About Half Of Which Went To Lawyers’ Fees.** “Following mediation, the parties reached an amicable settlement awarding plaintiffs \$850,000 in damages and attorneys’ fees in addition to injunctive relief.” [Yetter Coleman, [August 2011](#)]

- **About Half Of The \$850,000 Went To Lawyers’ Fees.** “The council voted unanimously to award former battalion chiefs Greg Nye and Don Smith \$850,000, about half of which will go to lawyers’ fees, city officials said.” [American-Statesman via Yetter Coleman, [08/27/11](#)]

**Yetter Coleman’s Lawsuit Argued That “Putting Race On The Scale And Allowing It To Outweigh Merit [...] Is Blatantly Illegal.”** “Putting race on the scale and allowing it to outweigh merit — indeed, not even consulting anything but race in making the first cut about whom to consider for the job — is blatantly illegal,’ the lawsuit said.” [American-Statesman via Yetter Coleman, [08/27/11](#)]

**The Congressional Hispanic Caucus And The Leadership Conference On Civil And Human Rights Opposed Barker’s Nomination, Calling Him A “Conservative Ideologue” And Citing His “Disregard For Justice For Communities Of Color, Women, Immigrants And LGBTQ Americans.”**

**April 2019: Congressional Hispanic Caucus Leaders And Texas Congressional Delegation Members Urged Senate Leadership To Reject Barker’s U.S. District Court Nomination Due To His “Disregard For Justice For Communities Of Color, Women, Immigrants And LGBTQ Americans” And The Threat He Would Pose To “Equal Protections For All Individuals, Especially Vulnerable Populations.”**

**April 2019: Congressional Hispanic Caucus (CHC) Leaders And Texas Congressional Delegation Members Urged Senate Leadership To Reject Judge Barker’s U.S. District Court Nomination, Noting His “Disregard For Justice For Communities Of Color, Women, Immigrants And LGBTQ Americans.”** “Congressional Hispanic Caucus (CHC) Leaders and members of the Texas Congressional Delegation called on Senate Leadership to reject the nomination of J. Campbell Barker to serve on the U.S. District Court for the Eastern District of Texas. Judge Barker’s record demonstrates his longstanding opposition to the civil and voting rights of Americans, and a disregard for justice for communities of color, women, immigrants and LGBTQ Americans.” [Congressional Hispanic Caucus, [04/30/19](#)]

**The Letter In Opposition To Barker Was Signed By Reps. Joaquin Castro, Ruben Gallego, Nanette Diaz Barragán, Adriano Espaillat, Veronica Escobar, And Colin Allred.** “The letter was led by Congressional Hispanic Caucus Chair Joaquin Castro (TX-20) and signed by Hispanic Caucus leadership members Congressman Ruben Gallego (AZ-07), Congresswoman Nanette Diaz Barragán (CA-44), Congressman Adriano Espaillat (NY-13), and Congresswoman Veronica Escobar (TX-16), as well as Congressman Colin Allred (TX-32).” [Congressional Hispanic Caucus, [04/30/19](#)]

**The Letter Said Barker’s Confirmation Would Be “A Serious Setback,” And That He “Will Have A Negative Impact On Due Process And Equal Protections For All Individuals, Especially Vulnerable Populations.”** “The American people deserve a justice that will uphold and protect the rights of all those living in the United States. Unfortunately, a thorough review of J. Campbell Barker’s record demonstrates that he falls considerably short of this critical standard. Mr. Barker’s confirmation would be a serious setback for our



civil rights and liberties,' the Members wrote. 'Based on Mr. Barker's judicial record, he does not possess the neutrality and fair-mindedness necessary to serve in a lifetime position as a federal judge. His record of anti-immigrant, anti-LGBTQ, and anti-abortion decisions will have a negative impact on due process and equal protections for all individuals, especially vulnerable populations across the country like immigrant communities, LGBTQ individuals, and women.'" [Congressional Hispanic Caucus, [04/30/19](#)]

## **Judge Barker's U.S. District Court Nomination Was Opposed By The Leadership Conference On Civil And Human Rights, Which Called Him A "Conservative Ideologue" Who Had Worked To Restrict Multiple Rights While Texas Deputy Solicitor General.**

**Judge Barker's U.S. District Court Nomination Was Opposed By The Leadership Conference On Civil And Human Rights, "A Coalition Of More Than 200 National Organizations."** "On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, I write in opposition to the confirmation of J. Campbell Barker for the U.S. District Court for the Eastern District of Texas." [The Leadership Conference on Civil and Human Rights, [06/06/18](#)]

**The Leadership Conference Called Barker A "Conservative Ideologue Who Has Devoted The Last Several Years To Restricting Voting Rights, LGBT Equality, Immigrant Rights, Reproductive Freedom, Environmental Protection, And Fairness For Criminal Defendants."** "Mr. Barker, 37, is a young, conservative ideologue who has devoted the last several years to restricting voting rights, LGBT equality, immigrant rights, reproductive freedom, environmental protection, and fairness for criminal defendants. Mr. Barker does not possess the neutrality and fair-mindedness necessary to serve in a lifetime position as a federal judge." [The Leadership Conference on Civil and Human Rights, [06/06/18](#)]

**Judge Barker "Worked To Restrict Voting Rights" While Texas' Deputy Solicitor General, Defending A "Discriminatory Photo ID Law" Partially Struck Down By The Fifth Circuit Court Of Appeals.** "Worked to Restrict Voting Rights: As Texas's Deputy Solicitor General since 2015, Mr. Barker has defended Texas's discriminatory photo ID law in the case *Abbott v. Veasey*. This law was partially struck down by the Fifth Circuit, which ruled that the law was passed with discriminatory purpose or effect in violation of Section 2 of the Voting Rights Act." [The Leadership Conference on Civil and Human Rights, [06/06/18](#)]

**Judge Barker "Sought To Undermine LGBT Rights," Defending Discriminatory Behavior In Supreme Court Amicus Briefs, Including For The Landmark Masterpiece Cakeshop Decision.** "Sought to Undermine LGBT Rights: Mr. Barker wrote amicus briefs for the State of Texas in which he argued that business owners should have the right, based on their religious beliefs, to deny wedding-related services to LGBT couples. In an amicus brief in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, Mr. Barker wrote: 'Public-accommodation concerns of past eras are not present here; customized pieces of art are not public accommodations (like restaurants and hotels), the artist plainly did not act out of invidious discrimination, and complainants had immediate access to other artists.'" [The Leadership Conference on Civil and Human Rights, [06/06/18](#)]

**Judge Barker Has Been "Hostile To Dreamers And Immigrant Rights," And Repeatedly "At The Center Of Right-Wing Legal Challenges To The Fair And Just Treatment Of Immigrants."** "Hostile to Dreamers and Immigrant Rights: Mr. Barker has been at the center of right-wing legal challenges to the fair and just treatment of immigrants: (1) he has challenged the legality of Deferred Action for Childhood Arrivals ('DACA') and Deferred Action for Parents of Americans and Lawful Permanent Residents ('DAPA'); (2) he has supported President Trump's discriminatory Muslim bans; and (3) he has defended legislation that banned so-called 'sanctuary cities.'" [The Leadership Conference on Civil and Human Rights, [06/06/18](#)]

**Judge Barker Has "Sought To Restrict Access To Women's Health," Writing Three Supreme Court Amicus Briefs Against The Affordable Care Act's Contraceptive Access Mandate.** "Sought to Restrict

Access to Women's Health: Mr. Barker has worked to restrict women's access to critical health care services. He authored amicus briefs in three different Supreme Court cases (consolidated in *Zubik v. Burwell*) attacking the Affordable Care Act's contraceptive access requirement." [The Leadership Conference on Civil and Human Rights, [06/06/18](#)]

**Judge Barker Has "Challenged Environmental Protections," Working To Stop The Obama Administration's Clean Power Plan.** "Challenged Environmental Protections: The Clean Power Plan ('CPP') was an important Obama administration Environmental Protection Agency ('EPA') initiative to help curb power plant carbon pollution that drives dangerous climate change. Mr. Barker sought to stop the CPP." [The Leadership Conference on Civil and Human Rights, [06/06/18](#)]

**While U.S. District Judge, Barker Sided With Landlords In Striking Down The CDC's Pandemic Eviction Moratorium In An Anti-Consumer Decision That Was Seen As Broad Enough To Threaten Broader Housing Discrimination Bans.**

**February 2021: Judge Barker Sided With Landlords And Property Owners In Ruling Against The Center For Disease Control And Prevention's (CDC's) Pandemic Eviction Moratorium—Barker's Decision Was Seen As Broad Enough To Endanger Housing Discrimination Bans And Was A "Mélange Of Libertarian Tropes" That Contradicted Multiple Supreme Court Precedents.**

**February 2021: Judge Barker Ruled To Strike Down The Centers For Disease Control And Prevention's (CDC's) Moratorium Against Evictions—Barker's Decision Was Broad Enough To "Endanger Any Federal Regulation Of The Housing Market, Including Bans On Discrimination In Housing."** "On Thursday evening, a Trump-appointed judge on a federal court in Texas handed down a decision that calls into question the legality of these moratoriums. Currently, there is no congressional moratorium on evictions in place, only the CDC moratorium, although it is likely that the \$1.9 trillion Covid-19 relief bill currently being negotiated in Congress will implement a new statutory moratorium. Though Judge J. Campbell Barker's order in *Terkel v. Centers for Disease Control and Prevention* only explicitly strikes down the CDC's moratorium, Barker's opinion is fairly broad and suggests that congressional regulation of evictions may also be unconstitutional. His opinion, if embraced by higher courts, could endanger any federal regulation of the housing market, including bans on discrimination in housing." [Vox, [02/26/21](#)]

- **Judge Barker Sided "With A Group Of Landlords And Property Owners Challenging The Evictions Freeze," Claiming It "Unconstitutionally Deprived Them Of Their Property Rights."** "Siding with a group of landlords and property owners challenging the evictions freeze, U.S. District Judge J. Campbell Barker in Tyler, Texas, ruled the CDC exceeded its authority under the interstate commerce clause of the U.S. Constitution. [...] The landlords' lawsuit claimed the eviction freeze unconstitutionally deprived them of their property rights." [Reuters, [02/25/21](#)]

**Barker Held That Evictions Were Not "Economic In Material Respect," Arguing That They Were Not Economic Activity.** "To get around decisions like *Lopez*, Barker argues that evicting someone from a home that they pay thousands of dollars a year to rent is not an 'economic activity.' 'The law at issue in *Lopez* criminalized the possession of one's handgun when in a covered area,' Barker wrote. 'The order at issue here criminalizes the possession of one's property when inhabited by a covered person. Neither regulated activity is economic in material respect.'" [Vox, [02/26/21](#)]

**The CDC Used Its Authority To Issue An Eviction Moratorium To Prevent The Spread Of COVID-19 To Cover Interim Periods When Similar Congressional Moratoria Had Expired.** "For nearly a year, millions of Americans who are unable to pay their rent due to the economic crisis triggered by Covid-19 have had some

protections against eviction. Both the CARES Act, which became law last March, and the second Covid-19 relief bill, which was signed in December, included temporary moratoriums on many evictions. In the interim periods when these statutory safeguards against eviction are not in effect — the CARES Act’s moratorium expired after 120 days, and the second relief bill’s moratorium expired on January 31 — the Centers for Disease Control and Prevention imposed a similar moratorium using its own authority, citing a federal law that permits the CDC director to ‘make and enforce such regulations as in his judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases.’” [Vox, [02/26/21](#)]

**Barker’s Ruling Was Called A “Mélange Of Libertarian Tropes,” Including An Argument That The Constitution’s Commerce Clause Was Not Broad Enough To Allow Federal Regulation Of Evictions.**

“The opinion is a mélange of libertarian tropes, long-discarded constitutional theory, and statements that are entirely at odds with binding Supreme Court decisions. The thrust of Barker’s Terkel opinion is that the Constitution’s commerce clause, which provides that Congress may ‘regulate commerce ... among the several states,’ is not broad enough to permit federal regulation of evictions.” [Vox, [02/26/21](#)]

**Barker’s Ruling Contradicted Supreme Court Precedent In U.S. V. Lopez, Which “Gives Congress Broad Authority To Regulate The National Economy — Including Any Activity That “Substantially Affects’ Interstate Commerce.”**”




“But, as the Supreme Court explained in United States v. Lopez (1995), the commerce clause gives Congress broad authority to regulate the national economy — including any activity that “substantially affects’ interstate commerce.’ Though Lopez struck down a federal law prohibiting individuals from bringing guns near school zones, the Lopez opinion emphasizes the breadth of Congress’s power to regulate the economy. ‘Where economic activity substantially affects interstate commerce,’ Chief Justice William Rehnquist wrote for the Court, ‘legislation regulating that activity will be sustained.’” [Vox, [02/26/21](#)]

**Barker’s Ruling Also Contradicted Supreme Court Precedent In Russell v. U.S., Which Allowed Congress To “Regulate The Class Of Activities That Constitute The Rental Market For Real Estate.”**



“But just in case it isn’t obvious that Barker is wrong, the Supreme Court’s decision in Russell v. United States (1985) directly contradicts him. Russell held that ‘the congressional power to regulate the class of activities that constitute the rental market for real estate includes the power to regulate individual activity within that class.’” [Vox, [02/26/21](#)]

**December 13, 2021: An Appeal Filed By The U.S. Department Of Health And Human Services Was Denied By The U.S. Court Of Appeals:**

Monday, December 13, 2021

49  appeal  USCA Mandate  Tue 12/14 10:08 AM

MANDATE of USCA as to47 Notice of Appeal, filed by Rochelle P. Walensky, Sherri A. Berger, United States Department of Health and Human Services, Centers for Disease Control and Prevention, Norris Cochran, United States of America. IT IS ORDERED and ADJUDGED that the appeal is DISMISSED.(wea, )

Att: 1  USCA Opinion,  
Att: 2  USCA Transmittal Letter

[PacerMonitor, [10/22/20](#)]

**While Texas Deputy Solicitor General, Barker Defended The State's Discriminatory Voter ID Law Using Arguments Similar To What The U.S. Chamber Is Now Using Against The CFPB, Defended Businesses' Discrimination Against LGBTQ Consumers, And Defended State Efforts To Execute A Black Man Based On A Faulty Psychological Opinion That The Supreme Court Later Likened To "Toxins."**

**2015: While Texas Deputy Solicitor General, Judge Barker Represented The State As It Appealed A U.S. District Court Ruling That Found Its Voter ID Law Violated The Voting Rights Act, Using A Two-Part Disparate Impact Test.**

**2015: While Texas Deputy Solicitor General, J. Campbell Barker Was Counsel For Texas Governor Greg Abbott In Veasey v. Abbott In The U.S. Fifth Circuit Court Of Appeals:**

**J. CAMPBELL BARKER  
MATTHEW H. FREDERICK  
Deputy Solicitors General**

[...]

**Counsel for Appellants**

Case No. 14, 41127, U.S. Court of Appeals for the Fifth Circuit, [04/02/15](#)

**No. 14-41127**

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***In the United States Court of Appeals for the Fifth Circuit***

MARC VEASEY; JANE HAMILTON; SERGIO DELEON; FLOYD CARRIER;  
ANNA BURNS; MICHAEL MONTEZ; PENNY POPE; OSCAR ORTIZ; KOBY OZIAS;  
LEAGUE OF UNITED LATIN AMERICAN CITIZENS; JOHN MELLOR-CRUMMEY; KEN  
GANDY; GORDON BENJAMIN; EVELYN BRICKNER, Plaintiffs-Appellees,

TEXAS ASSOCIATION OF HISPANIC COUNTY JUDGES AND COUNTY  
COMMISSIONERS, Intervenor Plaintiffs-Appellees,

v.

GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF TEXAS; CARLOS  
CASCOS, IN HIS OFFICIAL CAPACITY AS TEXAS SECRETARY OF STATE; STATE OF  
TEXAS; STEVE MCCRAW, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF THE TEXAS  
DEPARTMENT OF PUBLIC SAFETY, Defendants-Appellants.

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[Case No. 14, 41127, U.S. Court of Appeals for the Fifth Circuit, [04/02/15](#)]

**At Issue In Veasey v. Abbott Was Whether Texas's Voter-ID Law Abridged Voting Rights On A Racial Basis And If The Law Was Enacted With A Racially Discriminatory Purpose.** "Issue: (1) Whether Texas' voter-ID law 'results in' the abridgment of voting rights on account of race; and (2) whether judgment should be rendered for the petitioners on the claim that Texas' voter-ID law was enacted with a racially discriminatory purpose." [SCOTUSblog, [09/23/16](#)]

**Abbott Appealed The Case After The Lower District Court Ruled That Texas' Voter ID Law Violated The Voting Rights Act Due To Its "Discriminatory Effect On Minority Voters" After Applying A Two-Part Disparate Impact Test.** "Recently, in *Veasey v. Abbott*, the Fifth Circuit addressed challenges to a Texas statute requiring that individuals present photo identification (ID) in order to vote. The court upheld the district court's determination that the law violated section 2 due to its discriminatory effect on minority voters. In so holding, the court employed a two-part disparate impact test that has rapidly gained in popularity among the circuits since *Shelby County*." [Harvard Law Review, [02/10/16](#)]

**Disparate Impact Tests Have Been Used To Apply The Voting Rights Act Of 1965 Since 1982, When Congress Added Language Clarifying That Voting Law Violations Do Not Have To Show Intent, But Can "Be Proved By Showing Discriminatory Effect Alone."** "Following the invalidation of the Voting Rights Act of 1965's (VRA's) preclearance scheme in *Shelby County v. Holder*, numerous restrictive election laws have faced challenges under section 2 of the VRA. Section 2 proscribes any 'voting qualification or prerequisite to voting or standard, practice, or procedure . . . which results in a denial or abridgement of the right of any citizen . . . to vote on account of race or color.' Congress added the statute's 'results' language in 1982 to clarify that section 2 violations do not require a showing of intentional discrimination — they can 'be proved by showing discriminatory effect alone.' Until recently, circuits have been sharply divided on the appropriate disparate impact test to apply to section 2 vote denial claims." [Harvard Law Review, [02/10/16](#)]

**2016: The Fifth Circuit Court Ruled That Texas' Voter ID Law Violated The Voting Rights Act And Had A "Discriminatory Impact On Minority Voters" As It Ordered Changes To The Texas Law.** "UPDATED July 20, 2016: The Fifth Circuit Court of Appeals ruled that Texas' voter ID law violates the Voting Rights Act because of the discriminatory impact of minority voters. It ordered changes to the law." [American Civil Liberties Union, [07/20/16](#)]

## **Now, The U.S. Chamber Repeatedly Complains About Disparate Impact In Its Lawsuit Against The CFPB.**

**The U.S. Chamber's Lawsuit Complains That The CFPB Interprets Dodd-Frank As "Giving It The Broadest Possible Authority To Regulate Both Disparate Treatment And Disparate Impacts."** "Worse, the CFPB reads Dodd-Frank as giving it the broadest possible authority to regulate both disparate treatment and disparate impacts. In touting the update, the CFPB stated that '[c]onsumers can be harmed by discrimination regardless of whether it is intentional,' so examiners will consider 'discriminatory outcomes.'" [Case 6:22-cv-00381, U.S. District Court for the Eastern District of Texas, [09/28/22](#)]

**The U.S. Chamber's Lawsuit Complains That Dodd-Frank Is "Not An Antidiscrimination Statute" And That It Did Not Include "Any Results-Oriented Language Showing That Congress Intended For The CFPB To Address Disparate-Impact Claims."** "Dodd-Frank has neither characteristic: It is not an antidiscrimination statute, and neither it nor any of the other relevant statutes have any results-oriented language showing that Congress intended for the CFPB to address disparate-impact claims." [Case 6:22-cv-00381, U.S. District Court for the Eastern District of Texas, [09/28/22](#)]

**The U.S. Chamber's Lawsuit Complains That CFPB Examiners Now "Will Require Supervised Companies To Show Their Processes For Assessing Risks And Discriminatory Outcomes [i.e., 'Disparate Impact']"** "In its blog post published after the update, the CFPB stated that this update would impose new obligations on regulated entities. CFPB examiners now 'will require supervised companies to show their processes for assessing risks and discriminatory outcomes [i.e., 'disparate impact'], including documentation of customer demographics and the impact of products and fees on different demographic groups.'" [Case 6:22-cv-00381, U.S. District Court for the Eastern District of Texas, [09/28/22](#)]

**The U.S. Chamber's Lawsuit Complains That The CFPB Has Not Explained: "What Might Constitute Unfair Discrimination Or Actionable Disparate Impacts."** "The CFPB's addition of discrimination-related compliance issues adds to the already burdensome UDAAP compliance regime. Yet the CFPB provided no

instruction for the regulated communities on what might constitute unfair discrimination or actionable disparate impacts.” [Case 6:22-cv-00381, U.S. District Court for the Eastern District of Texas, [09/28/22](#)]

## **While Texas’ Deputy Solicitor General, Judge Barker Repeatedly Wrote Supreme Court Briefs Defending Businesses’ Ability To Discriminate Against LGBTQ Consumers, Including Making “Sweeping” Arguments About Public Accommodation Laws In The 2018 Masterpiece Cakeshop Case.**

**Judge Barker “Sought To Undermine LGBT Rights,” Defending Discriminatory Behavior In Supreme Court Amicus Briefs, Including For The Major Masterpiece Cakeshop Decision.** “Sought to Undermine LGBT Rights: Mr. Barker wrote amicus briefs for the State of Texas in which he argued that business owners should have the right, based on their religious beliefs, to deny wedding-related services to LGBT couples. In an amicus brief in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, Mr. Barker wrote: ‘Public-accommodation concerns of past eras are not present here; customized pieces of art are not public accommodations (like restaurants and hotels), the artist plainly did not act out of invidious discrimination, and complainants had immediate access to other artists.’” [The Leadership Conference on Civil and Human Rights, [06/06/18](#)]

**In Its June 2018 Decision, The Supreme Court Rejected The “Sweeping Argument About Public Accommodation Laws” Made In Barker’s Amicus Brief, Which Claimed That Customized Cakes Were Not Like Restaurants And Hotels And That The Cake Shop Did Not “Act Out Of Invidious Discrimination” In Denying A Cake For A Same-Sex Couple.** “In an amicus brief in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, Mr. Barker wrote: ‘Public-accommodation concerns of past eras are not present here; customized pieces of art are not public accommodations (like restaurants and hotels), the artist plainly did not act out of invidious discrimination, and complainants had immediate access to other artists.’ Although the Supreme Court recently ruled in favor of the baker in this case, it was a narrow ruling, and the Court rejected Mr. Barker’s sweeping argument about public accommodation laws.” [The Leadership Conference on Civil and Human Rights, [06/06/18](#)]

- **June 2018: The Supreme Court Issued A “Narrow” Ruling That Did Not “Either Bolster The Right To Same-Sex Marriage Or Explain How Far The Government Can Go In Regulating Businesses Run On Religious Principles.”** “The Supreme Court on Monday ruled in favor of a Colorado baker who had refused to create a wedding cake for a gay couple. The court’s decision was narrow, and it left open the larger question of whether a business can discriminate against gay men and lesbians based on rights protected by the First Amendment. The court passed on an opportunity to either bolster the right to same-sex marriage or explain how far the government can go in regulating businesses run on religious principles.” [The New York Times, [06/04/18](#)]

**2018 Barker Also Wrote A Supreme Court Brief For Arlene’s Flowers v. Washington, Where He “Defended The Right Of A Florist Not To Provide Flowers For A Same-Sex Wedding.”** “Mr. Barker made similar arguments in an amicus brief in *Arlene’s Flowers, Inc. v. Washington*, in which he defended the right of a florist not to provide flowers for a same-sex wedding. The Supreme Court has not yet decided whether to grant certiorari in that case.” [The Leadership Conference on Civil and Human Rights, [06/06/18](#)]

- **July 2021: The Supreme Court Decided To Not Hear The Case, Which “Social Conservatives Had Hoped The Justices Would Use To Make A Clearer Statement Favoring Religious Beliefs Over Gay Rights.”** “The Supreme Court announced on Friday that it would not hear an appeal from a florist in Washington State who said she had a constitutional right to refuse to create a floral arrangement for a same-sex wedding. The move left open a question the court last considered in 2018, when a similar dispute between a Colorado baker and a gay couple failed to yield a definitive ruling. As is its custom, the court did not give reasons for declining to hear the case, which social conservatives had hoped the justices would use to make a clearer statement favoring religious beliefs over gay rights.” [The New York Times, [07/02/21](#)]

## **While Texas' Deputy Solicitor General, Barker Contributed To A Supreme Court Brief Defending Texas' Efforts To Execute A Black Defendant Based On A Psychologists' Faulty Opinion That The Man's Race "Made Him Statistically More Likely To Commit A Violent Crime."**

**Judge Barker Has "Fought Fairness For Criminal Defendants" And Has Taken "Extreme Positions, Including Defending Texas' Efforts To Execute An African-American Man Based On A Psychologist's Faulty Opinion That The Man's Race "Made Him Statistically More Likely To Commit A Violent Crime."** "Fought Fairness for Criminal Defendants: Mr. Barker has taken extreme positions on behalf of Texas in criminal justice cases. In *Buck v. Davis*, defendant Duane Buck's lawyer called an expert witness who testified that Mr. Buck was statistically more likely to act violently because he is African-American. Under Texas law, a jury can only impose the death penalty if they conclude that the defendant was likely to commit future violence. Mr. Barker argued that Mr. Buck did not have a Sixth Amendment ineffective assistance of counsel claim, arguing that 'notwithstanding [the expert's] opinion that race was probative of future dangerousness, his report and testimony played a limited role at trial.'" [The Leadership Conference on Civil and Human Rights, [06/06/18](#)]

- **Barker Defended Texas' Efforts To Execute An African-American Man Based In Part On A Psychologist's Opinion That The Man's Race "Made Him Statistically More Likely To Commit A Violent Crime."** "And, Barker defended the state's efforts to execute an African-American man based, in part, on a psychologist's testimony that the defendant's race made him statistically more likely to commit a violent crime." [Alliance for Justice, accessed [10/04/22](#)]

**The Supreme Court Rejected Barker's Argument In A 6-2 Opinion, With Chief Justice John Roberts Writing Of The Psychologist's Opinion On Race, "Some Toxins Can Be Deadly In Small Doses."** "In a 6-2 opinion, the Supreme Court rejected Mr. Barker's argument. Writing for the Court, Chief Justice Roberts concluded: 'But when a jury hears expert testimony that expressly makes a defendant's race directly pertinent on the question of life or death, the impact of that evidence cannot be measured simply by how much air time it received at trial or how many pages it occupies in the record. Some toxins can be deadly in small doses.'" [The Leadership Conference on Civil and Human Rights, [06/06/18](#)]

**Barker Was Texas' Deputy Solicitor General In The August 2016 Supreme Court Brief:**

**J. CAMPBELL BARKER**  
**Deputy Solicitor General**

[Case No. 15-8049, U.S. Supreme Court, [August 2016](#)]

**J. Campbell Barker, Taking The Same Side As CFPB Lawsuit Co-Plaintiffs The American Bankers Association And The Consumer Bankers Association, Signed A Supreme Court Amicus Brief In A Case That Was Called A "Win" For Corporate Defendants In Patent Infringement Lawsuits.**

**2017: J. Campbell Barker Was Counsel On A Supreme Court Amicus Brief That Texas Filed In TC Heartland LLC V. Kraft Foods Group Brands LLC, Where The Court Decided That Patent Owners Could Only Sue Corporations In Court Districts Where The Corporations Were Incorporated.**

**2017: J. Campbell Barker Was Counsel On An Amicus Brief That Texas Filed For Supreme Court Case TC Heartland LLC V. Kraft Foods Group Brands LLC:**

I have not argued before the Supreme Court. I have been counsel on Supreme Court briefs or petitions in the following cases:

[...]

*TC Heartland LLC v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1219 (2017)

[U.S. Senate Committee on the Judiciary, accessed [11/01/22](#)]

**TC Heartland V. Kraft Foods Asked The Supreme Court To Decide Whether Patent Owners Could Choose Which Federal Courts Would Decide Their Patent Infringement Lawsuits.** “TC Heartland v. Kraft Foods is a U.S. Supreme Court case that effectively asked the court to decide whether patent owners could sue in practically any corner of the country. The law as interpreted by the Court of Appeals for the Federal Circuit, and under review by the Supreme Court, allowed patent owners to pick and choose between federal courts. This often led to patent owners opting for courts perceived to have rules and procedures favorable to their position.” [Electronic Frontier Foundation, accessed [11/01/22](#)]

**The Supreme Court Ruled That “Patent Owners Can Sue Corporate Defendants Only In Districts Where The Defendant Is Incorporated.”** “In TC Heartland v. Kraft Foods, the U.S. Supreme Court ruled that patent owners can sue corporate defendants only in districts where the defendant is incorporated or has committed acts of infringement and has a regular and established place of business. This means that patent trolls can no longer drag companies to distant and inconvenient forums that favor patent owners but have little connection to the dispute.” [Electronic Frontier Foundation, accessed [11/01/22](#)]

- **The Supreme Court Ruled That “A Defendant Corporation ‘Resides’ Only In Its State Of Incorporation For Venue Purposes In Patent Suits.”** “Last Term, in TC Heartland LLC v. Kraft Foods Group Brands LLC, the Supreme Court again held that a defendant corporation ‘resides’ only in its state of incorporation for venue purposes in patent suits.” [Harvard Law Review, [11/10/17](#)]

**Barker’s Amicus Brief, Filed On Behalf Of Texas And 16 Other States, Sided With The Supreme Court And Cited “Abusive Claims Of Patent Infringement” Against Businesses And Residents As Its Interest In The Case.**

**While Texas’ Deputy Solicitor General, J. Campbell Barker Was One Of The Attorneys Who Prepared An Amicus Brief For The TC Heartland Case On Behalf Of Texas And 16 Other States:**



**BRIEF FOR THE STATES OF TEXAS, ARIZONA,  
COLORADO, CONNECTICUT, HAWAI‘I, ILLINOIS,  
IOWA, MAINE, MARYLAND, MICHIGAN, NEBRASKA,  
NORTH CAROLINA, OHIO, SOUTH CAROLINA,  
VERMONT, VIRGINIA, AND WISCONSIN AS AMICI  
CURIAE IN SUPPORT OF PETITIONER**

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KEN PAXTON  
Attorney General of Texas

SCOTT A. KELLER  
Solicitor General  
*Counsel of Record*

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First Assistant Attorney  
General

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Counsel for Amici Curiae

[SCOTUSblog, [February 2017](#)]

**Barker’s Brief Claimed That Texas Et. Al’s Interest In The TC Heartland Case Was To Protect Citizens “From Abusive Claims Of Patent Infringement, Which Businesses And Residents Confirm Are A Drag On Economic Growth.”** “Interest of amici curiae [...] Amici are the States of Texas, Arizona, Colorado, Connecticut, Hawai‘i, Illinois, Iowa, Maine, Maryland, Michigan, Nebraska, North Carolina, Ohio, South Carolina, Vermont, Virginia, and Wisconsin. Amici have an interest in protecting their citizens from abusive claims of patent infringement, which businesses and residents confirm are a drag on economic growth. Many of these States have taken steps in recent years to address certain aspects of abusive patent suits and demand letters.” [SCOTUSblog, [February 2017](#)]

**The Texas Et. Al Brief Complained That Existing Court Venue Rules “Allowed Forum Shopping By Patentholders Seeking To Influence The Outcome Of Cases With Their Venue Choices.”** “But part of this problematic activity is fueled by the Federal Circuit’s departure from this Court’s interpretation of the patent venue statute, which has allowed forum shopping by patentholders seeking to influence the outcome of cases with their venue choices.” [SCOTUSblog, [February 2017](#)]

**Alongside Barker’s Amicus Brief, The American Bankers Association And Consumer Bankers Association Also Sided With The Supreme Court’s Ultimate Decision, Citing A “Strong Economic Interest” In Overturning Existing Court Venue Rules Due To Patent Lawsuits Filed Against Banks.**

**The American Bankers Association (ABA) And The Consumer Bankers Association (CBA) Filed An Amicus Brief For The Case:**

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IN THE  
**Supreme Court of the United States**

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TC HEARTLAND LLC D/B/A HEARTLAND  
FOOD PRODUCTS GROUP,

*Petitioner,*

*v.*

KRAFT FOODS GROUP BRAND LLC,

*Respondent.*

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ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE FEDERAL CIRCUIT

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**BRIEF OF AMERICAN BANKERS  
ASSOCIATION, THE CLEARING HOUSE  
PAYMENTS COMPANY L.L.C., FINANCIAL  
SERVICES ROUNDTABLE AND CONSUMER  
BANKERS ASSOCIATION AS *AMICI CURIAE*  
IN SUPPORT OF PETITIONER**

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[SCOTUSblog, [02/03/17](#)]

- **The Co-Plaintiffs In The U.S. Chamber’s Lawsuit Against The CFPB Included The American Bankers Association And The Consumer Bankers Association:**

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA;  
LONGVIEW CHAMBER OF COMMERCE;  
AMERICAN BANKERS ASSOCIATION;  
CONSUMER BANKERS ASSOCIATION;  
INDEPENDENT BANKERS ASSOCIA-  
TION OF TEXAS; TEXAS ASSOCIATION  
OF BUSINESS; and TEXAS BANKERS AS-  
SOCIATION.

*Plaintiffs,*

[Case 6:22-cv-00381, U.S. District Court for the Eastern District of Texas, [09/28/22](#)]

**In The Brief, The ABA And CBA State A “Strong Economic Interest” In Overturning Existing Court Venue Rules, Citing Members’ And Owners’ “Numerous Patent Infringement Suits” Where They Claimed To Not Be Incorporated.** “Amici curiae have a strong economic interest in the resurrection of this restrict interpretation. Their members and owners have faced numerous patent infringement suits in districts (i) where most amici members and owners are not incorporated and (ii) that are not the location of the underlying alleged infringing acts.” [SCOTUSblog, [02/03/17](#)]

**The ABA And CBA Brief Noted That Over 5% Of Companies Targeted By Patent Infringement Suits Were Banks.** “More than 5% of companies targeted in suits by patent assertion entities are banks.” [SCOTUSblog, [02/03/17](#)]

## **A Columbia Law Professor Said That Under The Supreme Court’s Decision, “Corporate Defendants Win” With Longstanding Patent Lawsuit Venue Rules Overturned.**

**Columbia Law Professor Ronald Mann Wrote That Under The Decision, “Corporate Defendants Win,” With The Supreme Court “Rejecting The Rules On Patent Venue That The Federal Circuit Has Been Administering For More Than 25 Years.”** “Where have I read this before: U.S. Court of Appeals for the Federal Circuit – patent-holding plaintiffs win; Supreme Court – corporate defendants win. The Supreme Court struck yet another blow against the expertise of the Federal Circuit, the specialized appellate court for patent cases, with Monday morning’s opinion in *TC Heartland LLC v. Kraft Foods Group Brands*, rejecting the rules on patent venue that the Federal Circuit has been administering for more than 25 years.” [SCOTUSblog, [05/23/17](#)]

- **The Author Of The Analysis, Ronald Mann, Is A Columbia Law Professor.** “Ronald Mann is a professor of law at Columbia, where he teaches courses in commercial finance, payment systems and deals.” [SCOTUSblog, accessed [11/01/22](#)]

**Mann Noted That Before The TC Heartland Case, Court Venue Rules Saw Corporations “As Present In Any State In Which They Conduct A Substantial Amount Of Business.”** “Generally speaking, modern venue statutes treat corporations as present in any state in which they conduct a substantial amount of business. Because venue rules generally permit a plaintiff to sue a defendant in any state in which it is present, that means that in general civil litigation, a plaintiff suing a large company that does business nationwide usually can pick just about any state that seems to provide a forum favorable to the plaintiff.” [SCOTUSblog, [05/23/17](#)]

## **Some Companies Argued Against The Decision, Contending There Was Value In Letting Patent Lawsuits Go Through Courts With “Expertise In Patent Matters.”**

**Some Companies Argued In Favor Of Keeping Existing Court Venue Rules, “Saying There Was A Value In Letting Cases Be Considered By Courts That Have Developed Expertise In Patent Matters.”** “But a few companies urged the justices to retain the current rules, saying there was a value in letting cases be considered by courts that have developed expertise in patent matters. And some pharmaceutical companies said they should be able to sue the makers of generic drugs all at once in a single court.” [The New York Times, [03/27/17](#)]

**2015: J. Campbell Barker Signed An Amicus Brief That Took The Same Side As The U.S. Chamber In A Supreme Court Case Brought By Raisin Producers Who Devised A System To Avoid A Federal Agricultural Law, Citing Property Rights.**

## **2015: J. Campbell Barker Signed An Amicus Brief On Behalf Of Texas In Support Of Raisin Producers Who Devised A System To Avoid A Federal Agricultural Law.**

**J. Campbell Barker Was Counsel On An Amicus Brief That Texas Filed For Supreme Court Case *Horne V. Department of Agriculture*:**

I have not argued before the Supreme Court. I have been counsel on Supreme Court briefs or petitions in the following cases:

[...]

*Horne v. Department of Agriculture*, 569 U.S. 513 (2013)

[...]

*Horne v. Department of Agriculture*, 135 S. Ct. 2419 (2015)

[U.S. Senate Committee on the Judiciary, accessed [11/01/22](#)]

**J. Campbell Barker Appeared As Counsel In An Amicus Brief Filed On Behalf Of Texas And Two Other States In Support Of Horne:**

**No. 14-275**

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**In the Supreme Court of the United States**

MARVIN D. HORNE, ET AL.,  
*Petitioners,*

*v.*

UNITED STATES DEPARTMENT OF AGRICULTURE,  
*Respondent.*

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ON WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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**BRIEF OF THE STATES OF TEXAS, ARIZONA, AND  
NORTH DAKOTA AS AMICI CURIAE  
IN SUPPORT OF PETITIONERS**

KEN PAXTON  
Attorney General of Texas

CHARLES E. ROY  
First Assistant Attorney  
General

MARK BRNOVICH  
Attorney General of  
Arizona

WAYNE STENEHJEM  
Attorney General of  
North Dakota

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*Counsel for Amici Curiae*

[U.S. Chamber of Commerce Litigation Center, [March 2015](#)]

**Barker’s Brief Argued That Texas And The Other States Had An Interest In The Case Because They And Their Citizens Were Affected By The Department Of Agriculture’s Orders.** “INTEREST OF AMICI CURIAE [...] Marketing orders promulgated under the Agricultural Marketing Agreement Act of 1937 (Act) govern the production of fruits and vegetables grown on a large scale in the amici States. See, e.g., 7 C.F.R. § 906 (Texas Rio Grande valley oranges and grapefruit); 7 C.F.R. § 959 (South Texas onions); 7 C.F.R. § 983 (Arizona pistachios). Any agricultural product within the scope of the Act is potentially subject to appropriation through a marketing order similar to the Raisin Marketing Order at issue here. Though that order’s reserve requirement does not feature in all marketing orders under the Act, it is not unique to raisins. See, e.g., 7 C.F.R. § 981.52 (almonds); 7 C.F.R. § 993.57 (prunes). Because the amici States and their citizens currently operate under marketing orders, and because additional marketing orders may issue, they have an interest in the correct resolution of the questions presented.” [U.S. Chamber of Commerce Litigation Center, [March 2015](#)]

**The Original Case, Filed In 2012, Was Brought By Marvin And Laura Horne, Raisin Producers Who Devised A System To Bring Their Raisins To Market To Avoid The Agricultural Marketing Agreement Act Of 1937, Which Allows The Secretary Of Agriculture To Impose Production Quotas Or Limitations.** “Marvin and Laura Horne were raisin producers living in California who implemented a system to bring their raisins to market without handlers to avoid the AMAA. The Administrator of the Agricultural Marketing Service initiated an enforcement action against the Hornes for failure to comply with the orders. The Administrative Law Judge held that the Hornes should be subject to the Order under the auspices of the AMAA. The Judicial Officer affirmed the decision and held the Hornes liable. The Hornes filed for judicial review in district court, and the court granted summary judgment for the Department of Agriculture.” [Oyez, [11/20/12](#)]

- **The Agricultural Marketing Agreement Act Of 1937 Allows The Secretary Of Agriculture To Impose Production Quotas Or Limitations With Enforceable Orders Only Applied To Agricultural Handlers Who Process And Package Products For Distribution.** “The Agricultural Marketing Agreement Act of 1937 (AMAA) was enacted to protect farmers from radical fluctuations in the market. The AMAA allows the Secretary of Agriculture to impose production quotas or supply limitations on products as needed. Refusal to comply with these orders can result in civil and criminal penalties. The orders only applied to ‘handlers,’ those who process and package the products for distribution.” [Oyez, [11/20/12](#)]
- **The Raisin Marketing Order Of 1949 Imposed A Percentage Of Raisins That Must Be Turned Over To The Federal Government Each Year.** “The Raisin Marketing Order of 1949 created reserve-tonnage, a percentage of raisins that must be turned over the government each year.” [Oyez, [11/20/12](#)]

**In 2015, The Hornes’ Case Returned To The Supreme Court After It Was Remanded And Appealed Again.** “Horne sued the Department of Agriculture and claimed that the Marketing Order violated his Fifth Amendment rights against uncompensated takings. The district court found in favor of the Department of Agriculture. The U.S. Court of Appeals for the Ninth Circuit held that it lacked standing to address Horne’s claim, because Fifth Amendment takings claims are within the jurisdiction of the Court of Federal Claims. The United States Supreme Court held that the appellate court did have jurisdiction and remanded the case. On remand, the appellate court found for the Department of Agriculture by holding that the reserve requirement did not act as a per se taking because Horne’s raisins constituted personal property rather than real property. The appellate court also held that the Marketing Order did not constitute a taking because there was a sufficient nexus, and rough proportionality, between the reserve requirement and the specific interest the government seeks to protect, which in this case is the government’s interest in stabilizing raisin prices.” [Oyez, [01/16/15](#)]

**The U.S. Chamber Of Commerce Also Filed An Amicus Brief In Support Of The Raisin Producers And Claimed An Interest In The Case, Arguing It Affected “Constitutional Protections For Private Property Rights Against Government Infringement.**

No. 14-275

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**In the Supreme Court of the United States**

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MARVIN D. HORNE, ET AL., PETITIONERS

*v.*

UNITED STATES DEPARTMENT OF AGRICULTURE

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*ON WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT*

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**BRIEF FOR THE CHAMBER OF COMMERCE OF  
THE UNITED STATES OF AMERICA AS *AMICUS  
CURIAE* IN SUPPORT OF PETITIONERS**

[U.S. Chamber of Commerce Litigation Center, [March 2015](#)]

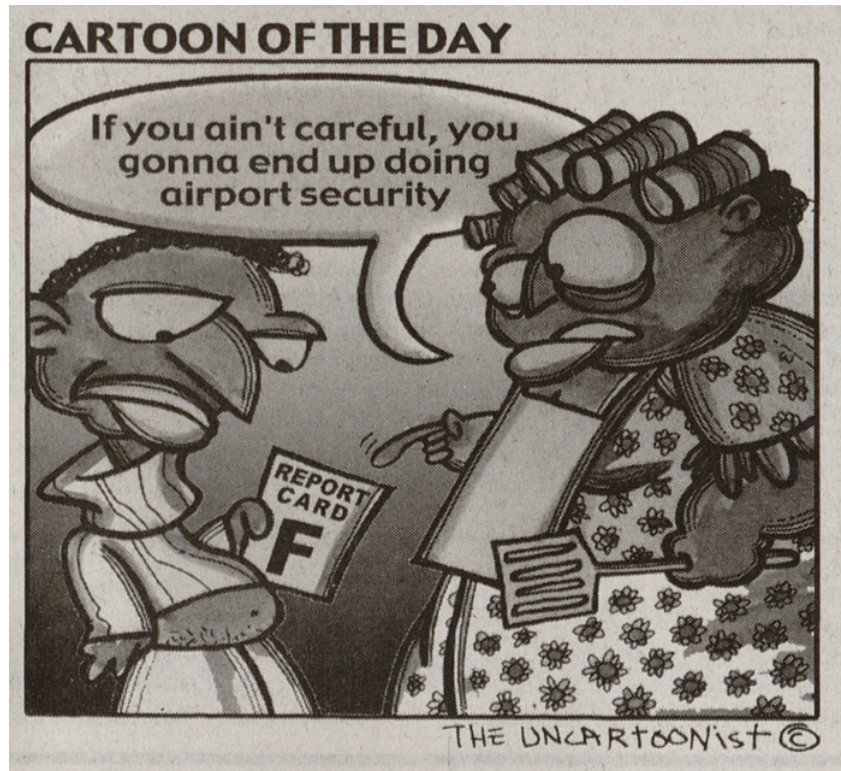
In Its Brief, The U.S. Chamber Argued That The Case Affected “Constitutional Protections For Private Property Rights Against Government Infringement.” “INTEREST OF AMICUS CURIAE [...] The Chamber regularly files amicus briefs in cases that raise issues of vital concern to the Nation’s business community, including cases defending constitutional protections for private property rights against government infringement. The Chamber filed a brief amicus curiae at the certiorari stage in this case, a brief amicus curiae supporting the same property owners when this case was last before this Court as *Horne v. Department of Agriculture*, No. 12-123 (leading to a unanimous reversal of the Ninth Circuit’s prior judgment), and in *Koontz v. St. Johns River Water Management District*, No. 11-1447 (which resulted in a property-rights-protective ruling that supports petitioners in this case).” [U.S. Chamber of Commerce Litigation Center, [March 2015](#)]

**While At Texas A&M University, Barker Publicly Defended A “Blatantly Racist” Cartoon Condemned By The School’s President And African-American Student Coalition—Barker Called Criticism Of The Cartoon “Loopy.”**

**2002: While At Texas A&M University, John Campbell Barker Defended A “Blatantly Racist” Cartoon—Barker Called Criticism Of The Cartoon “Loopy” As The School’s African-American Student Coalition Demanded An Apology For The “Bigoted” Cartoon Which And The School’s President Said He “Deplore[d]” And That It “Clearly Played On Negative Stereotypes.”**

January 2002: Texas A&M University Newspaper The Battalion Was Criticized For A “Blatantly Racist” Cartoon Showing A Black Student Receiving A Failing Grade On His Report Card With Using With “Caricatures Historically Used To Denigrate Blacks.” Used To Show A Black Student Receiving A Failing Grade On His Report Card. “The Texas A&M University student newspaper is being criticized for publishing an editorial cartoon that some students describe as ‘blatantly racist.’ The cartoon, drawn by an anonymous student who uses the pen name ‘The Uncartoonist,’ ran in the Battalion newspaper Monday and

depicts a black mother scolding her son for flunking a class. Both the mother and the son have big eyes and frowning, large lips -- caricatures historically used to denigrate blacks." [The Houston Chronicle, [01/18/02](#)]



[The Battalion, [01/14/02](#)]

**Texas A&M's African-American Student Coalition Demanded That The Battalion Formally Apologize For The Cartoon, With Imagery "Historically Characteristic Of The Bigoted Cartoon Portrayal Of African-Americans In An Era That We Presumed Was Bygone."** "A black student organization at the school is demanding that the Battalion formally apologize for publishing the cartoon. 'The attire and speech of the mother were stereotypically exaggerated and historically characteristic of the bigoted cartoon portrayal of African-Americans in an era that we presumed was bygone,' said a statement released this week by the African-American Student Coalition. The group called the cartoon 'blatantly racist.'" [The Houston Chronicle, [01/18/02](#)]

**Then-Texas A&M President Ray Bowen Said The Cartoon "Clearly Played On Negative Stereotypes Of African-Americans" And That He "Deplore[d]" It.** "In a letter published in the Battalion on Thursday, A&M President Ray Bowen wrote that he would not 'challenge' the independence of the student-run newspaper, which gets \$20,000 a year from the university and derives 98 percent of its \$1 million annual budget from selling advertising. However, Bowen also wrote that the cartoon 'clearly played on negative stereotypes of African-Americans.' 'I do wish to tell you how greatly I deplore the messages conveyed by this cartoon, which casts doubt on whether we are truly a welcoming place for all people,' Bowen wrote." [The Houston Chronicle, [01/18/02](#)]

**Texas A&M Had A Reputation For Being "Inhospitable To Minorities."** "A&M officials have for many years been trying to shed the image some have that the school is inhospitable to minorities. Many minority students have said they do not fit in at the school because of its relatively low number of minorities and its traditions stemming from its past as an all-white, all-male military academy. This fall, 80 percent of the school's 44,000 students are white, 10 percent are Hispanic and 3 percent are black." [The Houston Chronicle, [01/18/02](#)]

**English Professor Marco Portales Ph.D. Wrote A Letter To The Battalion In Support Of The African-American Student Coalition's Demand For An Apology, Adding That "The Saddest Truth In This**

**And Similar Incidents That I Have Witnessed During The 10 Years I Have Taught On Campus Is That Enlightened Aggies Cannot Recognize, And Apparently Even Reject How Such A Cartoon Can Be Considered Racist [...]”:**

I write in support of the African-American Student Coalition's contention that the Jan. 14 cartoon published in *The Battalion* deserves a formal public apology. The saddest truth in this and similar incidents that I have witnessed during the 10 years I have taught on campus is that enlightened Aggies cannot recognize, and apparently even reject how such a cartoon can be considered racist - even when that fact is pointedly underscored for them.

[...]

Education transforms people, that is, we should allow what we learn in class and in what people tell us to enlighten us. If our educations do not change how society encourages some of us to think, what are we doing at Texas A&M? When will formal education begin to show up in the ways we see and treat people who are different from us? Diversity is central to the American dream.

*Marco Portales, Ph.D.  
Professor of English  
Texas A&M University*

[The Battalion, [01/18/02](#)]

**“Cam” Barker, Texas A&M Class Of 2002—Judge John Campbell Barker’s Nickname And Graduating Class—Responded To Portales’ Letter, Writing “I Object To The General Argument That The Perception Of A Work Of Art As Racist Is Sufficient Cause To Condemn The Artform,” Suggesting That Portales Had A “Loopy Argument”:**



## Cartoon raises bigger issues

*In response to Jan. 14 cartoon:*

Marco Portales claims Aggies cannot recognize how the "offensive" cartoon can be considered racist, evidently because the Battalion ran the cartoon.

I object to the general argument that the perception of a work of art as racist is sufficient cause to condemn the artform. Consider the inspirational photograph of three members of the FDNY at Ground Zero raising the American flag.

Some people perceive a sculpture of this scene as racist, offended by the race of the three firemen (they happen to be white).

The point of the sculpture is completely twisted, the message missed. I can spot a loopy argument when I see one.

*Cam Barker  
Class of 2002*

[The Battalion, [01/22/02](#)]

- **John Campbell Barker Has Gone By The Nickname “Cam” And Graduated From Texas A&M In 2002:**

1. **Name:** State full name (include any former names used).

John Campbell (“Cam”) Barker

[U.S. Senate Judiciary Committee, accessed [10/04/22](#)]

### **Education:**

Texas A&M University, B.S., 2002

University of Texas School of Law, J.D., 2005

[Federal Judicial Center, accessed [10/03/22](#)]