

Eighth Circuit Judges Behind Decision To “Gut” Voting Rights Act Have Close Ties To Right-Wing Court “Architect” Leonard Leo

November 2023: Eighth Circuit Judges David Stras And Raymond Gruender Voted To “Gut The Voting Rights Act,” Preventing Civil Rights Groups And Voters From Filing Challenges To Voting Restrictions And Discriminatory Congressional Redistricting.

November 20, 2023: Eighth Circuit Judges David Stras And Raymond Gruender Were Behind A Ruling That “Could Gut The Voting Rights Act,” Holding That Private Parties Cannot Bring Claims Under Section 2 Of The Voting Rights Act, Which Civil Rights Groups, Voters, And Political Parties Rely On To Challenge Voting Restrictions And Congressional Redistricting.

November 20, 2023: In A Ruling That “Could Gut The Voting Rights Act” If The Supreme Court Lets It Stand, The Eighth Circuit Court Of Appeals Held That “Only The Federal Government — Not Private Citizens Or Civil Rights Groups May Sue Under A Crucial Section Of The Landmark Civil Rights Law.” “A federal appeals court issued a ruling Monday that could gut the Voting Rights Act, saying only the federal government — not private citizens or civil rights groups — is allowed to sue under a crucial section of the landmark civil rights law. The decision out of the 8th Circuit will almost certainly be appealed to the Supreme Court. But should it stand, it would mark a dramatic rollback of the enforcement of the law that led to increased minority representation in American politics.” [Politico, [11/20/23](#)]

The Eighth Circuit Ruled That There Is No “Private Right Of Action” Under Section 2 Of The Voting Rights Act—Civil Rights Groups, Individual Voters And Political Parties Have Relied On Section 2 “For Decades” To Challenge Redistricting And Voting Restrictions. “The appellate court ruled that there is no ‘private right of action’ for Section 2 of the law — which prohibits voting practices that discriminate on the basis of race. That, in practice, would severely limit the scope of protections in the act. For decades, private parties — including civil rights groups, individual voters and political parties — have brought Section 2 challenges on everything from redistricting to voter ID requirements.”

The Three-Judge Panel Presiding Over The Decision Included Eighth Circuit Judges David Stras And Raymond Gruender, With Chief Judge Lavenski Smith Dissenting:

Before SMITH, Chief Judge, GRUENDER and STRAS, Circuit Judges.

STRAS, Circuit Judge.

[...]

SMITH, Chief Judge, dissenting.

[Decision, Arkansas State Conference NAACP et al. v. Arkansas Board of Apportionment, Case No. 22-1395, U.S. Court of Appeals for the Eight Circuit, [11/20/23](#)]

Judges Stras And Gruender Are Tied To Right-Wing Court “Architect” Leonard Leo, With Both Included On The Trump Supreme Court Shortlist That Leo “Personally Curated,” Both Serving As Contributors For Leo’s Federalist Society And With Stras’ Circuit Court Nomination Getting Direct Support From The Judicial Crisis Network, Which Has “Deep Ties” To Leo.

Eight Circuit Judge David Stras Was Included On Trump’s Supreme Court Shortlist, Which Leonard Leo “Personally Curated,” And The Judicial Crisis Network—Which Has “Deep Ties” To Leo—Launched An Ad Campaign Defending Stras’ Circuit Court Nomination And His “Sterling Record.”

Eighth Circuit Judge David Stras Authored The November 20, 2023 Opinion Against The Voting Rights Act:

Before SMITH, Chief Judge, GRUENDER and STRAS, Circuit Judges.

STRAS, Circuit Judge.

[Decision, Arkansas State Conference NAACP et al. v. Arkansas Board of Apportionment, Case No. 22-1395, U.S. Court of Appeals for the Eight Circuit, [11/20/23](#)]

May 2016: David Stras, Then A Minnesota Supreme Court Justice, Was Included On Trump’s Shortlist Of Potential Supreme Court Nominees, Which Leonard Leo “Personally Curated.” “Donald Trump has released a list of potential Supreme Court nominees that seems designed to placate his conservative critics. It suggests the presumptive Republican nominee has no interest in breaking the mold when it comes to the lifetime appointments on the court. [...] David Stras: An associate justice of the Minnesota Supreme Court, Stras previously clerked for Justice Clarence Thomas and taught at the University of Minnesota Law School.” [NBC News, [05/18/16](#)]

- **Leonard Leo “Personally Curated” Trump’s List Of Potential Supreme Court Nominees.** “Former President Donald Trump was quick to take credit for the demise of Roe v. Wade on Friday. In a statement released hours after the Supreme Court decision, he said it was only possible because he ‘delivered everything as promised, including nominating and getting three highly respected and strong constitutionalists confirmed to the United States Supreme Court.’ Those three justices were Neil Gorsuch, Brett Kavanaugh and Amy Coney Barrett — all of whom voted to overturn Roe. And all of whom were, at some point, on a much publicized list of potential SCOTUS nominees that Trump publicly shared. A list that was personally curated by Leo.” [NPR, [06/30/22](#)]

Stras Clerked For Supreme Court Justice Clarence Thomas Alongside Carrie Severino, Now The President Of The Judicial Crisis Network, Which Has “Deep Ties” To Leonard Leo. “David Stras: An associate justice of the Minnesota Supreme Court, Stras previously clerked for Justice Clarence Thomas and taught at the University of Minnesota Law School. His Thomas co-clerk, Carrie Severino of the conservative Judicial Crisis Network (the point group opposing Obama’s nomination of Merrick Garland to Scalia’s seat), wrote in 2012 to praise him as Stras faced election to his previously appointed position.” [NBC News, [05/18/16](#)]

- **Carrie Severino Is Now The President Of The Judicial Crisis Network And A Federalist Society Contributor.** “Carrie Campbell Severino is the president of the Judicial Crisis Network, and co-author with Mollie Hemingway of the bestselling book Justice on Trial: The Kavanaugh Confirmation and the Future of the Court. As a go-to expert on the confirmation process, Mrs. Severino has been extensively quoted in the media.” [Federalist Society, accessed [11/09/23](#)]

- **The Judicial Crisis Network, Now Known As The Concord Fund, Has “Deep Ties” To Leonard Leo And His Network.** “The largest beneficiary of that largesse was the Judicial Crisis Network (JCN)—now officially known as the Concord Fund—a dark money group with deep ties to Leo that is run by a former clerk to Justice Clarence Thomas.” [Center for Responsibility and Ethics in Washington, [12/07/22](#)]

The Judicial Crisis Network Launched A Digital And TV Ad Campaign In Defense Of Stras’ Circuit Court Nomination, With JCN’s Then-Chief Counsel Carrie Severino Touting Stras’ “Sterling Record.” “Judicial Crisis Network is launching a digital and TV ad targeting Senator Al Franken’s refusal to return his blue slip for the highly qualified Justice David Stras. The digital ad will run statewide in Minnesota for two weeks, and the TV ad will air in Minneapolis, MN for two weeks of Sunday shows and two weeks of CNN and MSNBC shows. This is yet another example of Democrat senators maintaining the gridlock and obstructing the confirmation of President Trump’s highly qualified, competent judicial nominee who will faithfully uphold the Constitution.” [Judicial Crisis Network, accessed [11/20/23](#)]

- **JCN’s Then-Chief Counsel Carrie Severino Claimed “Franken Is Trying To Block The Judiciary Committee From Even Reviewing Justice Stras’s Sterling Record.”** “Statement from Judicial Crisis Network’s Chief Counsel and Policy Director Carrie Severino: ‘Justice David Stras earned more votes and a higher percentage of the vote statewide than Senator Al Franken did. Franken is trying to block the Judiciary Committee from even reviewing Justice Stras’s sterling record and his refusal to return the blue slip for Justice Stras is unacceptable.’” [Judicial Crisis Network, accessed [11/20/23](#)]

Judge Stras Is A Federalist Society Contributor:



Hon. David R. Stras
Judge, United States Court of Appeals, Eighth Circuit

[The Federalist Society, accessed [11/20/23](#)]

Leonard Leo, Co-Chairman And Former Executive Vice President Of “Right-Wing Powerhouse Group The Federalist Society,” “Helped Fuel The Rise Of Five Of The Six Republican Supreme Court Justices” And Has Been Called “The Quiet Architect Of A Pivotal Shift To The Right Throughout The Federal Judiciary.” “The 90-year-old was said to have gifted \$1.65 billion to a conservative nonprofit fronted by Leonard Leo, the cochairman of the right-wing powerhouse group The Federalist Society. Leo helped fuel the rise of five of the six Republican Supreme Court justices, as ProPublica noted, and has helped fund fights over abortion rights, voting laws, and other conservative causes.” [Insider, [08/26/22](#)]

- **Leonard Leo Has Been “The Quiet Architect Of A Pivotal Shift To The Right Throughout The Federal Judiciary” And The Federalist Society’s “Roughly 70,000 Members Represent A Vast Web Of Conservative Legal Power.”** “As executive vice president of the Federalist Society, Leo has been the quiet architect of a pivotal shift to the right throughout the federal judiciary. He was still at Cornell Law School in 1989 when he joined the society, a network of fresh legal minds who believed limited government was the best way to protect freedom and personal liberty. Today, under Leo’s leadership, the group’s roughly 70,000 members represent a vast web of conservative legal power.” [Politico Magazine, [2018](#)]
- **As Of 2018, Leonard Leo Was Executive Vice President Of The Federalist Society.** “Leonard Leo [...] Executive vice president, Federalist Society [...] © 2018 POLITICO LLC” [Politico Magazine, [2018](#)]

- **In 2020, Leo “Stepped Away From His Day-To-Day Role At The Federalist Society” To Run The Concord Fund, The “Rebranded” Judicial Crisis Network.** “In early 2020, Leo stepped away from his day-to-day role at the Federalist Society, the national conservative lawyers group, to help steer the Concord Fund. Between mid-2019 and mid-2020, the Concord Fund paid \$1.6 million to a company affiliated with Leo called BH Group, LLC. Leo and his allies rebranded the Judicial Crisis Network as the Concord Fund, turning it into a social welfare organization that fiscally sponsors other organizations.” [The Daily Poster, [06/29/21](#)]

Eight Circuit Judge Raymond Gruender, A Federalist Society Contributor, On Trump’s Supreme Court Shortlist, Which Leonard Leo “Personally Curated.”

May 2016: Raymond Gruender, Then An Eighth Circuit Court Judge, Was Included On Trump’s Shortlist Of Potential Supreme Court Nominees, Which Leonard Leo “Personally Curated.” “Donald Trump has released a list of potential Supreme Court nominees that seems designed to placate his conservative critics. It suggests the presumptive Republican nominee has no interest in breaking the mold when it comes to the lifetime appointments on the court. [...] Raymond Gruender: Gruender is another member of the 8th Circuit U.S. Court of Appeals, and he is a former U.S. attorney for the St. Louis area.” [NBC News, [05/18/16](#)]

- **Leonard Leo “Personally Curated” Trump’s List Of Potential Supreme Court Nominees.** “Former President Donald Trump was quick to take credit for the demise of Roe v. Wade on Friday. In a statement released hours after the Supreme Court decision, he said it was only possible because he ‘delivered everything as promised, including nominating and getting three highly respected and strong constitutionalists confirmed to the United States Supreme Court.’ Those three justices were Neil Gorsuch, Brett Kavanaugh and Amy Coney Barrett — all of whom voted to overturn Roe. And all of whom were, at some point, on a much publicized list of potential SCOTUS nominees that Trump publicly shared. A list that was personally curated by Leo.” [NPR, [06/30/22](#)]

Judge Gruender Is A Federalist Society Contributor:



Hon. Raymond W.
Gruender

U.S. Court of Appeals, Eighth Circuit

[The Federalist Society, accessed [11/20/23](#)]