

# Conservative U.S. judge mocks Federalist Society's critics at annual convention

By [Jacqueline Thomsen](#) and [Nate Raymond](#)



U.S. Circuit Judge William Pryor. 11th U.S. Circuit Court of Appeals/Handout via REUTERS

- Summary
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- Chief Judge William Pryor of the 11th Circuit took issue with liberal commentators' criticism of the influential group
  - Federalist Society leaders advised on the Trump White House's judicial appointments

(Reuters) - A prominent federal judge on Thursday called the growth of the conservative Federalist Society an "example of the American dream" and mocked criticism by a U.S. senator and others who say the influential legal group has captured the judiciary.

Chief U.S. Circuit Judge William Pryor of the 11th Circuit U.S. Court of Appeals, who was appointed by former President George W. Bush, made the remarks at the opening of the Federalist Society's annual convention in Washington, D.C.

Federalist Society leaders advised on the selection of former President Donald Trump's judicial nominees, and many of Trump's appointees were members of the group. But Pryor mocked the notion that the 60,000-member professional organization was working "in the shadows" to reshape the courts.

"Little did I know that millions of American voters, that the past president of the United States and the United States senators only provided camouflage for the real operation," Pryor said.

Pryor singled out claims by Democratic Senator Sheldon Whitehouse of Rhode Island, who sits on the Senate Judiciary Committee, that a network of conservative causes and "dark money" groups are working together to seat judges and justices. Whitehouse could not immediately be reached for comment.

He also took aim at liberal commentators who frequently criticize the Federalist Society. Pryor displayed images that referenced some of those remarks, including one showing the group's logo on the Death Star from "Star Wars." Report an ad

Pryor's decision to publicly mock liberals, journalists and academics prompted online criticism from the likes of Steve Vladeck, a prominent law professor at the University of Texas who on Twitter called the speech "unbecoming" of a sitting judge.

In an interview with Reuters, Pryor said the code of ethics that governs federal judges encourages them to have debates about the Constitution and the law, which he said is why he is attending the convention.

He also took issue with criticism of society's role in the judicial nomination process.

Leonard Leo, a long-time conservative legal activist, while serving as a Federalist Society executive helped compile a list of potential U.S. Supreme Court nominees that Trump drew from during his tenure.

"Are there members of the Federalist Society who are involved in that process? Of course. But with that, so what? That's politics," said Pryor, who was on Trump's Supreme Court lists.

"The idea that this is some kind of monolithic organization is just a myth," he said.

**Judge strikes down Biden's loan-forgiveness plan  
Biden administration's program has been on hold since  
Oct. 21 Gene Johnson ASSOCIATED PRESS**

A U.S. judge in Texas on Thursday blocked President Joe Biden's plan to provide millions of borrowers with up to \$20,000 apiece in federal student-loan forgiveness – a program that was already on hold as a federal appeals court in St. Louis considers a separate lawsuit by six states challenging it. District Court Judge Mark Pittman, an appointee of former President Donald Trump based in Fort Worth, said the program usurped Congress' power to make laws.

“In this country, we are not ruled by an all-powerful executive with a pen and a phone. Instead, we are ruled by a Constitution that provides for three distinct and independent branches of government,” Pittman wrote.

He added: “The Court is not blind to the current political division in our country. But it is fundamental to the survival of our Republic that the separation of powers as outlined in our Constitution be preserved.”

The debt forgiveness plan would cancel \$10,000 in student loan debt for those making less than \$125,000 or households with less than \$250,000 in income. Pell Grant recipients, who typically demonstrate more financial need, would get an additional \$10,000 in debt forgiven. The cancellation applies to federal student loans used to attend undergraduate and graduate school, along with Parent Plus loans.

The 8th U.S. Circuit Court of Appeals had put the forgiveness plan on hold Oct. 21 while it considered an effort by the states of Nebraska, Missouri, Iowa, Kansas, Arkansas and South Carolina to block the program.

While the stay temporarily stopped the administration from actually clearing debt, the White House has encouraged borrowers to continue applying for relief, saying the court order did not prevent applications or the review of applications.

White House Press Secretary Karine Jean-Pierre said the administration disagreed with Thursday’s ruling and the Department of Justice had filed an appeal. She said so far 26 million people had applied for debt relief, and 16 million people had already had their relief approved. The Department of Education would “quickly process their relief once we prevail in court,” she said.

“The President and this Administration are determined to help working and middle-class Americans get back on their feet, while our opponents – backed by extreme Republican special interests – sued to block millions of Americans from getting much-needed relief,” she said in a statement.

The legal challenges have created confusion about whether borrowers who expected to have debt canceled will have to resume making payments come Jan. 1, when a pause prompted by the COVID-19 pandemic is set to expire.

Economists worry that many people have yet to rebound financially from the pandemic, saying that if borrowers who were expecting debt cancellation are asked to make payments instead, many could fall behind on the bills and default. In his order Thursday, Pittman said the Higher Education Relief Opportunities for Students Act of 2003, commonly known as the HEROES Act, did not provide the authorization for the loan forgiveness program that the Biden administration claimed it did.

The law allows the secretary of education to “waive or modify any statutory or regulatory provision applicable to the student financial assistance programs ... as the Secretary deems necessary in connection with a war or other military operation or national emergency.”

The administration argued that the student loan relief was thus authorized as a means of dealing with the national emergency of the pandemic. Pittman disagreed, finding that a program of such massive import required clear congressional authorization. The HEROES Act “does not provide the executive branch clear congressional authorization to create a \$400 billion student loan forgiveness program,” he wrote.

Pittman also rejected the government's arguments that the plaintiffs who brought the lawsuit lacked standing. Plaintiffs Myra Brown and Alexander Taylor both have student loans, but Brown is ineligible for debt relief because her loans are commercially held, and Taylor is not eligible for the full \$20,000 because he didn't receive a Pell grant.

The administration said they weren't harmed by the loan forgiveness program and their "unhappiness that some other borrowers are receiving a greater benefit than they are" did not give them grounds to sue.

### **Judge halts pot dispensary licenses in parts of New York** **Michael Hill ASSOCIATED PRESS**

ALBANY, N.Y. – A federal judge has temporarily blocked New York from issuing recreational marijuana dispensary licenses in Brooklyn and parts of upstate New York while a legal challenge to the state's selection process is being considered.

The preliminary injunction from U.S. District Court Judge Gary Sharpe in Albany on Thursday comes as the state prepares to begin adult marijuana sales by the end of the year, starting with shop owners with past pot convictions or their relatives. New York lawmakers designed the state's legal market to make sure the first retailers were people directly affected drug law enforcement.

Sharpe is hearing a legal challenge from Variscite NY One, which claims the state's selection process favors New York residents over out-of-state residents in violation of constitutional interstate commerce protections.

The judge's order temporarily bars the state from issuing retail licenses for the five regions of the state Variscite selected in its business application: Brooklyn, central New York, the Finger Lakes, the mid-Hudson region and western New York. It does not cover nine other regions of the state, including the rest of New York City. The ruling affects up to 63 of the 150 possible business licenses.<sup>4</sup>

Officials at the Office of Cannabis Management said Friday its board will still consider license applications later this month for up to 150 businesses and individuals, along with applications for up to 25 nonprofit licenses.

The office remains committed to “including those impacted by the state's enforcement of cannabis prohibition in the market that we are building and we are additionally committed to getting New York's cannabis supply chain fully operational,” spokesman Freeman Klopott said in an email.

Applicants in the initial round had to demonstrate “a significant presence in New York state.” While Variscite's majority stakeholder has a cannabis conviction, it was under Michigan law. And though the corporation is organized under New York law, its business principal does not meet the significant presence requirement, according to court papers.

## **U.S. judge rejects Biden administration's LGBT health protections** By [Nate Raymond](#)

Nov 11 (Reuters) - A federal judge in Texas ruled on Friday that President Joe Biden's administration had wrongly interpreted an Obamacare provision as barring health care providers from discriminating against gay and transgender people.

U.S. District Judge Matthew Kacsmaryk in Amarillo ruled that a landmark U.S. Supreme Court decision in 2020 holding that a law barring workplace discrimination protects gay and transgender employees did not apply to the healthcare law.

The ruling by Kacsmaryk, an appointee of former Republican President Donald Trump, came in a class action lawsuit by two doctors represented by the America First Legal Foundation, set up by former Trump White House adviser Stephen Miller.

They sued after the U.S. Department of Health and Human Services said in May 2021 it would interpret Section 1557 of the Affordable Care Act, which bars healthcare providers from discriminating on the basis of sex, as extending to sexual orientation and gender identity.

Kacsmaryk said Congress, when adopting the law, known as Obamacare, in 2010, during the tenure of former Democratic President Barack Obama, could have included "sexual orientation" or "gender identity" in the text, but "chose not to do so."

Instead, the law incorporated the bar against discrimination "on the basis of sex" in Title IX, a 50-year-old federal civil rights



Kacsmaryk said the logic of the Supreme Court's 6-3 conclusion that Title VII's bar against sex discrimination covered gay and transgender workers did not lead to the same result under Title IX's text.

"Title IX's ordinary public meaning remains intact until changed by Congress, or perhaps the Supreme Court," Kacsmaryk wrote.

HHS and the plaintiffs' lawyers did not immediately respond to requests for comment.

The Obama administration introduced rules in 2016 that made clear that LGBT people would be protected under the healthcare discrimination provision.

But those protections were reversed by a Trump-era rule finalized in 2020. In June, the Biden administration proposed a rule to once again enshrine such protections.