

# Strategic Litigation Against Government (SLAG)

Focus: Election Integrity,  
Lawfare and Counterlawfare

# Election Integrity, Lawfare and Counterlawfare

- Election integrity—progressive billionaires and their non-profits, with moral certainty, are successfully rigging elections (e.g., CTCL, landlord ordinances, EO 14019, ERIC, state university GOTV, UOCAVA, ineligible voters)
- Lawfare—the government is using legal process to obtain political goals (e.g., prosecutions of President Trump, J6 protestors, alternate electors and election observers)
- Counterlawfare—projects countering the government’s lawfare with counter litigation, lobbying, messaging and investigation.

## Brutal Assessment: “We the People” Ecosystem Challenges

- No permanent, integrated campaign infrastructure—winning elections has highest ROI as to improving government
- No businesses, no business operations, no business processes, no business experience
- Inadequate understanding of non-profit tax law
- Scarce resources—and culture of scarcity
- Very little messaging, investigation, administration, lobbying, courtroom lawyering
- No strategic litigation against government (SLAG)

# Many Examples of Problems When SLAG is Not Properly Done

- Example—non-profit with staff attorneys who are not SLAG-oriented
- Example—political organization with staff attorneys who are not SLAG-oriented and vending to a for-profit law firm that is not SLAG-oriented
- Example—non-profit law firm committed to staff attorneys who are not oriented toward SLAG and its higher ROI
- Example—non-profit law firm with staff attorneys who are not SLAG-oriented and vending to a for-profit law firm that is not SLAG-oriented
- Example—non-profit with staff attorneys who are not SLAG-oriented and duplicate work of SLAG-oriented law firms

## Challenge: Government Interface Needed for Your Business Engaging in SLAG (CLAIM Methodology)

- Your business needs to appropriately interact with government in order to properly interact with other businesses and vendors.
- The CLAIM methodology is a way to define roles for businesses to appropriately interact with government.
- The idea of the CLAIM methodology is to facilitate effective work by the participants on your business's project.
- M is for Messaging
- I is for Investigation
- A is for Administration (includes fundraising)
- L is for Lobbying
- C is for Courtroom Lawyering (SLAG—strategic litigation against government)

# Strategic Litigation Against Government Definition

- Strategic – suggests multiple rounds of litigation in many, varied, specific subject areas
- Litigation – generally civil litigation involving legal intensive questions such as interpretation of specific legal texts
- Against – litigation against, not on behalf of, government meaning opposing counsel are generally attorneys who work for government or are paid by government or government insurance trusts
- Government – United States and its agencies, States and their agencies, Counties, School Districts, Municipalities and Townships

# What SLAG is not?

- Not Fundraising
- Not Messaging
- Not Investigation
- Not Administration
- Not Lobbying

# What a SLAG vendor offers?

- SLAG offers a way to strategically address emerging topics by filing lawsuits against the government
- SLAG offers another way to engage in counter-lawfare messaging and lobbying
- SLAG offers another democratic input for business to challenge their government(s) for violations of law
- SLAG gives business a chance to hold their government accountable to the rule of law
- The business's SLAG, in conjunction with other cultural and political actions, can help the people manage the government, rather than the other way around



# Buyer's Considerations

## When Purchasing SLAG Legal Services

- Some businesses manage legal processes as a business (e.g., insurance defense law firms)
- Your business purchasing SLAG legal services for your project is like selecting a surgeon for a major operation
- Do your research on the SLAG vendor's SLAG experience
  - Westlaw searches (AT("[name of attorney"]); (AT(["name of law firm"])
  - Review cases: # of cases; # of cases suing government; # of successful cases suing government; # of successful cases suing government in your subject area
- Do your research on SLAG vendor's conflicts of interest
  - Westlaw searches (AT("[name of attorney"]); (AT(["name of law firm"])
  - Review cases: governmental clients (e.g., bond counsel for states, counties, municipalities, school districts); commercial clients with governmental contracts (e.g., clients with government consulting contracts); commercial clients requiring government licenses or approvals (e.g., federal, state or local approval of business or property transactions)

# Westlaw Searches on a Law Firm's SLAG: MKE example

- Westlaw searches
  - AT(Kaardal)--378 records
  - AT(Kaardal) & TI("United States" or state)—95 records
  - AT(Kaardal) & TI(county or school)—106 records
  - AT(Kaardal) & TI(watershed)—2 records
- Additional searches
  - MN state court appellate records (Kaardal)—262 records
  - Other state data bases
- Vendor-provided list of successes in your topic area
  - MKE's list of 68 examples of election integrity successes
- MKE—no conflicts of interest

# Outsourcing SLAG

## Strengths and Weaknesses

- Your business may outsource SLAG to cut attorney costs, including salaries for their personnel, overhead, equipment, and technology.
- Your businesses may outsource SLAG to dial down and focus on the core aspects of their business, spinning off the SLAG operation to vendor.
- On the downside, communication between your business and the outside SLAG provider can be hard, and create challenges when multiple parties can access sensitive data.

# SLAG Subject Areas

## Example: Election Integrity Topics

Election Integrity SLAG has several topics.

- Zuckerbucks
- Electronic Registration Information Center
- President Biden Executive Order No. 14019
- Civic Nation All In Campus Democracy Challenge
- Municipal Ordinances Mandating Landlords to Assist in Registering Tenants
- Secretary of State Failure to Confirm Identity of Overseas Non-military voters
- Ineligible voters (e.g., noncitizens, felons, wards)
- Error-prone voting machines

# SLAG Doctrinal Development

## Example: Election Integrity

- State administrative complaints. Wisconsin permits administrative complaints against public officials for violating election laws.
- HAVA administrative complaints. HAVA requires states to adjudicate administrative complaints against public officials for violating HAVA.
- Taxpayer standing. Recognized in PA, MI, WI state courts. Taxpayers can sue in state court for misuse of government funds.
- Individual state legislator standing. Recognized in PA, MI, WI state courts. Individual state legislators have standing under the federal and/or state constitutions to sue based on usurpation of election law-making powers.

# Adjacent subject areas

- Health freedom (e.g., accommodations from vaccination mandates)
- Public schools and universities (e.g., anti-Semitism, transgendering students, progressive propaganda, brainwashing)
- Diversity Equity Inclusion (DEI) (e.g, Albert Murray Omni-Americans, "the United States is in actuality not a nation of black people and white people. It is a nation of multi-colored people.")
- Family integrity (e.g., child custody, marital dissolution, child protection services)
- Economic regulations (e.g., state regulation of out-of-state transactions)
- Public land use (e.g., enforcing statutory limitations on federal executive actions)
- Malicious prosecution (e.g., remedy for lawfare)
- Taxation (e.g., enforcing limits on government's power to tax)
- Indigenous peoples (e.g., investigation, apology, appropriate ceremony, reparations)