



PHILADELPHIA STATEMENT

On Civil Discourse and the
Strengthening of Liberal Democracy

Delivered: April 7, 2022

Dean Heather Gerken

CC: Dean Ellen Cosgrove; Dean Mike Thompson; Dean Ian Ayers

To Yale Law School leadership,

We write in response to the deeply disturbing incident that took place on your campus on March 10, 2022.

Yale's Federalist Society student chapter invited Alliance Defending Freedom General Counsel Kristen Waggoner to participate in a bipartisan panel discussing her recent successful argument before the U.S. Supreme Court in the free speech case, [Uzuegbunam v. Preczewski](#). Ms. Waggoner, along with her co-panelist Monica Miller of the American Humanist Association and the event's moderator, Professor Kate Stith, were met by a vitriolic mob of Yale Law students intent on silencing them. The students engaged in physical intimidation and menacing behavior that has no place anywhere, let alone in a classroom at Yale Law School.

The purpose of the panel, according to a member of the Federalist Society,¹ was to show that two lawyers on opposite sides of the political and ideological spectrum can find common ground on free speech issues. The panel modeled the best of what Yale has to offer and what our society desperately needs: less vitriol, less polarization, less demonizing of opponents, and more respectful debate and dialogue among people who have deep disagreements.

But instead of engaging with the panelists, a shocking number of Yale Law students hurled constant insults and obscenities at them and tried to prevent them from speaking and being heard.

This appalling example of a heckler's veto degenerated further when numerous disruptors left the room and congregated in the hallway where they "began to stomp, shout, clap, sing, and pound the walls, making it difficult to hear the panel."² Their shameful conduct disrupted nearby classes, exams, and faculty meetings as well. It has been reported that some of these unruly students "grabbed and jostled" Federalist Society members in the hallways.³ In the end, the situation was so volatile that Ms. Waggoner and her fellow panelist had to be escorted to a police car by law enforcement.

Undoubtedly, it is to prevent situations exactly like this that Yale adopted campus free speech policies. One such policy bars any protest that "interferes with speakers' ability to be heard and of community

¹ Aaron Sibarium, *Hundreds of Yale Law Students Disrupt Bipartisan Free Speech Event* (March 16, 2022), <https://freebeacon.com/campus/hundreds-of-yale-law-students-disrupt-bipartisan-free-speech-event/>

² *Id.*

³ *Id.*



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members to listen.”⁴ Yet, according to media reports, the nearly 120 demonstrators who directly violated this policy have yet to suffer any disciplinary consequences.

Yale’s statement in response to these media reports defended the student disruptors and grossly downplayed the chaos they wrought.⁵ Paradoxically, the statement also cites the university’s supposed “bedrock commitment” to free speech.⁶ Yale knows perfectly well that neither the panelists, nor the moderator, a Yale professor, were able to speak freely (as [multiple audio clips](#) prove).⁷

Indeed, a review of video and audio clips led Yale Law School graduate and legal commentator David Lat to update his original reporting. Mr. Lat wrote that “[t]he disruption was much worse than I originally reported” and that “[t]he event *was* significantly disrupted, even if it wasn’t totally canceled... and managed to limp to a conclusion.”⁸ Mr. Lat also noted the students’ raucous behavior disrupted classes, tests, and faculty meetings. He recounts that students in another class reported that “the floor was shaking” and that their professor told them to “yell” when called upon so they could be heard.⁹ In its statement, Yale Law officials also said—wrongly—that a police presence was not needed, apparently trying to appease the two-thirds of the Yale Law students who signed a letter complaining that police got involved in what the students misrepresented as a “peaceful” dialogue.¹⁰

It is also notable that the students involved cited the Southern Poverty Law Center’s discredited, divisive, and politically-motivated “hate group” map in its attacks against Ms. Waggoner and others.¹¹

⁴ *Id.*

⁵ We acknowledge Dean Gerken’s subsequent statement issued March 28. See <https://law.yale.edu/yls-today/news/message-dean-gerken-march-10-protest>. However, it does not satisfy our concerns. Among other things, it continues to downplay the students’ unruly behavior, implicitly suggests that their treatment of the panelists was understandable, and raises serious doubts about Yale Law School’s stated intention to cultivate a free speech culture.

⁶ Ronny Reyes and Natasha Anderson, *Yale Law refuses to condemn students who threatened to fight conservative debater at free speech event: Says staff are having a 'serious conversation' with them about 'expectations' when dealing with people 'inconsistent with our values'*, The Daily Mail (March 17, 2022), <https://www.dailymail.co.uk/news/article-10625581/Yale-Law-DEFENDS-students-shouted-ill-fight-b-tch-conservative-debater.html>.

⁷ <https://vimeo.com/adfmedia/review/689497749/08bb24ab34>;
<https://vimeo.com/adfmedia/review/689497918/64a46d50ea>

⁸ David Lat, *Is Free Speech In American Law Schools A Lost Cause?*, Original Jurisdiction (March 17, 2022, Update March 18, 2022), <https://davidlat.substack.com/p/is-free-speech-in-american-law-schools?s=r>.

⁹ *Id.*

¹⁰ Open Letter to YLS Administrators on Police Presence in SLB (March 12, 2022), <https://freebeacon.com/wp-content/uploads/2022/03/Open-Letter-to-YLS-Administrators-on-Police-Presence-in-SLB.pdf>.

¹¹ Commentators, journalists, and former SPLC employees across the ideological spectrum have been warning for decades that the SPLC is a thoroughly discredited, partisan, and unreliable organization. See Nathan J. Robinson, *The Southern Poverty Law Center Is Everything That’s Wrong With Liberalism*, Current Affairs (Mar. 26, 2019), <https://www.currentaffairs.org/2019/03/the-southern-poverty-law-center-is-everything-thats-wrong-with->



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This is not the first time that SPLC's deeply ideologically partisan and demagogic shenanigans have played a role in prompting disorderly and physically dangerous actions. For example, students cited SPLC statements as a reason they rioted and assaulted a female professor at Middlebury College in 2017.¹² And outside the campus setting, Floyd Corkins cited SPLC claims as motivation for his attempted mass murder at the Family Research Council in 2012.¹³

Yale should be concerned about SPLC's rhetoric causing threatening and violent behavior on college campuses, which it has now experienced firsthand. Aspiring lawyers could derail their promising careers if they are motivated by SPLC propaganda to engage in acts of disruption, intimidation, and worse.

Indeed, that prospect is already at Yale's doorstep. According to Reuters, a federal appeals court judge sent an email to all federal judges urging them to think twice before hiring any Yale student who participated in the threatening and speech-censoring activities on March 10: "All federal judges – and all federal judges are presumably committed to free speech – should carefully consider whether any such student so identified should be disqualified for potential clerkships."¹⁴

The *Wall Street Journal* editorial board highlighted this statement on March 20, adding that "these are adults, not college sophomores. They are law students who will soon be responsible for protecting the rule of law... If these students are so blinkered by ideology that they can't tolerate a debate over civil liberties on campus, the future of the American legal system is in jeopardy."¹⁵

Dean Gerken, we urge you to take concrete action to correct the course of Yale Law School. Our nation desperately needs the next generation of attorneys, legislators, judges, and Supreme Court justices to be marked by the character and values that undergird the American legal profession and a free society.

[liberalism](#); Shikha Dalmia, *The Sad Hysteria of the Southern Poverty Law Center*, The Week (March 20, 2018), <http://theweek.com/articles/759498/sad-hysteria-southern-poverty-law-center>; Ben Schreckinger, *Has a Civil Rights Stalwart Lost Its Way?*, Politico (July/August 2017), <https://www.politico.com/magazine/story/2017/06/28/morris-dees-splc-trump-southern-poverty-law-center-215312/>; Bob Moser, *The Reckoning of Morris Dees and the Southern Poverty Law Center*, The New Yorker (March 21, 2019), <https://www.newyorker.com/news/news-desk/the-reckoning-of-morris-dees-and-the-southern-poverty-law-center>.

¹² Ronald Radosh, *Liberal Intolerance Revives as Charles Murray Is Chased From Middlebury College*, The Daily Beast (March 6, 2017), <https://www.thedailybeast.com/liberal-intolerance-revives-as-charles-murray-is-chased-from-middlebury-college>.

¹³ Carol Cratty and Michael Pearson, *DC shooter wanted to kill as many as possible, prosecutors say*, CNN (Feb. 6, 2013), <https://www.cnn.com/2013/02/06/justice/dc-family-research-council-shooting/index.html>.

¹⁴ Nate Raymond and Karen Sloan, *Conservative judge urges U.S. judiciary to not hire Yale protesters as clerks*, Reuters (March 17, 2022), <https://www.reuters.com/legal/legalindustry/conservative-judge-urges-us-judiciary-not-hire-yale-protesters-clerks-2022-03-17/>.

¹⁵ The Editorial Board, *Yale Law Students for Censorship*, The Wall Street Journal (March 20, 2022), https://www.wsj.com/articles/yale-law-students-for-censorship-silberman-shouting-panel-federalist-society-free-speech-hiring-11647793665?mod=hp_opin_pos_2.



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These include, at the very least, respect for the right to freedom of speech, a commitment to living peacefully with one another despite differences, and esteem for truly open dialogue and debate.

What happened at Yale Law School on March 10, 2022 was disgraceful. But it creates an opportunity for you to send a clear message to the country about the importance of free speech and civil discourse. We ask that you take the following actions:

- 1) Commit to your own students and others that Yale Law School administrators will use their best efforts to protect and cultivate a culture of free speech on campus.
- 2) Commit to ensuring that speakers with diverse views are welcome at Yale.
- 3) Condemn the behavior of students who violated other people's rights on March 10 and take appropriate disciplinary actions in keeping with Yale's free speech policies.
- 4) Retract and/or issue corrections to Yale Law School's initial statement concerning the events of March 10.

We thank you for your consideration and welcome any follow-up conversation you would find beneficial.

Sincerely,

The Undersigned



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U.S. Senate

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U.S. Senate

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Advancing American Freedom



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Young America's Foundation

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Clinical Psychologist, Author

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President, Philanthropy
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American Enterprise Institute

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Nicole Neily
Parents Defending Education

Ayaan Hirsi Ali
Hoover Institution, AHA Foundation

Howard Slugh
Jewish Coalition for Religious Liberty

Nina Shea
Hudson Institute

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Dr. Thomas Farr
Religious Freedom Institute

Lisa B. Nelson
American Legislative Exchange Council

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Hudson Institute

Dr. Jenna Robinson
James G. Martin Center for Academic
Renewal

Lou Perez
We the Internet TV

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Equal Rights Institute

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Michigan State University

Prof. Alberto Sampaio
Instituto Superior de Engenharia do
Porto



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Assumption University

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Saint Louis University

Dr. Jay Bergman
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South Dakota House of
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Villanova University

Sandra Stotsky
University of Arkansas

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University of Bucharest

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California State Polytechnic University
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Colorado State University

Steven Fitschen
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City University of New York

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Dr. Jackson Toby
Rutgers University

Prof. Nathan Harter
Christopher Newport University

Tami Fitzgerald
NC Values Coalition

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Mount Holyoke College

Dr. Patricia Bart
Hillsdale College

Matthew Nee
Nee Law Firm, LLC

Terry Shockey
Yale, Class of 1961

Dr. Robert J. Lieber
Georgetown University

Dr. John Eastman
The Claremont Institute

Stephen R. Hildrich, Esq.
B.A. Yale College, Class of 1968

David Bryant
National Association of Scholars

Barry Thatcher
New Mexico State University

Valerie Thomas
Yale, Class of 2000

David Randall
National Association of Scholars

Gregory T. Angelo
New Tolerance Campaign

James Fink
Yale B.A., Class of 1985

Barbara Weller
National Center for Life and
Liberty

Karl Ninh
Ninh Law Firm PLLC

Ray Treadwell
Yale Law School, Class of 2011

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Frederick Douglass Foundation

Allan Parker
The Justice Foundation

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Yale Law School, Class of 2017



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Attorney

Carrie Law
Attorney

Alicia Berry
Attorney

Ted Barthel
Attorney

Tony Deas
Attorney

Herbert Grey
Attorney

William Zachary
Attorney

Stephanie Solomos
Attorney

Doug VandeGriend
Attorney

James Meadows
Attorney

Milton Matchak
Attorney

Walter Porr
Attorney

Phyllis Crespo
Attorney

Michael Lehutsky, Esq.
Attorney

Cathi Herrod, Esq.
Center for Arizona Policy

John Mauck
Mauck & Baker, LLC, Yale College
'69

Isaiah McKinney
3L, Wake Forest Univ. School of
Law

Igor and Linda Demjen
A Cup of Cold Water Ministries

Michael Brett
AIER

Ivette Montes-Lebron
Alianza de Juristas Cristianos

Robert Anderson
Anderson law office; Christian
Legal Aid of the Inland Empire

Andrew Mathers
Andrew S. Mathers, P.C.

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George Mason University

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BMI

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Bond Force LLC

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Bouhan Falligant LLP

Edwin Gantt
Brigham Young University

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Angelus Legal Services, Saint Joseph
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Athens Univ. of Economics Business

Amanda Perez
California Constitutional Rights
Foundation

Gary Kreep
California Constitutional Rights
Foundation

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Calvary Baptist Church

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Carman Law Firm

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Casey Law Office, P.C.

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Charles Schwab

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Charleston Southern University

Brently Olsson
Cheek Law Firm



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Joseph Cosby
Attorney

Betty McWilliams
Attorney, UVA Law Class of 1981

Vincent Auricchio
Auricchio Law Offices LLC

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Bachus Brom & Taylor, LLC

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Baker NY Trust LLC

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Bema

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Russ Brown
Brown Fox PLLC

Christine File
BSG Analytics, LLC

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Cada and Jewson

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California Business Law Group,
PC

Mark Guevara
Attorney

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Federalist Society

Alexis Winter
Federalist Society, Baylor Law
School

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Feller and Wendt, LLC

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First Southern Baptist Church

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Flourishing Leadership

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Child & Parental Rights Campaign

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Christian Legal Society

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Michelle Beadle
CJFM

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CJSA LLC

Joshua Clayton
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Robert Wainner
Coach 4 Leadership, LLC

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Compass

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Conciliation Services of South Texas



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John Staddon
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Duquesne University

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Dutton Law Group, P.A.

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Envisage Law

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Envisage Law

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Foundation for Moral Law

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Founding Freedoms Law Center

David Harmer
Freedoms Foundation at Valley
Forge

George Grange
Gammon & Grange, P.C., JD 1974
Harvard ; Yale Divinity 1969-70

Tom Jubb
Gammon & Grange, P.C.

Christopher Brock
Georgetown University Law
Center Alumnus '19

Andrea Ludtke
Gibson, Dunn & Crutcher LP

Chuck Carter
GLCAC

Rick Graves
May, PLLC

Gregory Wilson
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Hahn Law Office

Alan Nussbaum
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Cousins Law LLC

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CSU - Chico

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Culpepper Law, LLC

Dale Austin
Attorney

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Davison IP

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Attorney

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DeSandro Law Group PLLC

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Diocese of Lansing

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Domus Group

Doug Newborn
Doug Newborn Law Firm, PLLC



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Herman Walldorf Commercial, Inc

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Investinits LLC

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ISL

J. Michael Considine, Jr.
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Brian Green
J.D., UVA 2004; LL.M, McGill
2015;

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Jarvis Christian College

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UVA Law

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Wagenmaker & Oberly

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Conrad Reynoldson
Washington Civil & Disability Advocate

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WayFM

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Matt Paavola
White Marsh Law Firm



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Law Office of William M Stevens
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Attorney



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Dusty Fillmore
The Fillmore Law Firm, LLP

James Odom
The Illinois Family Institute

Paul Mueller
The King's College

Mark Lassiter
The Lassiter Law Firm

Bryce Neier
The Law Office of Bryce D Neier
PLLC

Jeffrey Harper
The Law Office of Jeffrey D. Harper,
PLLC

Jack Kuykendall
The Law Offices of Jack M.
Kuykendall, PC

Mark Moore
The Law Offices of Mark Q. Moore,
LLC

James Bruner
The Proverbial Lawyer

Emlen Garrett
The Superior Word

Daniel Ensز
Mount Hope Bible Fellowship

Warren Norred
Norred Law
Reaghan Boerman
North Carolina Values Coalition

William Mayer
Northeastern University

Joseph L. Castleberry
Northwest University

Matthew Goldammer
Notre Dame Law School

Devin Humphreys
Notre Dame Law School

Joseph Knippenberg
Oglethorpe University

Charles Kelly
Orange County Department of
Education

Sr. Nancy Tomaso
Order of Saint Andrew

James Coster, Esquire
Law Office of James L. Coster,
Esquire

Bethh Parlato
Partalo Law

Mark McDowell
Pastor

Lothar Gilde
Pastor

Keith Schmader
Schmader Ventures

Robert Brown
Schmitt Schneck Even & Williams, PC

Keith Beauchemin
Servant Estate Planning

Judi Cowart
Short, Setzer, Cowart, P.A.

Charles Shreffler
Shreffler Law Ltd

Jace Breedlove
SMU Law School

Michael Good
South Bay Law Firm

Talmage Ekanger
South Dakota Licensed Attorney

N. Clayton Croy
Southern Nazarene University

Wilbur Moreland
St. Thomas Aquinas

Caroline Breashears
St. Lawrence University

Christopher Ferguson
Stetson University

Rodney Story MD
Story Family Medicine

Sagar Sharma
Student, UNC School of Law



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Kelley Ross
The Proceedings of the Friesian
School

Elle Rogers
The University of Chicago Law
School

Donald Ambrose
The University of Texas at Austin

Tanner Baird
The University of Texas School of
Law

William Vermillion
One Mission Society

Thomas Reynolds
Thomas B. Reynolds, PC

Stephen Crampton
Thomas More Society

James Trainor
Traionr Law, PLLC

Jeffrey Zabrocki
Trinity Health

Josh Bodene
Trinity Law Firm

David Llewellyn
Trinity Law School

Adeline Allen
Trinity Law School

Renee Carlson
True North Legal

Ronald French
Patchwork Tiger

Sean Winn
Patriot Features

Shaun Pearman
Pearman Law Firm, P.C.

Joel Margolis
PEMRI

Samantha Medasie
Walter Penn State Law

Cheryl Allen
Pennsylvania Family Institute

Randall Pentiuk
Pentiuk, Couvreur & Kobiljak, PC

Ryan Hiepler
Pepperdine Caruso School of Law

Grant Ely
Performance Pulsation Control

John Rogers
Performance Pulsation Control

James Kilcup
Perkins Coie LLP

Stephen Hicks
Philosophy, Rockford University

Charles Proctor
PLA Associates P.C.

Kristina Potra
Potra Law Firm

Kathryn Barragan
Student, Harvard Law School

Cole Jester
Student, UVA Law

Tim Swickard
Swickard Law Firm

Tom Lewis
T. W. Lewis Company

Bob Aukerman
TC Tax Law and CPA

Eleftherios Gkioulekas
Univ. of Texas Rio Grande Valley

Seth Smitherman
University of Texas School of Law

Choe Knox
Univ. of Virginia School of Law

Malcolm Allen
University of Wisconsin Oshkosh

Donald Downs
University of Wisconsin-Madison

Rich Zeis
Upper Iowa University

Charlie Ross
US Army Retired

Lawrence A. Wallen
US Army Retired

Francisco Garcia Bedoy Uribe
Universidad Panamericana



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Joe Bettencourt
Tufts University School of Medicine

Keith Whittington
Princeton University

James W. Muller
University of Alaska, Anchorage

Catharine Brosman
Tulane University

Larry Stanfel
Prof. Emeritus, U of AL

Dorian Abbot
University of Chicago

Mike Graviet
TYMM Enterprises, Inc. DBA
Ladder King

Jerry Coyne
Professor Emeritus

Matthew Rittman
University of Chicago Law School

John Ellis
UC Santa Cruz

William Burke
Professor Emeritus Saint Louis
University Medical School

Luke Zahari
University of Iowa College of Law

Ian Nimmo
UCDS

Jeffrey Jones
Professor Emeritus, M.D.,
Ph.D., Univ. of Wisc. School of
Medicine and Public Health

Robert Payne
University of Michigan

Matthew Malkan
UCLA

Harry Power
Professor Emeritus, Rutgers
University

Keith Riles
University of Michigan

Evander Biondi-Copeland
UNC Law Federalist Society

James Rudolph
University of New Hampshire
Franklin Pierce School of Law

Don Bellante
University of South Florida

Kelly Fitzgerald
UNC Law Student

Grace Cho
Univ. of Pennsylvania Law School

Michael Overing
University of Southern California

Lt. William J. Lawler II, M.Ed.
United States Army

Jack Singal
University of Richmond

Anna Krylov
University of Southern California

Josh Jones
United States Federal Courts

Prof. James Moore, II
University of Southern California

Taylor Morgan
Wake Forest Law School

John Kayser
Univ. of New Hampshire, Emeritus

Aaron Siegrist
Pierce McCoy PLLC

Joshua Cools
Evans Fears & Schutttert LLP

John Copeland
Wealth Partners Capital Group

Teresa Collett
Univ. of St. Thomas School of Law



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Mical Atz Marshall	Christian Noordmans	J.C. Stine	Marilyn Utz
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Cheri Petty	Kim Reeves	Michael Wong	JoAnne Pruitt
Jeremy Pierce	Jim Reimer	Jan Wood	Arnold Pullen
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Mark Pinson	Kathy Rettenberg	Patricia Woody	Larry Racketa
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Michelle Riddle	Ryan Richardson	Mark Tuan Yi	Shawn A. Ruebke
Terri Riley	Ruth Ann Robinson	Michael Yin	Daniel J. Ruffin
Ramon Riley	Gina Rocha	Janet Yingling	Lou Rusinko
Victoria Roberts	Isabell Rock	Frank Yocum	Jesse Russell
Robyn Robertson	Jennifer Roddy	Eula Yost	Peter Ryan
Lisa Robertson	Steve Rodewald	George Young	Eric Ryfa
Tim Robertson	Sheila Rodman	Jack Yurgel	Ron Roen
Dan Robinson	Bradley Rodman	Dykes Zangari	Jeff Rogers
Sheila Romano	Debra Rodman	David Zavadil	Derek Saddler
Kevan Romer	Elmer Scharling	Leroy Zeidman	Bridget Safi
Adam Rosebrook	Linda Scharpen	J. Zimmerman	Corey W. Sahu
Laura Ross	Mary Schauer	Mel Zimring	Donna Salsman
Joshua Rossi	Joanne Scheid	Bill Zitella	Stephanie Samy
David L. Rouse	Timothy Scanga	Gwen Zukerman	Terry Sandberg
Robert Rowe	Sheila Schaap	Randy Savage	Cindy Sandberg, J.D., Ph.D
Cultus Sanders	Betty Scharling	Erin Saylor	Amanda Marley
John Santos	Craig Scali	Samuel Matthews	Davyd Titze
Brendan Karl	Robert Kraynak	Claude Taylor	