Subject: Resource Bank - Virginia AG Jason Miyares, Former NFL QBs Matt & Tim Hasselbeck, The Hon. John Murante added to our line-up!

Date: Friday, May 13, 2022 at 1:51:01 PM Mountain Daylight Time

From: Andy Olivastro, The Heritage Foundation <specialevents@heritage.org>

To: jdougall@utah.gov <jdougall@utah.gov>



MAY 31 - JUNE 2, 2022 | NASHVILLE, TENNESSEE

Resource Bank is right around the corner! Our theme this year is **We the**People: On Offense and we are excited to share a few programming updates:

- Virginia Attorney General Jason Miyares will provide an update on wins and momentum from the Commonwealth
- Nebraska State Treasurer John Murante will highlight the leadership of state financial officers pushing back on ESG
- Former NFL Quarterbacks Matt & Tim Hasselbeck will talk about living life on offense

We'll start tailgating...er...we'll kick off our opening reception Tuesday night, May 31, at the world-famous **Country Music Hall of Fame**; special thanks to our co-host the Beacon Center of Tennessee. We'll close the event on Thursday evening, June 2, at **Florida Georgia Line House** where we will talk to Matt and Tim about faith, family, freedom...and football.

Of course, there will be live country music at both events. After all, we're gathering in Music City.

Our Chalk Talk teams are hard at work preparing for our time together. <u>These sessions</u> will address a wide variety of policy issues with experts examining those through the lens of research, messaging, and "on the field" efforts.

Friendly reminder TODAY is the last day to book in our room block at the Omni Nashville. If you have any questions while booking your room, please contact our Special Events team at specialevents@heritage.org.

See you in Nashville!

Andy Olivastro Vice President, Outreach The Heritage Foundation

214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (202) 608-1524

You are subscribed to Heritage Foundation e-mails as jdougall@utah.gov. If you want to change your e-mail preferences, please click here to update your subscription.

Subject: Confirmation: 2022 Resource Bank Meeting

Date: Friday, April 29, 2022 at 12:07:03 PM Mountain Daylight Time

From: Annie Foster, The Heritage Foundation <specialevents@heritage.org>

To: jdougall@utah.gov < jdougall@utah.gov>

Dear John,

Thank you for registering for the 2022 Resource Bank Meeting, May 31 - June 2, in Nashville. We are so glad you can join us!

Hotel Rooms

If you haven't already booked your room, please visit the Hotel & Travel tab on the Resource Bank website.

Connect

Click here to access the Participant Directory and start connecting with other movement leaders who have registered to attend.

Questions

If you have any questions or need to modify your registration, please contact our Special Events team at 202-608-1524, or specialevents@heritage.org.

Event Registration Summary

Name: John Dougall Confirmation #: 15874665

Click here to review or update your registration

Click here to see your invoice

We look forward to seeing you in Nasvhille!

Sincerely,

Annier Foster

Senior Event Planner, The Heritage Foundation

Subject:

FW: Heritage President Hails Supreme Court's Decision to Block Biden's COVID Vaccine

Mandate

Date:

Thursday, January 13, 2022 at 1:54:47 PM Mountain Standard Time

From:

Olivastro, Andrew <

@heritage.org>

To:

Coalition Relations < Coalition Relations@heritage.org>

Attachments: image002.jpg

Friends, I hope you've seen the news as Kevin notes below an in his <u>recent tweet</u> – "We took our fight against Biden's unlawful COVID vaccine mandate to the Supreme Court—and I'm thrilled the justices ruled correctly. The federal government has no business dictating your private and personal health care decisions." Stay tuned for more. –Andy



Heritage President Hails Supreme Court's Decision to Block Biden's COVID Vaccine Mandate Jan. 13, 2022

https://www.heritage.org/press/heritage-president-hails-supreme-courts-decision-block-bidens-covid-vaccine-mandate

WASHINGTON—Heritage Foundation President <u>Kevin Roberts</u> released the following statement Thursday in response to the U.S. Supreme Court ruling that blocks the Biden administration's unlawful COVID-19 vaccine mandate on employers:

"The federal government has no business dictating the private and personal health care decisions of tens of millions of Americans, nor does it have the authority to coerce employers into collecting protected health care data on their employees. By striking down the Biden regime's unlawful COVID-19 vaccine mandate, the Supreme Court has signaled its agreement with this basic tenet of a well-functioning and free society.

"This mandate has never been about public health. It has always been a fig leaf for President Biden's excuse to increase government control of the everyday lives of Americans. The court's rebuke of this overreach is certainly welcome. However, Americans who cherish our Constitution and the rule of law have a great deal of work left to do in pushing back against the Biden regime's radical response to the pandemic, whether it be disastrous public health policy, extreme social spending proposals like 'Build Back Better,' or the assault on the integrity of our elections through legislation that would undo basic electoral safeguards like voter ID in all 50 states.

"Make no mistake—Heritage will continue to fight on all these fronts, and remain a faithful voice for the tens of millions of Americans whom our 'elites' have left behind."

"We're grateful for the work of our partners at ACLJ for representing Heritage in this case. Their representation of Heritage and the American people was second to none."

BACKGROUND: In December, The Heritage Foundation <u>filed an application</u> with the U.S. Supreme Court to delay implementation of the Biden administration's COVID vaccine mandate on private employers. Heritage's petition <u>asked the court to review the case</u> and immediately grant a stay

pending resolution.

In the application, Heritage argued that the Occupational Safety and Health Administration (OSHA) does not have the statutory authority to impose a vaccine mandate on private employers. It also exceeds the federal government's authority under the Commerce Clause and violates the 10th Amendment to the U.S. Constitution. On Thursday, Roberts urged the justices of the Supreme Court to follow the clear text of the Constitution and existing law in rejecting the mandate as an obvious overreach of federal authority:

"No constitutional or legal authority is given to the federal government to issue this type of mandate, and the Supreme Court should reiterate this fact quickly and without ambiguity. This is a pivotal moment for our judicial system – will the nine justices of the Court be guided by the text of the Constitution and the clear language of our laws, or will they bow to the political pressure so often exerted throughout this pandemic that has led to a massive erosion of Americans' rights and livelihoods? The answer to that question will have consequences far beyond a mandate over the COVID-19 vaccine."

Following oral arguments Jan. 8, Roberts said the Supreme Court has a constitutional responsibility to strike down the Biden administration's mandate:

"The Biden administration, and many on the far left, believe that the federal government has the right and the authority to dictate personal and private medical decisions to the American people, and coerce their employers into collecting protected health care data on their employees. This overreach is a fundamental violation of the American spirit of freedom and personal responsibility and represents the left's assault not just on common sense, but our constitutional rights. ... The justices of the Supreme Court have a sacred duty to uphold and protect the Constitution. They must do so in this case by unequivocally rejecting this unlawful mandate and assigning it to the trash heap of American jurisprudence. If they fail to do so, the consequences for our republic will be dire.

On Nov. 29, The Heritage Foundation <u>announced</u> that it filed its first-ever lawsuit challenging OSHA's mandate. In the filing, Heritage highlights OSHA's own previous resistance to issuing new rules on a COVID vaccine mandate, and subsequently argues that the mandate is unlawful. Heritage retained the American Center for Law and Justice, led by Chief Counsel Jay Sekulow.

Andrew Olivastro

Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

Subject: RE: Connecting Kaylee and Dave Trabert

Date: Monday, December 20, 2021 at 3:53:28 PM Mountain Standard Time

From: Dave Trabert

To: Kaylee Hodgson < khodgson@utah.gov>

CC: @heritage.org < @heritage.org>, John Dougall

<idougall@utah.gov>

Fire away

Dave

Dave Trabert
Chief Executive Officer
Kansas Policy Institute
12980 Metcalf, Suite 130
Overland Park, KS 66213



www.KansasPolicy.org

www.SentinelKS.org

www.KansasJusticeInstitute.org

www.KansasOpenGov.org

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From: Kaylee Hodgson khodgson@utah.gov>
Sent: Monday, December 20, 2021 12:33 PM

To: Dave Trabert <

Subject: Re: Connecting Kaylee and Dave Trabert

Tuesday 12/21 at 10am works for me. I can send out a Google meet invite if that works best for you. I'm looking forward to meeting with you, Dave.

On Sun, Dec 19, 2021 at 7:43 AM Dave Trabert

> wrote:

The Tuesday 12/21 window works for me.

Dave

Dave Trabert Chief Executive Officer Kansas Policy Institute 12980 Metcalf, Suite 130 Overland Park, KS 66213 www.KansasPolicy.org www.SentinelKS.org www.KansasJusticeInstitute.org www.KansasOpenGov.org

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From: John Dougall < jdougall@utah.gov > Sent: Saturday, December 18, 2021 5:45 PM

To: Dave Trabert

Cc: Kaylee Hodgson < khodgson@utah.gov >; @heritage.org

Subject: Re: Connecting Kaylee and Dave Trabert

Dave:

Great to connect with you. Looking forward to discussing. I can be available (all UT times):

Monday (12/20): 10am-3pm Tuesday (12/21): 9:30-11:30am

Monday (1/3): 9am-3pm Tuesday (1/4): 9:30am-3pm Wednesday (1/5): 9am-1pm

I'll let Kaylee respond regarding her availability.

-John D.

From: Dave Trabert

Date: Friday, December 17, 2021 at 3:42 PM

< khodgson@utah.gov>, John Dougall < jdougall@utah.gov>

Subject: RE: Connecting Kaylee and Dave Trabert

Thanks, Bridgette.

Hi Kaylee and John,

We really like your site and would like to adapt some or all of it in Kansas. Please suggest some times for a Zoom call in the next couple of weeks.

Best,

Dave

Dave Trabert Chief Executive Officer Kansas Policy Institute 12980 Metcalf, Suite 130 Overland Park, KS 66213



www.KansasPolicy.org www.SentinelKS.org www.KansasJusticeInstitute.org www.KansasOpenGov.org

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From: Weisenburger, Bridget < @heritage.org>

Sent: Friday, December 17, 2021 3:43 PM

To: Kaylee Hodgson < khodgson@utah.gov; Dave Trabert <

>; John Dougall

<jdougall@utah.gov>

Subject: Connecting Kaylee and Dave Trabert

Hi Kaylee and John,

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Dave, I'll let you take it from here.

Have a wonderful Christmas and a happy New Year, Bridget

Bridget Weisenburger

Associate Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

heritage.org

Kaylee Hodgson

Project KIDS Manager Office of the State Auditor (801) 707-9059

: Re: Connecting Kaylee and Dave Trabert
Monday, December 20, 2021 at 11:32:33 AM Mountain Standard Time
Ka y lee Hodgson <khodgson@utah.gov></khodgson@utah.gov>
Dave Trabert
@heritage.org <
12/21 at 10am works for me. I can send out a Google meet invite if that works best for you. I'm looking forward t with you, Dave.
Dec 19, 2021 at 7:43 AM Dave Trabert < <u>dave.trabert@kansaspolicy.org</u> > wrote:
esday 12/21 window works for me.
rabert
Executive Officer

www.KansasPolicy.org

Kansas Policy Institute

12980 Metcalf, Suite 130

Overland Park, KS 66213

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To: Dave Trabert	
Cc: Kaylee Hodgson < khodgson@utah.gov >;	@heritage.org
Subject: Re: Connecting Kaylee and Dave Trabert	
•	

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-John D.
From: Dave Trabert Date: Friday, December 17, 2021 at 3:42 PM To: "Weisenburger, Bridget" <
Thanks, Bridgette.
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John Dougall

From: Weisenburger, Bridget @heritage.org>

Sent: Friday, December 17, 2021 3:43 PM

To: Kaylee Hodgson < khodgson@utah.gov >; Dave Trabert

<jdougall@utah.gov>

Subject: Connecting Kaylee and Dave Trabert

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Dave, I'll let you take it from here.

Have a wonderful Christmas and a happy New Year,

Bridget

Bridget Weisenburger
Associate Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

heritage.org

__

Kaylee Hodgson

Project KIDS Manager Office of the State Auditor (801) 707-9059 Subject: RE: Connecting Kaylee and Dave Trabert

Date: Sunday, December 19, 2021 at 7:43:23 AM Mountain Standard Time

From: Dave Trabert

To: John Dougall <jdougall@utah.gov>

CC: Kaylee Hodgson < khodgson@utah.gov>

@heritage.org

@heritage.org>

The Tuesday 12/21 window works for me.

Dave

Dave Trabert
Chief Executive Officer
Kansas Policy Institute
12980 Metcalf, Suite 130
Overland Park, KS 66213

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From: John Dougall <jdougall@utah.gov>
Sent: Saturday, December 18, 2021 5:45 PM

To: Dave Trabert

Cc: Kaylee Hodgson khodgson@utah.gov; @heritage.org

Subject: Re: Connecting Kaylee and Dave Trabert

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From: Dave Trabert

Date: Friday, December 17, 2021 at 3:42 PM

< khodgson@utah.gov >, John Dougall < jdougall@utah.gov >

Subject: RE: Connecting Kaylee and Dave Trabert

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From: Weisenburger, Bridget @heritage.org>

Sent: Friday, December 17, 2021 3:43 PM

To: Kaylee Hodgson < khodgson@utah.gov >; Dave Trabert >; John Dougall

<jdougall@utah.gov>

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Dave, I'll let you take it from here.

Have a wonderful Christmas and a happy New Year,

Bridget

Bridget Weisenburger Associate Director, Coalition Relations The Heritage Foundation 214 Massachusetts Avenue, NE Washington, DC 20002

Subject: Automatic reply: Connecting Kaylee and Dave Trabert

Date: Saturday, December 18, 2021 at 4:45:12 PM Mountain Standard Time

From: Weisenburger, Bridget @heritage.org>

To: John Dougall < jdougall@utah.gov>

Thank you for your email. I am out of the office and have limited email access until January 2nd.

Subject: RE: Connecting Kaylee and Dave Trabert

Date: Friday, December 17, 2021 at 3:42:17 PM Mountain Standard Time

From: Dave Trabert

To: Weisenburger, Bridget @heritage.org>, Kaylee Hodgson

<khodgson@utah.gov>, John Dougall <idougall@utah.gov>

Thanks, Bridgette.

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Dave Trabert Chief Executive Officer Kansas Policy Institute 12980 Metcalf, Suite 130 Overland Park, KS 66213

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From: Weisenburger, Bridget < Bridget. Weisenburger@heritage.org>

Sent: Friday, December 17, 2021 3:43 PM

To: Kaylee Hodgson < khodgson@utah.gov>; Dave Trabert

; John Dougall

<jdougall@utah.gov>

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Have a wonderful Christmas and a happy New Year, Bridget

Bridget Weisenburger Associate Director, Coalition Relations The Heritage Foundation 214 Massachusetts Avenue, NE Washington, DC 20002

Subject: Connecting Kaylee and Dave Trabert

Date: Friday, December 17, 2021 at 2:42:45 PM Mountain Standard Time

From: Weisenburger, Bridget @heritage.org>

To: Kaylee Hodgson <khodgson@utah.gov>, Dave Trabert

John

Dougall < jdougall@utah.gov>

Hi Kaylee and John,

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Have a wonderful Christmas and a happy New Year, Bridget

Bridget Weisenburger

Associate Director, Coalition Relations The Heritage Foundation 214 Massachusetts Avenue, NE Washington, DC 20002

Subject: Summary notes, resources, links :: Thursday's Election Integrity Scorecard Briefing Call

Date: Thursday, December 16, 2021 at 3:32:57 PM Mountain Standard Time

From: Olivastro, Andrew @heritage.org>
To: Coalition Relations < CoalitionRelations@heritage.org>

Thanks to all who joined today's discussion with <u>Hans von Spakovsky</u> about Heritage's <u>Election Integrity</u> <u>Scorecard</u>: a new tool that will allow you to dive deep into your state's election integrity measures so you can see the strengths and weaknesses of your state's laws – and where there is room for improvement.

As displayed on the call, this interactive tool:

- · analyzes election laws of all 50 states and District of Columbia
- grades each state in 12 different categories on how well it protects the security and integrity of the election process
- provides states a clear picture of where their laws and regulations are effective in safeguarding the electoral process, where vulnerabilities exist, and
- · offers draft model legislation to fix them.

Thank you for all the questions and comments and, as Hans noted, we welcome your continued feedback and input.

As noted by <u>Garrett Bess</u> – our colleague from <u>Heritage Action for America</u> – with the country heading into another election year, policymakers would be wise to consider these recommendations and commit to improving the integrity of their elections. This <u>tool</u> will be a guidepost as Heritage Action continues its important grassroots work to <u>Save our Elections</u>.

Resources Mentioned

- · Heritage: Election Integrity Scorecard interactive
- Newsmax's "Spicer & Company": <u>Heritage President Kevin Roberts and Senior Fellow Hans von Spakovsky talk Election Integrity</u>
- · <u>Heritage Explains</u> (podcast): <u>Big Defeats Against The Left's Effort to Damage Election Security</u>: After the 2020 election season, many came to the realization that our election system needs significant reforms. In fact, we have actually seen a lot of victories on this front in 2021.
- "On Air with Heritage Action" (podcast): The Roadmap to Election Integrity: Why State Advocacy
 MATTERS: Executive Director <u>Jessica Anderson</u> talks about what this scorecard means for activists
- <u>Capital Research Center</u>: <u>New IRS Disclosures Confirm Flood of Private Money to Elections Offices</u>
 <u>from Zuckerberg Grantee</u>. As <u>CRC President Scott Walker</u> noted, state-by-state updates being added
 today and tomorrow.
- Update: National Popular Vote just postponed its MI ballot initiative to 2024
- · <u>Update</u>: Polling data coming soon to back up the point that we're winning the debate. One question shows that voters are more likely to see Democrats as a threat to democracy than Republicans.

Thanks all. Merry Christmas and Happy Holidays.

Andy

Andrew Olivastro

Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

Subject: COALITION CALL INVITE: Briefing on *new* Election Integrity Scorecard **Date:** Tuesday, December 14, 2021 at 3:58:28 PM Mountain Standard Time

From: Olivastro, Andrew heritage.org>

Please join Hans von Spakovsky for a briefing and discussion on the Election Integrity Scorecard.

Click here to join the 1 p.m. meeting

Heritage has released our <u>Election Integrity Scorecard</u> – a new interactive tool that:

- analyzes election laws in all 50 states and the District of Columbia
- grades each state on how well it protects the security and integrity of the election process
- identifies where laws and regulations meet best practices, and
- how to fix vulnerabilities where they exist.

As Heritage President <u>Kevin Roberts said</u>, "Americans need and deserve elections that they can trust. The new <u>Election Integrity Scorecard</u> gives states a clear picture of their laws and regulations—and where they need improvement. This is a powerful resource that all Americans can use—but it's also intended to be a roadmap for policymakers."

Andy

Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting

Or call in (audio only)

+1 509-904-4844,,870249619# United States, Spokane

Phone Conference ID: 870 249 619#

Find a local number | Reset PIN

Learn More | Meeting options

Subject: Summary notes, resources, links :: Today's Vaccine Mandate Pushback Briefing Call

Date: Friday, November 12, 2021 at 4:10:15 PM Mountain Standard Time

Thank you to more than 100 partners who participated in today's call and the robust Q&A. Across the country, Americans have rallied to push back against the grossly unconstitutional overreach by the recently released OSHA vaccination mandate. During the call, Jobs Creators Network, Liberty Counsel, the Texas Public Policy Foundation, The Buckeye Institute, and others emphasized the effect this regulation will have on small businesses and religious liberty. Along with our Heritage experts, they highlighted the legal arguments in their lawsuits against vaccination mandates.

CALL HIGHLIGHTS:

Paul Larkin, The Heritage Foundation

- OSHA lacks the legal authority to force a Covid-19 vaccine on Americans who do not want it. Small wonder that more than half the states are suing to stop the Biden administration's vaccine mandate. Start by understanding the playing field in which this issue arises.
 - o #1 Federal agencies have only the authority that Congress has granted them by statute. Agencies cannot vest themselves with additional power by issuing rules.
 - #2 Agencies cannot undertake unauthorized action even in an emergency. As the Supreme Court <u>explained last summer</u>, "our system does not permit agencies to act unlawfully even in pursuit of desirable ends," which includes "combatting the spread of the COVID-19 Delta variant."
 - o #3 Vaccinations are materially different from personal protective equipment (PPE), like goggles, gloves, or masks. PPE offers a protective external shield to fend off harmful substances, preventing them from piercing the human skin, a shell that can be shed at the end of the workday. By contrast, vaccinations are not something we wear, rather they are something that is injected into our bodies to spur the immune system to generate antibody responses to pathogens. T-cells cannot be tossed into the trash at 5 p.m.
 - #4 Congress limits each agency's authority in order to focus its responsibilities. There is no
 Department of Making Life Better Without Leaving Anyone Behind. Just as only physicians
 can diagnose disease, prescribe medication, or perform surgery, only healthcare agencies can
 make medical decisions that Congress wants made.
 - o #5 Congress has trusted the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) to regulate vaccines, yet neither agency may order the public to be vaccinated. If so, why would Congress have granted OSHA that power? If your answer is, "I can't imagine why," you're on the right track.

Rob Henneke, Texas Public Policy Foundation

- On 11/6 the Fifth Circuit Court of Appeals granted the Texas Public Policy Foundation's emergency
 motion to stay enforcement of the Biden Administration's private employer vaccine mandate citing
 "grave statutory and constitutional issues with the Mandate."
- TPPF's Center for the American Future and America First Legal filed the motion on behalf of a coalition of Texas temporary staffing businesses arguing that Congress has never given the Occupational Safety and Health Administration the power to try and end pandemics, nor does it have the power to regulate in this way companies who do not operate outside state lines.
- · The petition argues the mandate is unconstitutional because it:
 - Violates the non-delegation doctrine: Congress did not give OSHA the power to enact a
 nationwide vaccine mandate, affecting 80+ million people, when it gave them the power to
 regulate workplace safety. Congress has not given OSHA the power to try and end
 pandemics.
 - Violates the Commerce Clause: The mandate applies even to companies that do business solely inside of Texas, and whose services never cross state lines. States have a general police power; the federal government does not. It is a government of enumerated powers, and it cannot do this by invoking the Commerce Clause.
- Under the mandate, which was issued using a seldom-used procedure from the Occupational Health and Safety Administration (OSHA) called an emergency temporary standard (ETS), employers are subject to fines of up to \$13,653 per day for each employee that does not comply. These penalties can quickly ruin even the most diligent company. Furthermore, because the rule does not apply to smaller employers, the staffing companies worry that many of their employees could quit and go to work for a smaller competitor.

Robert Alt, Buckeye Institute

- On 11/5 The Buckeye Institute—following its original challenge from 11/4 against the Department of Labor's Occupational Safety and Health Administration (OSHA)—filed a Motion for Emergency Stay on Friday asking the U.S. Court of Appeals for the Sixth Circuit to immediately halt the federal vaccine mandate.
- The emergency motion argues that the mandate—one of the most far-reaching and invasive rules ever promulgated by the federal government—exceeds OSHA's authority under the Occupational Health and Safety Act, violates the major questions doctrine, was promulgated in violation of the Congressional Review Act, and impermissibly trammels on numerous constitutional principles including the non-delegation doctrine and limitations on federal power under the Commerce Clause.
- "The OSHA vaccine mandate is not about workplace safety, but is a rather transparent attempt by the Biden Administration to work around statutory and constitutional limitations on federal power in order to impose requirements on individuals—something OSHA lacks the power to do," said Robert Alt, president and chief executive officer of The Buckeye Institute, who is counsel of record representing Phillips Manufacturing and Sixarp LLC.
- Buckeye's two clients are Phillips Manufacturing & Tower Company, which has invested significant resources in providing antibody testing for its employees; and Sixarp, which employs more than 600 people at its Grand Rapids packaging facility, and dozens of employees in Ohio.

- This new OSHA rule forces employers with 100 or more workers to require they get vaccinated or get tested weekly. It will impact a sizable portion of the small business community and the tens of millions of people they employ.
- Never before has the federal government mandated vaccines for so many Americans let alone at the order of the President — without clear support from Congress. OSHA simply doesn't have the authority to enact it.

Jonathan Alexandre, Liberty Counsel

- LC has won victories for hundreds of students, employees in all fields of disciplines, levels of
 employment, and colleges and universities. For the past four months we've held every weekday a
 call where sometimes 1000 callers get into a queue ask questions about their particular
 situations. So we have seen and helped it all.
- The federal government is not the only bad actor. We've sued states with equally unconstitutional mandates such as Maine, New York, and Illinois. We've petitioned SCOTUS for full review of our Maine case on behalf of 2,000 Maine health care workers against Governor Janet Mills.

David Hacker, First Liberty

- The OSHA ETS is causing religious employers to violate the religious beliefs of their employees by requiring them to test their conscience with respect to the covid vaccine. This violates RFRA.
- The Department of Defense is discriminating against Navy SEALs by removing them from duty and making them medically disqualified for seeking a religious accommodation from the vaccine mandate.
- · First Liberty welcomes amicus briefs in support of our cases and would like to support other similar cases with amicus briefs.

LAWSUITS FILED:

- The Pelican Institute/Liberty Justice Center Lead case the Fifth Circuit will rule on in the next day or so. Their plaintiff, Brandon, is a local grocer who has a compelling story. It puts a real face to this problem and helps the American people better understand why this fight is important.
- Liberty Counsel Filed a <u>reply brief and additional affidavits</u> supporting the need for <u>immediate relief</u> for plaintiffs from all five branches of the <u>military</u>, federal employees, and federal civilian contractors who have been unlawfully mandated to get the COVID shots or face dishonorable discharge from the military or termination from employment; Preliminary injunction hearing will be on Nov. 15 at 9 am in the Middle District Court of Florida. The short name of the case is *Navy SEAL 1 v. Biden*.
- Job Creators Network <u>Filed a lawsuit</u> in the U.S. Court of Appeals for the Eighth Circuit; On Nov. 10, the Eighth Circuit Court granted JCN's request that the government expeditiously respond to our stay motion. This lightning-fast ruling signals that the court is open to granting an injunction striking down the Emergency Temporary Standard (ETS).
- Texas Public Policy Foundation Partnered with America First Legal to <u>file a petition</u> in the U.S. Court
 of Appeals for the Fifth Circuit; On Nov. 6 the Fifth Circuit Court of Appeals granted the emergency
 motion; The quick turnaround by the Fifth Circuit to stay the mandate signifies the deep and obvious

constitutional problems with the federal government's private employer vaccine mandate.

- Buckeye Institute <u>Filed Phillips v. U.S. Department of Labor</u> in the United States Court of Appeals for the Sixth Circuit challenging the Biden Administration's vaccine mandate.
- o America First Policy Institute Filed a lawsuit in the U.S. Court of Appeals for the Eighth Circuit
- National Federation of Independent Business Joined a business coalition in suing OSHA over the vaccine mandate. NFIB is in the U.S. Fifth Circuit of Appeals and are represented by Lehotsky Keller.
 Our lawsuit was consolidated with multiple other suits in the 5th Circuit and the case name is BST Holdings, LLC v. OSHA (21-60845).
- State Attorney's General Filed District Court lawsuits challenging the Biden Administration's COVID-19 vaccine mandate for federal contractors including:
 - o Kentucky, Ohio, and Tennessee (Nov. 4, 2021)
 - o Mississippi, Louisiana, and Indiana (Nov. 5, 2021)
 - Missouri, Nebraska, Alaska, Arkansas, Iowa, Montana, New Hampshire, North Dakota, South Dakota, Wyoming (Oct. 29, 2021)

Our plan is to host another call on the afternoon of Monday, Nov. 22. Stay tuned for details.

Until then, please share additional resources and developments (<u>CoalitionRelations@heritage.org</u>) which we can track, <u>share on Heritage.org</u>, and with our Daily Signal colleagues for media coverage. Lastly, as you know OSHA is required to take and review public comments on any new rule. The deadline for comments is December 6. We encourage you to engage your networks and supporters to submit comments, <u>including through Heritage Action's portal</u>.

Thank you, Andy

Andrew Olivastro

Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

Subject: REMINDER:: 10 a.m. Briefing Call:: Vaccine Mandate Pushback

Date: Friday, November 12, 2021 at 7:10:50 AM Mountain Standard Time

From: Olivastro, Andrew pheritage.org>
To: Coalition Relations < CoalitionRelations@heritage.org>

Friendly reminder this call starts at 10a ET. Pleased to add Elaine Parker from Job Creators Network to the agenda who will talk about their recent victory with their motion to stay.

Click here to join the meeting | Audio only option below

Please join us for a call **Friday, November 12 at 10 a.m. EST** covering the recently released **OSHA rule** on the **vaccine mandate**. We will discuss the regulation, the legal arguments in current lawsuits, the research supporting opposition to the mandate, and the landscape of responses by the movement, states, employers, and employees.

The call will include:

- Paul Larkin on the OSHA regulation.
- · Robert Henneke on The Texas Public Policy Foundation's lawsuit.
- · Robert Alt on The Buckeye Institute's lawsuit.
- · Elaine Parker on Job Creators Network's lawsuit.
- Highlights of responses across the country.

Discussion on existing resources as well as the initiatives and resources needed.

Please share any resources or efforts your organization is developing in response to the OSHA rule with coaltionrelations@heritage.org so we can be sure to share it with allies in the follow-up email.

Existing resources:

- Heritage Resources and Tools: <u>COVID-19 Vaccine Mandate</u>
- Heritage Event: What's Wrong with President Biden's COVID-19 Vaccine Mandate
- Heritage Action: Public Comment Campaign
- Heritage Report: <u>The First General Federal Vaccination Requirement: The OSHA Emergency</u> <u>Temporary Standard for COVID-19 Vaccinations</u>
- Heritage Report Summary: Congress Didn't Give OSHA Authority to Impose Vaccine Mandates
- ADF: <u>Resource on Religious Accommodations and Exemptions form COVID-19 Vaccination</u> <u>Mandates</u>
- First Liberty: Religious Liberty Protection Kit: Know Your Rights on Vaccine Mandates
- First Liberty: Request Legal Assistance Vaccine Mandates
- Job Creators Network: <u>Eighth Circuit's Expedited Consideration of Stay Motion</u> | Commentary:

It's not an employer's role to be the vaccine police

Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting

Or call in (audio only)

<u>+1 509-904-4844, 389790066#</u> United States, Spokane

Phone Conference ID: 389 790 066#

Find a local number | Reset PIN | Learn More | Meeting options

Andrew Olivastro

Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

Subject: RE: Heritage's Education Freedom Working Group today

Date: Tuesday, November 2, 2021 at 7:56:35 AM Mountain Daylight Time

From: Weisenburger, Bridget @heritage.org>

To: Kaylee Hodgson < khodgson@utah.gov>

CC: John Dougall <jdougall@utah.gov>

Hi Kaylee,

Thank you for sharing. I'll be sure to circulate with the group.

Thanks,

Bridget

Bridget Weisenburger

Associate Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

heritage.org

From: Kaylee Hodgson <khodgson@utah.gov> Sent: Monday, November 1, 2021 1:37 PM

To: Weisenburger, Bridget @heritage.org>

Cc: John Dougall < jdougall@utah.gov>

Subject: Re: Heritage's Education Freedom Working Group today

Bridget,

Here are the slides in a pdf file. This will be a better format for sharing the presentation with others.

Sincerely,

Kaylee Hodgson

Project KIDS Manager Office of the State Auditor (801) 707-9059

On Mon, Nov 1, 2021 at 7:44 AM Kaylee Hodgson < khodgson@utah.gov > wrote:

Bridget,

I have attached the slides for you to share. Thank you for sharing those links and thank you for the opportunity to present.

Sincerely,

Kaylee Hodgson

Project KIDS Manager Office of the State Auditor (801) 707-9059

On Fri, Oct 29, 2021 at 8:15 AM Weisenburger, Bridget < wrote:

@heritage.org>

John and Kaylee,

Thank you very much for joining the call. We also received a lot of positive feedback.

I planned to share the following links in a follow-up email today. Are the slides available to share? And is there anything else you'd recommend?

https://transparent.utah.gov/ https://auditor.utah.gov/kids/

Thanks again, Bridget

Bridget Weisenburger

Associate Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

heritage.org

From: John Dougall <jdougall@utah.gov>

Sent: Thursday, October 28, 2021 11:29 PM

To: Weisenburger, Bridget <

Cc: Kaylee Hodgson < khodgson@utah.gov>

Subject: Re: Heritage's Education Freedom Working Group today

Bridget: Thanks for today's opportunity to present Project KIDS. We're already hearing positive feedback and follow-up inquiries.

@heritage.org>

From: "Weisenburger, Bridget"

@heritage.org>

To: Kaylee Hodgson < khodgson@utah.gov > Cc: John Dougall < jdougall@utah.gov >

Subject: RE: Heritage's Education Freedom Working Group today

Hi Kaylee, Absolutely!

Thank you,

Bridget

Bridget Weisenburger

Associate Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

heritage.org

From: Kaylee Hodgson < khodgson@utah.gov >

Sent: Thursday, October 28, 2021 11:27 AM

Cc: John Dougall < jdougall@utah.gov>

Subject: Re: Heritage's Education Freedom Working Group today

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Sincerely,

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Project KIDS Manager Office of the State Auditor (801) 707-9059

On Thu, Oct 28, 2021 at 9:18 AM Weisenburger, Bridget wrote:

@heritage.org>

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Bridget Weisenburger

Associate Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

Subject:

Re: Heritage's Education Freedom Working Group today

Date:

Monday, November 1, 2021 at 11:37:14 AM Mountain Daylight Time

From:

Kaylee Hodgson < khodgson@utah.gov>

To:

Weisenburger, Bridget <

@heritage.org>

CC:

John Dougall < jdougall@utah.gov>

Attachments: Project KIDS Introduction - Brief.pdf

Bridget,

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Thanks again,	
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From: "Weisenburger, Bridget" Date: Thursday, October 28, 2021 at 9:3 To: Kaylee Hodgson khodgson@utah.gov Cc: John Dougall jdougall@utah.gov Subject: RE: Heritage's Education Freedom	<u>ov</u> >
Hi Kaylee,	
Absolutely!	
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Bridget	

Bridget Weisenburger

Associate Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

heritage.org

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Project KIDS Manager

Office of the State Auditor

(801) 707-9059

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Thanks,

Bridget

Bridget Weisenburger

Associate Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

Subject:

Re: Heritage's Education Freedom Working Group today

Date:

Monday, November 1, 2021 at 8:44:13 AM Mountain Daylight Time

From:

Kaylee Hodgson < khodgson@utah.gov>

To:

Weisenburger, Bridget

@heritage.org>

CC:

John Dougall <jdougall@utah.gov>

Attachments: Project KIDS Introduction - Brief.pptx

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Project KIDS Manager Office of the State Auditor (801) 707-9059

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Associate Director, Coalition Relations The Heritage Foundation 214 Massachusetts Avenue, NE Washington, DC 20002

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From: John Dougall <jdougall@utah.gov>
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Subject: Re: Heritage's Education Freedom Working Group today

Bridget: Thanks for today's opportunity to present Project KIDS. We're already hearing positive feedback and follow-up inquiries.

From: "Weisenburger, Bridget" <

@heritage.org>

Date: Thursday, October 28, 2021 at 9:36 AM To: Kaylee Hodgson khodgson@utah.gov Cc: John Dougall jdougall@utah.gov

Subject: RE: Heritage's Education Freedom Working Group today

Hi Kaylee,

Absolutely!

Thank you,

Bridget

Bridget Weisenburger

Associate Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

heritage.org

From: Kaylee Hodgson < khodgson@utah.gov Sent: Thursday, October 28, 2021 11:27 AM

To: Weisenburger, Bridget

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Project KIDS Manager
Office of the State Auditor
(801) 707-9059
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Bridget Weisenburger

Associate Director, Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

heritage.org

Subject: Education Freedom Working Group Follow-Up

Date: Friday, October 29, 2021 at 4:12:27 PM Mountain Daylight Time

From: Weisenburger, Bridget < @heritage.org>

CC: Emilie Kao < , Kaylee Hodgson < khodgson@utah.gov>

Attachments: Kentucky's School Financial Reports Just Don't Add Up.pdf

Good afternoon,

Thank you to everyone who was able to join the working group this week. We covered Utah's Project KIDS and the importance of parental rights as the Biden Administration seeks to weaponize the DOJ against concerned parents.

- Kaylee Hodgson, manager of Utah's Project KIDS, demonstrated how the project integrates financial, operational, and performance data. They focused on asking where the money goes and let others judge how well it was spent. To that end they built four public dashboards: School Spending Map, Peer School Comparisons, School Spending Map, Peer School Comparisons, School Performance & Spending. They would be happy to share resources and connect with any state interested in pursuing a similar model.
- John Dougall, Utah State Auditor, shared advice and lessons learned. By focusing on visualizing the data and not making a judgment on whether the money was spent well, they were able to build positive relationships. Working closely with school districts early on, they were able to ensure the tool met school leaders' needs. By working with existing data and not asking schools to change their accounting systems, they avoided increasing school leaders' workload.
- Lindsey Burke highlighted five concrete steps that must be taken in response to the Biden Administration weaponizing the DOJ against parents. 1) the DOJ must immediately retract the Oct. 4 memorandum. 2) The DOJ inspector general must initiate an independent investigation into the matter. 3) AG Garland must submit to an ethics review, given his son-in-law's business interests in promoting CRT and SEL. 4) The White House, FBI, DOJ, and DOE must fully comply with all congressional member requests for documents and information on the issue. 5) The White House must rescind the appointment of Viola Garcia, president of the NSCBA National School to the National Assessment Governing Board.

• Emilie Kao, VP of Advocacy Strategy at ADF, shared how the increasing attack on parents' role in their children's lives and education is highlighting the need for the states to pass parental bills of rights. This year Florida passed a parental bill of rights and the parents of a 13-year-old girl in Tallahassee just filed a lawsuit this month. For those interested in helping to inform a coalition effort to protect children, you can learn more about the Promise to America's Children or connect with Emilie to hear about model legislation on parental rights.

Contact Info

Kaylee Hodgson: khodgson@utah.gov

· Emilie Kao:

Announcements

- · <u>Michael Barba joined the Texas Public Policy Foundation</u> as the Policy Director for K-12 Education. In this role he will focus on school choice and classical education. He can be reached at <u>mbarba@texaspolicy.com</u>.
- · Colleen Hroncich has moved from the Commonwealth Foundation to serve as a <u>policy analyst</u> <u>with Cato's Center for Educational Freedom.</u> Her new email is <u>chroncich@cato.org</u>.
- · <u>John Schoof</u> recently joined the Heritage Education team as a Research Associate and Project Coordinator. You can email him at <u>John.Schoof@heritage.org.</u>
- · <u>Jude Schwalbach</u> has moved from Heritage to serve as an education policy analyst at Reason Foundation. He can be reached at <u>jude.schwalbach@reason.org</u>.
- The Educational Freedom Institute is tracking the state school board associations that are distancing themselves from the National School Boards Association. See the map here.
- · Heritage's President just <u>released a statement calling on Congress</u> to hold the Biden Administration accountable for weaponization of DOJ against concerned parents.

Resources

- Transparent Utah
- Utah's Project KIDS
- · The Commonwealth Foundation: <u>OpenPAGov is a searchable database of Pennsylvania's education spending and performance.</u>
- · The Bluegrass Institute: Kentucky's School Financial Reports Just Don't Add Up (see attached PDF)
- The Commonwealth Foundation: <u>OpenPAGov is a searchable database of Pennsylvania's education spending and performance.</u>
- · Washington Post: <u>Parents claim they have the right to shape their kids' school curriculum.</u> <u>They don't.</u>
- The Promise to America's Children