

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TREASURY
EMPLOYEES UNION, *et al.*,

Plaintiffs,

v.

RUSSELL VOUGHT, *et al.*,

Defendants.

No. 1:25-cv-00381-ABJ

**MOTION OF FORMER FEDERAL RESERVE OFFICIALS FOR LEAVE TO FILE A
BRIEF AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS' MOTION TO CLARIFY**

Former officials of the Federal Reserve System—Governor Donald Kohn, Thomas C. Baxter, Jr., Sandra Braunstein, William English, and Donald Hammond—respectfully seek the Court's leave to file the accompanying brief as amici curiae in support of Plaintiffs' Motion to Clarify (ECF No. 148).

Proposed amici are former Federal Reserve officials with combined decades of experience in the Federal Reserve System, including as a governor and vice chair of the Board of Governors of the Federal Reserve System and in other leadership roles at the Board, the Federal Open Market Committee, and the Federal Reserve Bank of New York. They seek to file an amicus brief to address the recent Office of Legal Counsel opinion regarding the “combined earnings of the Federal Reserve System” at issue in Plaintiffs' Motion to Clarify. The proposed amicus brief provides important context concerning the Federal Reserve System relevant to the Court's evaluation of that OLC opinion. In particular, the proposed brief explains (1) that the Federal Reserve System currently has “combined earnings” even under OLC's definition of that

term and (2) that the opinion’s analysis of “combined earnings” misunderstands Federal Reserve operations in several fundamental respects. A copy of the proposed amicus brief is attached.

Pursuant to Local Rules 7(m) and 7(o), counsel for proposed amici conferred with counsel for the parties before filing this motion. Counsel for Plaintiffs indicated that they consent to the filing of the amicus brief. Counsel for Defendants indicated that they oppose but do not plan to file a written opposition.

ARGUMENT

The Court has “broad discretion” to permit participation by third parties as amici curiae. *Nat’l Ass’n of Home Builders v. U.S. Army Corps of Engineers*, 519 F. Supp. 2d 89, 93 (D.D.C. 2007); *see also* Local Rule 7(o). The Court has permitted such participation where a third party has “unique information or perspective” that can contribute to the Court’s understanding of the matter in question, *Jin v. Ministry of State Sec’y*, 557 F. Supp. 2d 131, 137 (D.D.C. 2008), and “relevant expertise and a stated concern for the issues at stake in [the] case,” *District of Columbia v. Potomac Elec. Power Co.*, 826 F. Supp. 2d 227, 237 (D.D.C. 2011).

The proposed brief easily satisfies these standards. The proposed amici have highly relevant expertise as a result of their decades of experience in varied leadership roles at the Federal Reserve, including overseeing the Board of Governors’ financial management functions and implementing and advising on monetary policy. They have unique information and perspective on the Federal Reserve System’s functioning that will contribute to the Court’s evaluation of how the OLC opinion interprets the System’s “combined earnings.” Proposed amici have a substantial interest in aiding the Court in understanding the nation’s central bank.

Proposed amici have submitted this request as expeditiously as circumstances permitted given the default briefing deadlines of this Court and the intervening Thanksgiving holiday.

CONCLUSION

The Court should grant proposed amici's motion for leave to file the proposed amicus brief.

December 5, 2025

Respectfully submitted,

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