



THE **Federalist** PAPER

THE MAGAZINE OF THE FEDERALIST SOCIETY • FEDSOC.ORG

Fall 2016

- 4 Hamilton
- 5 Fed Soc Resources
- 6 Student Division
- 8 Lawyers Chapters
- 10 Faculty Division
- 12 Practice Groups
- 14 Justice Scalia Documentary
- 16 Short Videos
- 17 Federalist Society Review
- 18 Membership
- 19 Fundraising Excellence

BOARD OF DIRECTORS

Mr. Steven G. Calabresi, *Chairman*
 Hon. David M. McIntosh, *Vice Chairman*
 Mr. Gary Lawson, *Secretary*
 Mr. Brent O. Hatch, *Treasurer*
 Mr. T. Kenneth Cribb
 Mr. C. Boyden Gray
 Mr. Leonard A. Leo, *Executive Vice President*
 Mr. Edwin Meese, III
 Mr. Eugene B. Meyer, *President*
 Mr. Michael B. Mukasey
 Ms. Lee Liberman Otis, *Senior Vice President*
 Prof. Nicholas Quinn Rosenkranz

BOARD OF VISITORS

Mr. Christopher DeMuth, *Co-Chairman*
 Hon. Orrin G. Hatch, *Co-Chairman*
 Prof. Lillian BeVier
 Hon. Elaine L. Chao
 Mr. George T. Conway
 Hon. Lois Haight Herrington
 Hon. Donald Paul Hodel
 Hon. Frank Keating, II
 Hon. Gale Norton
 Hon. Theodore B. Olson
 Mr. Andrew J. Redleaf
 Hon. Wm. Bradford Reynolds
 Ms. Diana Davis Spencer
 Mr. Theodore W. Ulyot

STAFF

President

Eugene B. Meyer

Executive Vice President

Leonard A. Leo

Lawyers Chapters

Lisa Budzynski Ezell, *VP, Director*
 Maria Marshall, *Associate Director*
 Sarah Landeene, *Assistant Director*
 Jonathan Reich, *Assistant Director*
 Katherine Fugate, *Assistant Director*

Practice Groups

Dean Reuter, *VP, Director*
 Nathan Kaczmarek, *Deputy Director*
 Timothy Courtney, *Assistant Director*
 Laura Flint, *Assistant Director*

Special Projects

Thomas Rainier, *Deputy Director of Article I*
 Devon Westhill, *Deputy Director of Law & Innovation*
 Curtis Walter, *Assistant Director of Law & Innovation*

Digital

Tyler Lowe, *Director of Online Education*
 Daniel T. Richards, *Digital Strategist*
 Matt Wood, *Video & Graphic Specialist*
 Samantha Schroeder, *Deputy Director of Digital Production*

Administration

Douglas C. Ubben, *VP, Director of Finance*
 Amy Harper, *Assistant Director of Finance*
 C. David Smith, *VP, Director of IT*
 Rhonda Moaland, *Office Manager*

Senior Vice President

Lee Liberman Otis

Faculty Division

Lee Liberman Otis, *Director*
 Anthony Deardurff, *Deputy Director*
 Christopher Goffos, *Assistant Director*
 Jennifer Weinberg, *Assistant Director*

Student Division

Peter Redpath, *VP, Director*
 Austin Lipari, *Deputy Director*
 Kate Alcantara, *Associate Director*
 Jennifer DeMarco, *Assistant Director*

International Affairs

James P. Kelly, III, *Director*
 Paul Zimmerman, *Deputy Director*

External Relations

Jonathan Bunch, *VP, Director*
 Zach Mayo, *Deputy Director*

Development

Cynthia Searcy, *VP, Director*
 Alexander Biermann, *Assistant Director*
 Anna Wunderlich, *Grants Administrator*

Membership

Peter Bisbee, *Director*
 Paige Williams, *Coordinator*

Conferences

Juli Nix, *Director*

Publications

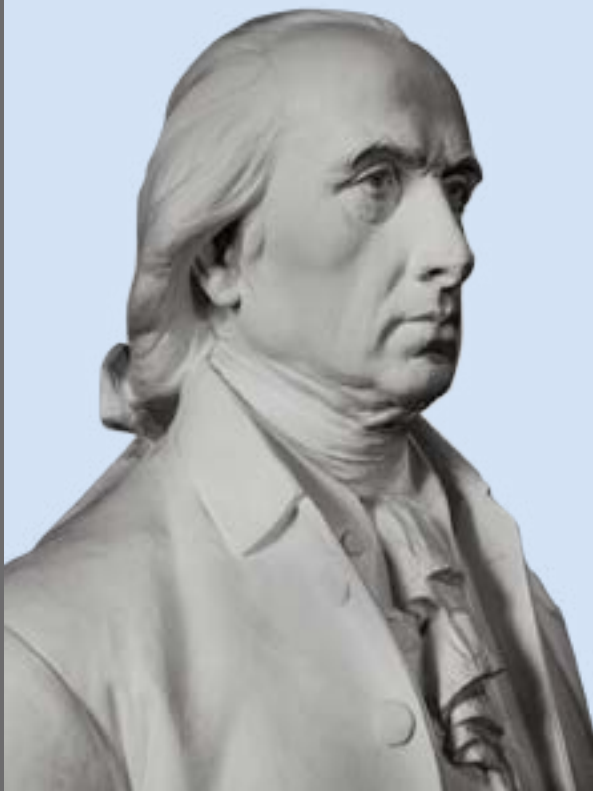
Katie McClendon, *Director*

Pro Bono Center

Peggy Little, *Director*

“The courts must declare the sense of the law; and if they should be disposed to exercise **will** instead of **judgment**, the consequence would equally be the substitution of their pleasure to that of the legislative body.”

Federalist No. 78



Dear Friend,

The Federalist Society takes the American Founding and the Constitution seriously, and with that comes an appreciation for the Founding Fathers who made them happen. The rest of the world has lately gained an appreciation for one founder in particular. Thanks to the hit Broadway musical *Hamilton*, Alexander Hamilton—one of the pseudonymous authors of the *Federalist Papers* defending the Constitution—has risen to the top of the collective American consciousness.

Inside this issue, you will find excerpts from a short essay by a recent Fed Soc intern on why you should see *Hamilton*, along with selections from the show's clever lyrics. Of course, you've already seen the Federalist Society's original artwork featuring Hamilton, on the cover of this magazine and to the right. Be sure to check out our short video about Alexander Hamilton at fedsoc.org, described on the next page.

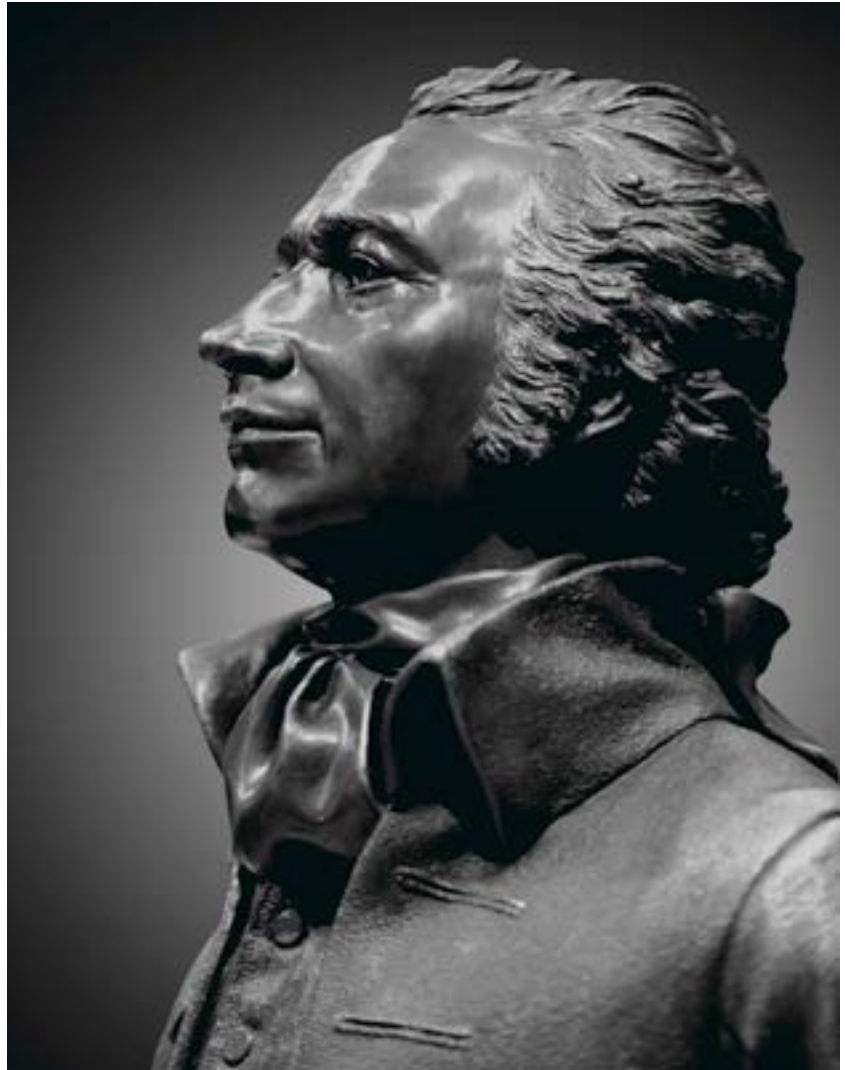
Besides featuring this eminent Founding Father, this issue of the Federalist Paper updates you on the many events the Federalist Society has hosted lately, and on the resources you can find on our website, including short videos, journal articles, blog posts, podcasts, and more.

Student Chapters around the country have kicked off the school year, and are off to a great start hosting excellent on-campus debates and speakers. Our Lawyers Chapters have been active too. The Texas Chapters came together for their annual conference in Austin. Practice Groups and the Faculty Division co-hosted an excellent Supreme Court Preview just in time for the opening of the Court's new term.

Check out a sneak preview of a documentary about Justice Scalia, portions of which will be screened at the upcoming National Lawyers Convention. There is also a member profile and a note about our fundraising excellence.

Please send any comments or suggestions to katie.mcclendon@fedsoc.org. I look forward to hearing from you!

Katie McClendon
Director of Publications



FACULTY CONFERENCE

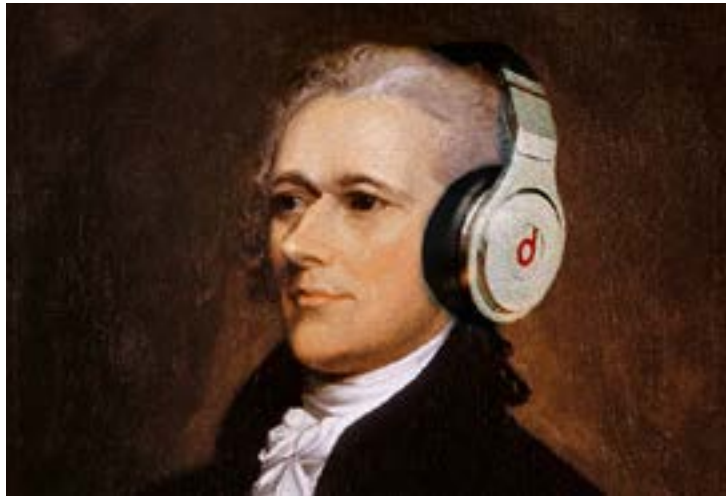
Thursday-Friday, January 5-6, 2017
Parc 55 Hotel, San Francisco, CA
Register now at fedsoc.org.

WESTERN CHAPTERS CONFERENCE

Saturday, January 28, 2017
Reagan Presidential Library, Simi Valley, CA
Save the date.

FLORIDA CHAPTERS CONFERENCE

Friday-Saturday, February 3-4, 2017
Walt Disney World Resort, Lake Buena Vista, FL
Save the date.



Why You Need to See *Hamilton: The Musical* By Shiza Francis, Fed Soc Summer 2016 Intern

The genius of *Hamilton: The Musical* is that it tells the story of America's improbable success by focusing on the brazen and unapologetic Founder who, just like his young country, was "young, scrappy, and hungry." His innovative mind could think only five steps at a time, but in the process of playing catch-up owing to his late entrance onto the Revolutionary stage, he managed to, like the musical dedicated to his legacy, exceed all expectations.

Hamilton tells the story of the turbulent and tragic life of Alexander Hamilton, the brave orphan turned Columbia student, Revolutionary hero, first Treasury secretary, and Federalist Party leader. His personal life

was tumultuous and heartbreaking, characterized by a traumatic childhood, the nation's first scandalous affair, the death of his son, and his own untimely death at the hands of Vice President Aaron Burr in a duel. Needless to say, it makes for excellent drama.

The musical score reflects the highly energized time in which Hamilton lived. Lin-Manuel Miranda, the show's creator and star, manages to execute the impossible, flawlessly integrating pop, R&B, hip-hop, and rap with traditional elements of musical theater. Yes, debate over the Proclamation of Neutrality is in the form of a rap battle. And yes, it works.

Hamilton is about as historically accurate as is possible for theatrical adaptation. It even incorporates several direct quotes. For instance, George Washington (played by Christopher Jackson) sings parts of his Farewell Address during the number "One Last Time." The musical remains true to the major facts of the Founding and is loose only with minor details, taking creative license merely to streamline the narrative. Miranda even captures the Founders' complex relationships with each other, a reality some professional historians stumble with: Washington did not just rubber stamp Hamilton's plans, Madison did not simply live in the shadow of Jefferson, and Hamilton's feud with Burr was decades in the making...

The opening number of *Hamilton: The Musical* asks a simple question: "How does a bastard, orphan, son of a whore and a Scotsman dropped in the middle of a Forgotten/ spot in the Caribbean by providence/ Impoverished, in squalor/ Grow up to be a hero and a scholar?" The answer was as true, unique, and praiseworthy during the birth of the United States as it is today. In America, "even orphan immigrants can leave their fingerprints."...

In highly polarized times, the musical is a reminder that gridlock is a feature, not a bug of our system, but that signal moments in history demand the bridging of partisan and ideological divides.

Excerpted from an article originally published in the Intercollegiate Review (February 5, 2016), which can be found at isi.org.

Visit fedsoc.org or our YouTube page to watch *What DON'T You Know About Alexander Hamilton*. In this short video, Prof. Michael McConnell discusses the life of this complicated and controversial founder, and defends his place on the ten dollar bill. Hamilton was born into poverty and illegitimacy, then went on to become General Washington's right-hand man and a military hero. He defended the Constitution by coauthoring the *Federalist Papers*, and became the First Secretary of the Treasury. In the latter role, he brought the new nation from the brink of financial ruin and caused it to become one of the most creditworthy nations in the world. Hamilton was one of the strongest anti-slavery leaders of his time, and he held these views throughout his life. His role as the founder of our financial system and currency makes him one of the most important figures in the history of the American experiment.



Watch

Short Videos

What is Bitcoin?

featuring Max Raskin

The Lawmaking Power of Federal Agencies

featuring Chris Walker

\$400 Million to Iran: Ransom or Diplomacy?

featuring Jamil Jaffer

Commercial Space Flights & the FAA

featuring Glenn Reynolds

Zubik v. Burwell: Post Decision

featuring Michael McConnell



Events You Missed

Supreme Court Preview: What Is in Store for October Term 2016?

featuring Carrie Severino, Nick Rosenkranz, George Terwilliger, Tom Goldstein, and Bob Barnes

2016 Texas Chapters Conference

featuring conference speakers

2016 Annual Supreme Court Roundup

featuring Miguel Estrada



Listen



Teleforum Calls

The New Trail of Tears: How Washington Is Destroying American Indians

featuring Naomi Schaefer Riley and Timothy Sandefur

Clean Power Plan Litigation Update

featuring Elbert Lin

Sanctioning (Government) Lawyers

featuring Thomas Dupree and Richard Painter

The Constitutionality of Independent Agencies: CFPB

featuring Peter Conti-Brown and Gregory Jacob

Religious Freedom of Religious Colleges

featuring Gregory Baylor



SCOTUScasts

Harris v. Arizona Independent Redistricting Commission

featuring Mark Hearne

Mathis v. United States

featuring Richard Myers

Voisine v. United States

featuring David Kopel

Puerto Rico v. Sanchez Valle

featuring Lance Sorenson

Read

FedSoc Blog

Who's 'Weaponizing the First Amendment'—the Left or the Right?

by Brian Miller

Founders Meet Brand X

by David Feder

The ABA Plan to Politically Purify the Legal Profession

by Bill Olson and Herb Titus

The Libertarian Case for Originalism

by Evan Bernick

Interpreting Peruta v. County of San Diego

by Joseph Greenlee

Constitutional Subpoena Power Transcends Views on Climate Debate

by Elizabeth Price Foley



Federalist Society Review

Religious Exemptions and Third-Party Harms

by Tom Berg

Finding the Denominator in Regulatory Takings Cases: A Preview of Murr v. Wisconsin

by Chris Kieser

A Second Look at the CREATES Act: What's Not Being Said

by Erika Lietzan



Student Leader Profile:

How did you get involved in the Federalist Society, and what made you decide to become a leader in your student chapter?

I became a Federalist Society member during my senior year at Hillsdale College. I asked my professor and mentor, Stephen Markman (a former president of the DC Lawyers Chapter), what I should do to prepare for law school, and he encouraged me to join the Federalist Society. Then, when I starting working at Heritage, I began attending Federalist Society events with my colleagues, many of whom are quite active in the Society.



Student Chapter presidents from around the country gather with Federalist Society leaders to enjoy a reception in the Supreme Court's Great Hall.

I decided to become a student leader to help reinvigorate the George Mason chapter. The Federalist Society hasn't traditionally played quite the same role at our school that it does at others, since conservatives and libertarians are better represented at the Scalia Law School. Nonetheless, our dedication to free speech and our location make us an ideal chapter for engaging in thoughtful debates and advancing the Federalist Society's principles. And the Federalist Society offers students many great opportunities that I would be remiss not to take advantage of.



AEI President Arthur Brooks speaks to the Penn Student Chapter about *Bringing America Together*.



The Heritage Foundation's Ryan Anderson and Prof. Sotirios Barber debate the aftermath of *Obergefell*.

What are some of your favorite things your chapter has done? What do you hope your chapter will accomplish in the future?

We started off our semester hosting an energetic debate between Professors Ilya Somin and Josh Blackman on whether President Obama's executive action on immigration was permissible under the Constitution. Although the professors agree on most things, they vehemently disagree on this issue. Students were excited to watch the libertarian face-off, and they asked a lot of thoughtful questions.



UT Law Prof. Lawrence Sager, Texas SG Scott Keller, and Andy Oldham joined the Texas Student Chapter for its Supreme Court Round Up.



U Chicago Law Prof. William Baude kicked off the Chicago Student Chapter's semester by discussing Fed Soc's core values.

Tiffany Bates

*President of GMU's Antonin Scalia Law School Student Chapter
Legal Research Associate at the Heritage Foundation*

We just recently co-hosted a Supreme Court Preview with the Antonin Scalia Law School Supreme Court Clinic, featuring John Elwood, Pratik Shah, and Jeff Wall, and moderated by Professor Ross Davies. We have several more event ideas in the works!

How does it feel to represent the Antonin Scalia Law School as a chapter? Has the chapter done anything to honor the late Justice?

It's an honor that our chapter bears Justice Scalia's name. Not only did he have a tremendous impact on the law itself, but he greatly influenced how students think about the law. The Scalia Law School is home to vigorous, diverse, and civil discussion of ideas, and that is in part due to reading Justice Scalia's fierce opinions and iconic dissents. My classmates (liberal and conservative alike) and I are better legal thinkers because of Justice Scalia. To honor him and his legacy, on October 5, we hosted Judge Bill Pryor of the 11th Circuit, who gave a lecture entitled "Textualism After Antonin Scalia: A Tribute to the Late Great Justice."

Thanks for speaking with us, Tiffany, and for the great work you are doing in your Federalist Society Student Chapter and beyond!



What are some of your favorite things to do outside work and school?

While working full-time and going to law school at night don't leave me with much free time, when I do get a free night, I enjoy going to country or bluegrass concerts, visiting the monuments after dark, and taking part in DC's thriving Catholic community. I also recently took up the ukulele and the banjo.

HAMILTON

I am not throwing away my shot!
Hey yo, I'm just like my country
I'm young, scrappy and hungry
And I'm not throwing away my shot!

I'm 'a get a scholarship to King's College
I prob'ly shouldn't brag, but dag,
I amaze and astonish



The problem is I got a lot of brains but no polish
I gotta holler just to be heard
With every word, I drop knowl-
edge!

From My Shot

Save the Date

National Student Symposium

The First Amendment in Contemporary Society

March 3-4, 2017 • Columbia Law School, NYC

Second Annual Texas Chapters Conference

Friday-Saturday • September • 16-17 • AT&T Center • UT Austin



Visit fedsoc.org or our YouTube channel to watch videos of the panels and speakers from the Texas Chapters Conference!



Above left: Dan Kelly, director of the Boston Lawyers Chapter and partner at McCarter & English, introduces the play. Above right: Several cast members look at Caesar's bloody corpse. Right: Judge Nathaniel Gorton as Metellus Cimber. Below: Boston University law professor and former MA AG Martha Coakley as Antony.



Above: Globe columnist Jeff Jacoby, Harvard professor and former judge Nancy Gertner, Michael Greco of K&L Gates, and New Boston Post's Jennifer Braceras discuss the play. Left: Cast members act out a scene. Below left: An audience member asks a question. Below right: MA ACLU Director Carol Rose greets guests at the reception.



Thanks to Nile Scott Shots for the excellent photographs.

HAMILTON

I practiced the law, I practic'ly perfected it
I've seen injustice in the world and I've corrected it



HAMILTON

My client needs a strong defense. You're the solution.

BURR

Who's your client?

HAMILTON

The new U.S. Constitution.

From *Non-Stop*

Save the Date

Western Chapters Conference: January 28

Florida Chapters Conference: February 3-4

Supreme Court Preview

Tuesday • September • 28 • National Press Club • DC

Cosponsored with Fed Soc Practice Groups



The Federalist Society's annual Supreme Court Preview Panel, co-sponsored by the Faculty Division and Practice Groups, took place on September 27 at the National Press Club. Reporters and others gathered to hear the expert panel, moderated by the Washington Post's Robert Barnes, discuss the most interesting cases of the upcoming term.

Carrie Severino of the Judicial Crisis Network discussed *Trinity Lutheran Church v. Pauley* and the religious liberty questions that might reach the Court this term. Nicholas Quinn Rosenkranz of Georgetown University Law Center explained the stakes in *Murr v. Wisconsin*, an important takings case. Tom C. Goldstein and George J. Terwilliger gave overviews of contentious business and criminal cases, respectively.

Journalists from top news outlets, such as The New York Times, NPR, and National Journal, asked questions about the vacant seat left by the late Justice Antonin Scalia, the likelihood of Obama nominee Merrick Garland being confirmed, and the kinds of judicial nominees we might see next year under a new presidential administration.

Book Event:

Prof. Josh Blackman's

Unraveled: Obamacare, Religious Liberty, and Executive Power

Cosponsored with the Georgetown Student Chapter



Erin Murphy, Marty Lederman, Michael Carvin, Josh Blackman, and Adam Liptak discussed Obamacare and Josh Blackman's new book about it.





HAMILTON

I wrote my way out
Wrote everything down far as I
could see
I wrote my way out



I wrote about The Constitution
and defended it well
And in the face of ignorance and
resistance
I wrote financial systems into
existence

And when my prayers to God
were met with indifference
I picked up a pen, I wrote my
own deliverance

From *Hurricane*

Save the Date
2017 Annual Faculty Conference
Thursday-Friday, January 5-6
Parc 55 Hotel, San Francisco, CA

The Clean Power Plan Goes to Court

Tuesday • September • 13 • National Press Club • DC



The Federalist Society's Environmental Law and Property Rights Practice Group hosted a panel discussion on President Obama's Clean Power Plan on September 13, 2016 at the National Press Club. Panelists included David Bookbinder, Founder of Element VI Consulting, David Doniger of the Natural Resources Defense Council, Oklahoma Attorney General Scott Pruitt, David B. Rivkin, Jr. of Baker & Hostetler, and Adam J. White, a research fellow at the Hoover Institution who acted as moderator.

The panelists discussed the constitutionality of the plan and debated the arguments expected before the U.S. Court of Appeals for the District of Columbia Circuit in *West Virginia v. EPA*.

The Clean Power Plan was announced by President Obama in August of 2015, but in February of 2016 the Supreme Court stayed its implementation, pending judicial review. Over two dozen states and companies have filed lawsuits against the Clean Power Plan, asserting that the EPA has overstepped its regulatory bounds.



From top: The panel—including David Bookbinder of Element VI Consulting and David Doniger of Natural Resources Defense Council—convenes at the National Press Club. Scott Pruitt, Attorney General of Oklahoma, gives a state perspective on the CPP litigation. David Rivkin of Baker & Hostetler speaks about the litigation.

The Federalist Society's Environmental Law & Property Rights and Federalism & Separation of Powers Practice Groups hosted a series of teleforum calls discussing the Clean Power Plan—specifically the DC Circuit's *West Virginia v. EPA*.

On September 1, West Virginia Solicitor General Elbert Lin previewed the DC Circuit oral arguments. He discussed the arguments of the EPA and of his own state, which he would go on to represent in the oral arguments.

David Rivkin and David Bookbinder debated the purpose, constitutionality, and consequences of the CPP in a September 12 call. Rivkin claimed the CPP is an "utterly unconstitutional" attempt by the EPA to commandeer the states and fundamentally transform their energy economies. Bookbinder disagreed, arguing that the CPP differs from past regulation only as a matter of degree, not kind, and that the impact would not be as transformative as Rivkin claimed.

Finally, SG Lin returned for another teleforum on October 5 to recap the September 27 oral arguments.

You can listen to podcast recordings of these calls at fedsoc.org.

Teleforum Calls

The Practice Groups have hosted many excellent teleforum programs over the past few months. These one-hour conference calls feature experts discussing or debating important and timely legal topics, and taking questions from the live call-in audience. They are also recorded as podcasts; visit fedsoc.org to listen to any calls you might have missed, including:

- Supreme Court Rules on Affirmative Action and Immigration
Featuring Josh Blackman, Roger B. Clegg, Hans A. von Spakovsky
- Supreme Court Concludes 2015 Term
Featuring Gregory G. Katsas, Roger Severino
- 25 Years of Justice Clarence Thomas
Featuring Boyden Gray, Gregory Katsas, Carrie Severino, John Yoo
- Ethics CLE Teleforum—2016: Recent Developments Impacting the Ethical Practice of Law
Featuring W. William Hodes, Ronald Rotunda, Thomas D. Morgan
- The Climate Change Investigations—Fair Regulation of Markets or Executive Overreach that Chills Free Speech?
Featuring Andrew Grossman, Peggy Little
- Voter ID: A Debate
Featuring Maya Noronha, Daniel P. Tokaji
- Who is Winning The Intimidation Game?
Featuring Kimberley A. Strassel
- Former NSA and CIA Director General Michael V. Hayden
Featuring Michael V. Hayden, Jamil N. Jaffer
- The Least Dangerous Branch? Reflections on Bickel's Classic
Featuring Erwin Chemerinsky, James A. Haynes, Ronald Rotunda
- Stolen Sovereignty: How to Stop Unelected Judges from Transforming America
Featuring Daniel Horowitz, Eileen J. O'Connor

HAMILTON

WASHINGTON

Winning was easy, young man.
Governing's harder

HAMILTON

They're being intransigent

WASHINGTON

You have to find a compromise

HAMILTON

But they don't have a plan, they
just hate mine!



HAMILTON

When you got skin in the game,
you stay in the game
But you don't get a win unless
you play in the game

From *Cabinet Battle #1*
and *The Room Where It Happens*

Save the Date

A Discussion of Overcriminalization

Thursday, December 8, 2017

National Press Club, Washington, DC

A Fed Soc Digital Production

The Federalist Society's Digital team has been filming a documentary on Justice Antonin Scalia's life and legacy: *Justice Scalia: Portrait of a Man and Jurist*.

We have conducted a variety of interviews with judges, family members, former clerks, and law professors—many of whom are giants of the legal profession (see list of interviewees at right). They discuss Justice Scalia's core principles of originalism, textualism, the proper role of a judge, and the structural Constitution, as well as his contributions to various substantive areas of law. This commentary on Justice Scalia as a jurist and legal thinker is interspersed with stories about what Justice Scalia was like as a colleague, friend, and father.

The goals of this documentary are to show what Justice Scalia was like as a person and to discuss his view of “the proper role of a judge in society.”

Several “teaser” segments of the film will be shown at the 2016 National Lawyers Convention. The full-length film will be released in mid-February 2017, coinciding with the one-year anniversary of Justice Scalia's passing.



Interviewees

Judges

- Chief Justice John Roberts*
- Justice Ruth Ginsburg*
- Justice Clarence Thomas*
- Justice Elena Kagan*
- Justice Samuel Alito*
- Judge Frank Easterbrook*

Family

- Eugene Scalia*
- Fr. Paul Scalia*
- Meg (Scalia) Bryce*
- Catherine (Scalia) Courtney*

Professors

- Brian Fitzpatrick (former clerk)*
- William Eskridge*
- Randy Barnett*
- Will Baude*
- Brad Clark (former clerk)*

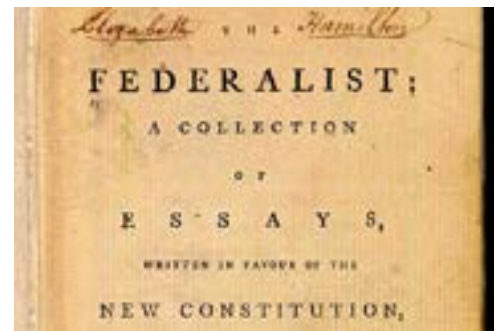
Attorneys

- Kannon Shanmugam (former clerk)*
- Michael Kenneally (former clerk)*
- Ed Whelan (former clerk)*
- Aditya Bamzai (former clerk)*
- Lee Otis (former clerk)*
- Paul Clement (former clerk)*
- Leonard Leo*
- Taylor Meehan (former clerk)*



HAMILTON

A series of essays, anonymously published
Defending the document to the public



BURR

The constitution's a mess

HAMILTON

So it needs amendments

BURR

It's full of contradictions

HAMILTON

So is independence



HAMILTON

Do you support this constitution?

BURR

Of course

HAMILTON

Then defend it

From *Non-Stop*

SHORT VIDEOS

The Fed Soc Digital Team has been working hard to bring you excellent videos featuring top experts. Check out the Multimedia page on our website at fedsoc.org, or go to our YouTube channel to watch!



Zubik v. Burwell: Post-Decision

Prof. Michael W. McConnell, Director of the Stanford Constitutional Law Center and Senior Fellow at the Hoover Institution, discusses the recent Supreme Court case of Zubik v. Burwell.



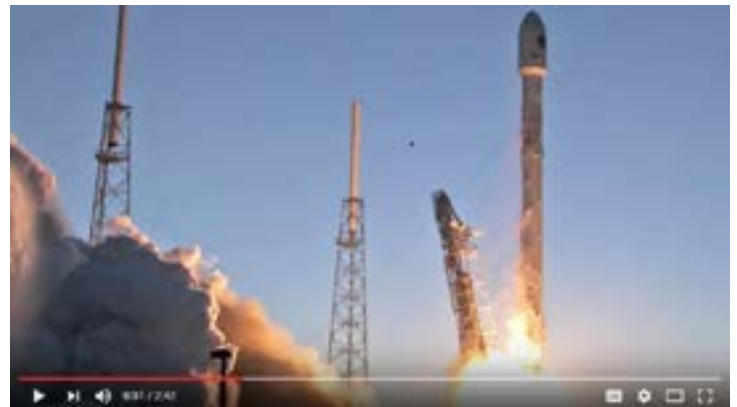
Students: Why should YOU join FedSoc?

Our student leaders share stories of how the Federalist Society impacted their law school experience.



\$400 Million to Iran: Ransom or Diplomacy?

Jamil N. Jaffer explains the legal implications of the U.S. State Department's payment of \$400 million to Iran in light of U.S. sanctions against the country. Prof. Jaffer also explores further questions: Was the payment a "ransom"? Was it legal?



Commercial Space Flights & the FAA

What role does the FAA play in regulating private missions to the moon or Mars? Prof. Glenn Reynolds of the University of Tennessee College of Law discusses recent advancements in commercial space exploration and the laws that govern space flight.



Behind the scenes of filming a video series on the Sharing Economy.



Volume 17, Issue 2 of the *Federalist Society Review* featured some excellent legal articles from top experts. Visit fedsoc.org or Westlaw to read these great articles, including:

- **EVENWEL V. ABBOTT: The Court Shanks Its Punt on “One Person, One Vote”**
Ilya Shapiro & Thomas A. Berry
- **A Costly Victory for Congress: Executive Privilege After COGR v. LYNCH**
Chris Armstrong
- **The Fraudulent Joinder Prevention Act of 2016: A New Standard and Rationale for an Old Doctrine**
Arthur D. Hellman
- **STORMANS V. WIESMAN: Paths to Strict Scrutiny in Religious Free Exercise Cases**
Steven T. Collis
- **Book Review: DARK MONEY (Jane Mayer) and PLUTOCRATS UNITED (Richard L. Hasen)**
Reviewed by William R. Maurer

Volume 17, Issue 3 of the *Federalist Society Review* also features great scholarship on important legal issues. Visit fedsoc.org or Westlaw to read excellent articles, including:

- **Religious Exemptions and Third-Party Harms**
Thomas C. Berg
- **Finding the Denominator in Regulatory Takings Cases: A Preview of MURR V. WISCONSIN**
Christopher M. Kieser
- **The Justice Department’s Third-Party Payment Practice, the Antideficiency Act, and Legal Ethics**
Paul J. Larkin, Jr.
- **A Second Look at the CREATES Act: What’s Not Being Said**
Erika Lietzen
- **The FCC Forgot Something in Piecing Together Its Complex Proposal for Broadband Privacy Regulation: Consumers**
Rosemary C. Harold



Member Profile: Professor Brian Fitzpatrick *Vanderbilt Law School*



When and how did you originally get involved with the Federalist Society?

I have been a member since the very first semester of the very first year of law school. We had a large and active chapter at Harvard. Almost 20 years later, I'm still a huge fan of everything the Society does. Not only does it work tirelessly to bring viewpoint diversity to law schools, but it has been an incredibly valuable networking organization. The more involved I have become, the more dividends it has paid.

Are you involved with the Vanderbilt Student Chapter? In what other ways are you involved?

I am. One of my colleagues, Jim Blumstein, is the formal advisor to our chapter, but I try to extend informal advice by suggesting speakers and making myself available if the chapter needs anything. We have a very strong chapter at Vanderbilt, and we are fortunate to have multiple faculty who are supportive. I'm also on the Executive Committee of the Litigation Practice Group. Being involved in the Practice Group has enabled me to help create a lot of programming for the Society; it's a great way to influence what people are talking about.

What are some focuses of your teaching and scholarship?

Most of my scholarship has been on class action litigation. I am working on a book right now: *The Conservative Case for Class Actions* (University of Chicago Press). Much of my work in this area is normative and in the law-and-economics vein, but I've also done a good deal of empirical work. Judicial selection is another major area of my

scholarship; I've written a number of papers comparing the various methods of selection used in the states, including, again, some empirical work. In addition to Complex Litigation, I teach Civil Procedure and Federal Courts. This past summer I taught a class on Comparative Class Actions for the first time.

How has your experience clerking for Justice Scalia influenced you throughout your career?

He was the greatest person I've ever known and he influences me in one way or another almost every day. As everyone knows, he was an incredible communicator. He understood cadence and humor and the simple truth that less is often more. I try my best to emulate many of his techniques in writing and speaking. Due in no small part to his power of communication, his ideas have had and will continue to have a profound impact on how we think about the judicial craft. He may become—if he is not already—the most influential Justice in Supreme Court history.

What are some things you enjoy outside of work?

I like the performing arts—especially the ballet (I serve on the Board of Directors for the Nashville Ballet), but also the symphony (also very good in Nashville) and the theater. I also spend a lot of time following Vanderbilt and Notre Dame (my undergraduate alma mater) on the football field and the basketball court. Nashville has been a very pleasant place to live for the last decade; I am very lucky to be here.

Thank you for speaking with us, Professor Fitzpatrick, and for all your service to the Federalist Society!

The Federalist Society is pleased to announce that we have received yet another four-star rating from Charity Navigator, a charity watchdog.

Charity Navigator evaluates non-profits according to financial health, accountability, and transparency. A four-star rating is the highest given.

The report noted that we spend only six cents on fundraising for every dollar we raise, a remarkably good statistic among non-profits.

You can find the detailed report at www.charitynavigator.org.

HAMILTON

We need to handle our financial situation
Are we a nation of states?
What's the state of our nation?
I'm past patiently waitin'. I'm passionately
Smashin' every expectation
Every action's an act of creation!

From *My Shot*



★★★★
CHARITY NAVIGATOR
Four Star Charity

The Federalist Society
for Law and Public Policy Studies

1776 I Street, N.W., Suite 300
Washington, D.C. 20006



2016 National Lawyers Convention
Thurs-Sat • November • 17-19 • 2016
Mayflower Hotel • Washington, DC

*The Jurisprudence and Legacy of
Justice Scalia*

Featuring
Justice Clarence Thomas
Justice Samuel Alito
Senator Ben Sasse
Governor Nikki Haley
and more

IF YOU ARE NOT RECEIVING OUR WEEKLY EMAILS, PLEASE CONTACT MEMBERSHIP@FEDSOC.ORG.